

JOURNAL OF THE HOUSE

Sixty-first Legislative Assembly

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Bismarck, April 15, 2009

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

The prayer was offered by Rep. Stacey Dahl, District 42, Grand Forks.

The roll was called and all members were present except Representatives Glassheim, Kempenich, Kerzman, Pinkerton, and Weiler.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1348, delete line 17

Page 1439, line 14, replace "prevailed" with "prevailed, on a verification vote"

Page 1439, lines 17 and 18, replace "HB 1162" with "SB 2009"

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

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to Engrossed SCR 4030.

Engrossed SCR 4030, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. VIGESAA MOVED that House Rule 508 be suspended and the deadline moved to the 67th legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do not concur in the Senate amendments to HB 1551 as printed on HJ page 1451 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 1551: Reps. Boehning, Klemm, Delmore.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. SVEDJAN MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2007, Engrossed SB 2010, and SB 2391, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on:

Engrossed SB 2007: Reps. Kreidt, Nelson, Metcalf

Engrossed SB 2010: Reps. Bellew, Kreidt, Ekstrom

SB 2391: Reps. Nelson, Bellew, Kerzman

APPOINTMENT OF CONFERENCE COMMITTEE

REP. D. JOHNSON MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2208 and SCR 4018, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on:

Engrossed SB 2208: Reps. Brandenburg, Rust, Holman

SCR 4018: Reps. Brandenburg, Uglem, Boe

SECOND READING OF SENATE BILL

SB 2338: A BILL for an Act to amend and reenact section 57-43.2-19 of the North Dakota Century Code, relating to deposit of special fuels excise taxes paid by railroads in a special fund; to provide an appropriation; to provide an effective date; 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 66 YEAS, 23 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boucher; Brandenburg; Conklin; Conrad; Dahl; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Holman; Hunskor; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Ruby; Rust; Schmidt; Schneider; Skarphol; Sukut; Thorpe; Uglem; Vig; Wald; Wieland; Winrich; Wolf; Zaiser; Speaker Monson

NAYS: Bellew; Boehning; Carlson; Clark; Damschen; DeKrey; Grande; Heller; Hofstad; Johnson, D.; Kasper; Klein; Meier, L.; Nathe; Nelson; Schatz; Svedjan; Thoreson; Vigasaa; Wall; Weisz; Williams; Wrangham

ABSENT AND NOT VOTING: Glassheim; Kempenich; Kerzman; Pinkerton; Weiler

Engrossed SB 2338, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2311: A BILL for an Act to provide statements of legislative intent regarding state employee compensation adjustments; to create and enact a new section to chapter 54-27 of the North Dakota Century Code, relating to vacant state employee positions; and to provide authorization for additional full-time equivalent positions.

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

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; DeKrey; Delmore; Delzer; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Damschen; Kasper; Ruby; Sukut; Svedjan

ABSENT AND NOT VOTING: Glassheim; Kempenich; Kerzman; Pinkerton; Weiler

SB 2311, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2051: A BILL for an Act to amend and reenact section 57-51.1-07.3 of the North Dakota Century Code, relating to oil and gas research fund deposits; and to provide for a legislative council study.

ROLL CALL

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

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Dosch; Drovdal; Ekstrom; Frantsvog; Froelich; Froseth; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

ABSENT AND NOT VOTING: Glassheim; Kempenich; Kerzman; Pinkerton; Weiler

Engrossed SB 2051, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2038: A BILL for an Act to amend and reenact sections 15-10-12, 54-44.1-04, 54-44.1-06, and 54-44.1-11 of the North Dakota Century Code, relating to the appropriation of higher education institutions' special revenue funds; budget requests and block grant appropriations for the North Dakota university system; cancellation of unexpended appropriations of the North Dakota university system; to provide for a report; to provide for legislative council studies of higher education; to provide legislative intent for higher education accountability measures; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 6 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; DeKrey; Delmore; Dosch; Ekstrom; Frantsvog; Froelich; Froseth; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Winrich; Wolf; Zaiser; Speaker Monson

NAYS: Bellew; Damschen; Delzer; Drovdal; Keiser; Wrangham

ABSENT AND NOT VOTING: Glassheim; Kempenich; Kerzman; Weiler

Engrossed SB 2038, 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 the racing commission; to create and enact two new sections to chapter 53-06.2 of the North Dakota Century Code, relating to the regulation of live racing and pari-mutuel wagering; to amend and reenact sections 53-06.2-01, 53-06.2-02, 53-06.2-03, 53-06.2-04, 53-06.2-04.1, 53-06.2-05, 53-06.2-06, 53-06.2-07, 53-06.2-08, 53-06.2-10, 53-06.2-10.1, 53-06.2-11, 53-06.2-12, 53-06.2-13, 53-06.2-14, 53-06.2-15, and 53-06.2-16 of the North Dakota Century Code, relating to the regulation of live racing and pari-mutuel wagering; to provide for transition; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 70 YEAS, 21 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Delmore; Ekstrom; Frantsvog; Froelich; Froseth; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunsakor; Johnson, D.; Kaldor; Karls; Kasper; Keiser; Kelsh, J.; Kelsh, S.; Kilichowski; Kingsbury; Klemmin; Kreidt; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Onstad; Pinkerton; Pollert; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Bellew; Belter; Dahl; Damschen; DeKrey; Delzer; Dosch; Drovdal; Johnson, N.; Kelsch, R.; Klein; Koppelman; Meier, L.; Nelson; Nottestad; Pietsch; Porter; Ruby; Svedjan; Wald; Weisz

ABSENT AND NOT VOTING: Glassheim; Kempenich; Kerzman

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

POINT OF PERSONAL PRIVILEGE

REP. WINRICH: Mr. Speaker: I rise on a point of personal privilege.

Yesterday, Tuesday, April 14, 2009, Michael Barratt, an astronaut aboard the International Space Station, started the assembly of AgCam. With activation expected by the end of the week, AgCam is a multi-spectral, earth-imaging camera which was designed and built to precise NASA space flight standards by an inter-disciplinary team of faculty and students at the University of North Dakota in Grand Forks.

Carried into orbit aboard the Space Shuttle Endeavor on November 14, 2008, AgCam is installed in the Window Observational Research Facility of the space station and, when fully operational, will provide visible spectrum and infrared images of crops, rangeland, grasslands, forests, and wetlands in the northern Great Plains and Rocky Mountain regions of the United States. AgCam is the result of a seven year project involving 44 students and faculty from eight departments and four colleges of the university. Fourteen graduate student thesis projects have been based on research for AgCam. The project was supported by an appropriation of \$16 million obtained through the efforts of Sen. Byron Dorgan.

AgCam will be operated by the student-run Science Operations Center on the UND campus as a public service to farmers and ranchers and others needing satellite images of land areas. The images will be used to analyze crops, forest resources, wetlands, or by educators for classroom instruction in environmental and geographically related sciences. Clients can request images of an area from the Science Operations Center at UND. Students at the SOC will transmit the images, and provide on-line access to the images within two days. Unlike previous satellite imaging cameras, AgCam is steerable and not limited to straight-down images of the earth's surface. This feature alone will mean greater usability of those images.

We congratulate Dr. George Seielstad, Director of UND's Northern Plains Center for People and the Environment, AgCam project manager Doug Olsen, Professor Will Semke of the School of Engineering and Mines, all the students and faculty who contributed to the AgCam Project, and the University of North Dakota for this significant achievement in applying technology for the advancement of our state.

MOTION

REP. BOUCHER MOVED that the remarks of Rep. Winrich be printed in the Journal, which motion prevailed.

MOTION

REP. VIGESAA MOVED that Rep. Martinson replace Rep. Skarphol on the House Conference Committee on HB 1009, which motion prevailed.

MOTION

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

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

REPORT OF STANDING COMMITTEE

SB 2009, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

PASS (16 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2009 was placed on the Sixth order on the calendar.

Page 1, line 14, replace the first "3,000,000" with "9,000,000" and replace the second "3,000,000" with "9,000,000"

Page 1, line 15, replace "14,530,000" with "8,530,000" and replace "15,697,150" with "9,697,150"

Page 1, line 22, replace "3,000,000" with "9,000,000"

Page 1, line 23, replace "15,000,000" with "9,000,000"

Page 2, after line 4, insert:

"SECTION 3. ADDITIONAL INCOME - APPROPRIATION. Any other income, including funds from federal acts, private grants, gifts, and donations, or from other sources received by the state fair association for the grandstand construction project in addition to the amount included in the estimated income line item in section 1 of this Act, except as otherwise provided by law, is appropriated for the grandstand construction project, for the biennium beginning July 1, 2009, and ending June 30, 2011."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98028.0202 FN 2

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

REPORT OF STANDING COMMITTEE

SB 2441, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2441 was placed on the Sixth order on the calendar.

Page 2, line 1, after "law" insert "or by payment from other funds available to the city which are derived from sources other than special assessments"

ReNUMBER accordingly

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 15, 2009, I have signed the following: HB 1023, HB 1026, HB 1063, HB 1080, and HB 1100.

SIXTH ORDER OF BUSINESS

SPEAKER MONSON DEEMED approval of the amendments to Engrossed SB 2009 and Engrossed SB 2441.

Engrossed SB 2009 and Engrossed SB 2441, as amended, were placed on the Fourteenth order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1162: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to restrictions on the purchase of flags of the United States of America.

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, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovda; Ekstrom; Frantvov; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemm; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Meyer, S.; Mueller; Myxter; Nathe; Onstad; Pietsch; Pinkerton; Pollert; Porter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa;

Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser;
Speaker Monson

NAYS: Boe; Johnson, N.; Mock; Nelson; Nottestad; Potter; Ruby

ABSENT AND NOT VOTING: Berg; Kempenich; Kroeber

HB 1162, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do not concur in the Senate amendments to Reengrossed HB 1324 as printed on HJ pages 1220-1242 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 Reengrossed HB 1324: Reps. Belter, Headland, S. Kelsh.

APPOINTMENT OF CONFERENCE COMMITTEE

REP. WRANGHAM MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2027, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2027: Reps. Koppelman, Headland, J. Kelsh

APPOINTMENT OF CONFERENCE COMMITTEE

REP. SVEDJAN MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2028 and SB 2178, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on:

SB 2028: Reps. Nelson, Wieland, Kerzman

SB 2178: Reps. Wieland, Nelson, Kerzman

APPOINTMENT OF CONFERENCE COMMITTEE

REP. BELTER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2060, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2060: Reps. Froseth, Grande, S. Kelsh

APPOINTMENT OF CONFERENCE COMMITTEE

REP. D. JOHNSON MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2125, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

SB 2125: Reps. Uglen, Kingsbury, Mueller

APPOINTMENT OF CONFERENCE COMMITTEE

REP. PORTER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2141, Engrossed SB 2165, and Engrossed SB 2316, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on:

Engrossed SB 2141: Reps. Keiser, DeKrey, Hunskor

Engrossed SB 2165: Reps. Porter, Damschen, Hanson

Engrossed SB 2316: Reps. Hofstad, Nottestad, S. Kelsh

APPOINTMENT OF CONFERENCE COMMITTEE

REP. WEISZ MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2152 and Engrossed SB 2230, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on:

Engrossed SB 2152: Reps. Frantsvog, Pietsch, Conrad

Engrossed SB 2230: Reps. Uglem, Damschen, Holman

APPOINTMENT OF CONFERENCE COMMITTEE

REP. DEKREY MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2161, SB 2172, and Engrossed SB 2232, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on:

SB 2161: Reps. Klemin, Koppelman, Wolf

SB 2172: Reps. Dahl, Koppelman, Zaiser

Engrossed SB 2232: Reps. Klemin, Kretschmar, Griffin

APPOINTMENT OF CONFERENCE COMMITTEE

REP. R. KELSCH MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2212 and Reengrossed SB 2266, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on:

Engrossed SB 2212: Reps. R. Kelsch, L. Meier, Mueller

Reengrossed SB 2266: Reps. R. Kelsch, Delzer, Hunskor

APPOINTMENT OF CONFERENCE COMMITTEE

REP. GRANDE MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2308, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2308: Reps. Dahl, Grande, Schneider

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the department of commerce; to provide an appropriation to the office of management and budget; to provide an appropriation to the department of emergency services; to provide a contingent appropriation; to provide exemptions; to provide for transfers; to provide for legislative council studies; to create and enact a new section to chapter 54-18, a new section to chapter 54-44.1, and a new section to chapter 54-60 of the North Dakota Century Code, relating to the establishment of an annual transfer from the state mill and elevator association, the establishment of a searchable database of state expenditures, and the division of workforce development's strategic plan and the North Dakota workforce development council; to amend and reenact subsections 1 and 4 of section 15-69-02, subsections 2 and 3 of section 15-69-04, subsections 1, 3, 4, and 5 of section 15-69-05, and section 54-60-17 of the North Dakota Century Code, relating to centers of excellence and higher education internships and work experience opportunities; 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 85 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Amerman; Belter; Berg; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; DeKrey; Delmore; Delzer; Dosch; Drovda; Ekstrom; Frantsvog; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Porter; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Bellew; Damschen; Froelich; Koppelman; Pollert; Ruby

ABSENT AND NOT VOTING: Boe; Kempenich; Kroeber

Reengrossed SB 2018, 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 department of health; to provide for a grant from the state water commission; to provide legislative intent; and to provide for a legislative council study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; Delmore; Delzer; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock; Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: DeKrey; Dosch; Drovda; Koppelman; Ruby; Weisz

ABSENT AND NOT VOTING: Kempenich; Kroeber

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

MOTION

REP. CARLSON MOVED that SB 2009, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2441: A BILL for an Act to amend and reenact section 40-23-07 of the North Dakota Century Code, relating to treatment of nonprofit cemetery property for special assessment purposes; to provide a statement of legislative intent; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Clark; Conklin; Conrad; Dahl; Damschen; DeKrey; Delmore; Delzer; Dosch; Drovda; Ekstrom; Frantsvog; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Hanson; Hatlestad; Hawken; Headland; Heller; Hofstad; Holman; Hunskor; Johnson, D.; Kaldor; Karls; Kelsch, R.; Kelsh, J.; Kelsh, S.; Kerzman; Kilichowski; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Martinson; Meier, L.; Metcalf; Meyer, S.; Mock;

Mueller; Myxter; Nathe; Nelson; Nottestad; Onstad; Pietsch; Pinkerton; Pollert; Porter; Potter; Rust; Schatz; Schmidt; Schneider; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Winrich; Wolf; Wrangham; Zaiser; Speaker Monson

NAYS: Johnson, N.; Kasper; Keiser; Ruby

ABSENT AND NOT VOTING: Kempenich; Kroeber

Engrossed SB 2441, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: Your signature is respectfully requested on: HB 1074, HB 1082, HB 1166, HB 1204, HB 1237, HB 1238, HB 1266, HB 1342, HB 1361, HB 1391, HB 1392, HB 1401, HB 1433, HB 1438, HB 1448, HB 1458, HB 1461, HB 1472, HB 1514, HB 1534, HB 1561, HB 1573, HB 1577, HCR 3021, HCR 3030, HCR 3039, HCR 3045, HCR 3065.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1551 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1551: Reps. Boehning; Klemin; Delmore

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

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

SB 2007: Reps. Kreidt; Nelson; Metcalf

SB 2010: Reps. Bellew; Kreidt; Ekstrom

SB 2208: Reps. Brandenburg; Rust; Holman

SB 2391: Reps. Nelson; Bellew; Kerzman

SCR4018: Reps. Brandenburg; Uglem; Boe

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has appointed Rep. Skarphol to replace Rep. Martinson on the Conference Committee on HB 1009.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2024, SB 2038, SB 2051, SB 2311, SB 2338.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

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

SB 2027: Reps. Koppelman; Headland; J. Kelsh

SB 2028: Reps. Nelson; Wieland; Kerzman

SB 2060: Reps. Froseth; Grande; S. Kelsh

SB 2125: Reps. Uglem; Kingsbury; Mueller

SB 2141: Reps. Keiser; DeKrey; Hunskor

SB 2152: Reps. Frantsvog; Pietsch; Conrad

SB 2161: Reps. Klemin; Koppelman; Wolf

SB 2165: Reps. Porter; Damschen; Hanson

SB 2172: Reps. Dahl; Koppelman; Zaiser

SB 2178: Reps. Wieland; Nelson; Kerzman

SB 2212: Reps. R. Kelsch; L. Meier; Mueller

SB 2230: Reps. Uglem; Damschen; Holman

SB 2232: Reps. Klemin; Kretschmar; Griffin

SB 2266: Reps. R. Kelsch; Delzer; Hunskor

SB 2308: Reps. Dahl; Grande; Schneider

SB 2316: Reps. Hofstad; Nottestad; S. Kelsh

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1324 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1324: Reprs. Belter; Headland; S. Kelsh

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1162.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2018, SB 2441.

MESSAGE TO THE SENATE FROM THE HOUSE (BUELL J. REICH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2004.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

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

HB 1188: Sens. Triplett; Hogue; Schneider

HB 1327: Sens. J. Lee; Dever; Heckaman

HB 1368: Sens. Hogue; Miller; Anderson

HB 1399: Sens. G. Lee; Flakoll; Taylor

HB 1425: Sens. Erbele; Cook; Dever

HB 1437: Sens. Erbele; J. Lee; Marcellais

HB 1449: Sens. Triplett; Erbele; Hogue

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has concurred in the House amendments and passed: SB 2305, SB 2317, SB 2350, SB 2404, and SCR 4020.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The President has signed: HB 1195, HB 1249, HB 1263, HB 1278, HB 1284, HB 1307, HB 1317.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has dissolved the Senate Conference Committee on HB 1207.

MESSAGE TO THE HOUSE FROM THE SENATE (FRAN A. GRONBERG, SECRETARY)

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1012.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1012

Page 1, line 2, after the first semicolon insert "to provide a contingent appropriation;"

Page 1, line 3, replace the first "and" with "to create and enact a new subsection to section 50-25.1-05 of the North Dakota Century Code, relating to the adoption of rules regarding the recording of interviews in child abuse or neglect cases;" and after "25-04-05" insert ", 50-06-29, 50-24.1-02.6"

Page 1, line 4, after "screenings" insert ", the establishment of an aging and disability resource link, medical assistance eligibility"

Page 1, line 5, after "fund" insert "; and to repeal section 4 of chapter 422 of the 2007 Session Laws, relating to the effective date of the expansion of medical assistance benefits"

Page 1, line 17, replace "2,148,542" with "7,664,509" and replace "13,660,900" with "19,176,867"

Page 1, line 18, replace "(13,582,286)" with "(12,979,144)" and replace "46,528,070" with "47,131,212"

Page 1, line 20, replace "(\$11,434,02911)" with "(\$5,314,920)" and replace "60,188,970" with "66,308,079"

Page 1, line 21, replace "(16,622,573)" with "(14,544,808)" and replace "34,041,261" with "36,119,026"

Page 1, line 22, replace "5,188,544" with "9,229,888" and replace "26,147,709" with "30,189,053"

Page 2, line 3, replace "18,552,432" with "16,221,145" and replace "43,963,473" with "41,632,186"

Page 2, line 4, replace "4,364,279" with "6,622,596" and replace "72,176,081" with "74,434,398"

Page 2, line 6, replace "111,111,588" with "111,781,588" and replace "455,130,804" with "455,800,804"

Page 2, line 7, replace "189,244,935" with "214,327,791" and replace "1,306,432,756" with "1,331,515,612"

Page 2, line 10, replace "310,797,543" with "336,477,429" and replace "1,877,716,114" with "1,903,396,000"

Page 2, line 11, replace "223,418,640" with "271,725,995" and replace "1,350,082,207" with "1,398,389,562"

Page 2, line 12, replace "87,378,903" with "64,751,434" and replace "527,633,907" with "505,006,438"

Page 2, line 17, replace "715,235" with "1,026,397" and replace "8,209,132" with "8,520,294"

Page 2, line 18, replace "2,135,169" with "4,080,946" and replace "18,917,773" with "20,863,550"

Page 2, line 19, replace "823,712" with "1,153,359" and replace "10,641,067" with "10,970,714"

Page 2, line 20, replace "3,509,556" with "4,178,237" and replace "25,616,905" with "26,285,586"

Page 2, line 21, replace "3,699,225" with "5,370,959" and replace "29,760,855" with "31,432,589"

Page 2, line 22, replace "573,509" with "1,101,416" and replace "15,257,320" with "15,785,227"

Page 2, line 23, replace "3,675,196" with "4,489,089" and replace "24,362,468" with "25,176,361"

Page 2, line 24, replace "964,207" with "1,891,646" and replace "10,762,996" with "11,690,435"

Page 2, line 25, replace "9,519,982" with "12,508,784" and replace "66,911,926" with "69,900,728"

Page 2, line 26, replace "6,195,786" with "7,221,144" and replace "52,989,719" with "54,015,077"

Page 2, line 27, replace "31,811,577" with "43,021,977" and replace "263,430,161" with "274,640,561"

Page 2, line 28, replace "12,094,114" with "16,139,178" and replace "124,851,343" with "128,896,407"

Page 2, line 29, replace "19,717,463" with "26,882,799" and replace "138,578,818" with "145,744,154"

Page 3, line 3, replace "112,284,910" with "101,828,152" and replace "692,360,434" with "681,903,676"

Page 3, line 4, replace "218,890,181" with "359,292,050" and replace "1,508,974,811" with "1,649,376,680"

Page 3, line 5, replace "331,175,091" with "461,120,202" and replace "2,201,335,245" with "2,331,280,356"

Page 3, after line 6, insert:

"SECTION 2. APPROPRIATION - FEDERAL FISCAL STIMULUS FUNDS - ADDITIONAL FUNDING APPROVAL. The funds provided in this section, or so much of the funds as may be necessary, are appropriated from federal funds made available

to the state under the federal American Recovery and Reinvestment Act of 2009, not otherwise appropriated, to the department of human services for the period beginning with the effective date of this Act and ending June 30, 2011, as follows:

| | |
|---|--------------|
| Federal medical assistance percentage | \$66,500,000 |
| Elderly nutrition services | 485,000 |
| Child support incentive matching funds | 3,200,000 |
| Rehabilitation services and disability assistance and independent living | 2,043,000 |
| Individuals With Disabilities Education Act - Part C | 2,140,000 |
| Supplemental nutrition assistance program benefits and administration | 9,874,747 |
| Senior employment program | 143,288 |
| Older blind | 3,170 |
| Total federal funds | \$84,389,205 |

The department of human services may seek emergency commission and budget section approval under chapter 54-16 for authority to spend any additional federal funds received under the federal American Recovery and Reinvestment Act of 2009 in excess of the amounts appropriated in this section for the period beginning with the effective date of this Act and ending June 30, 2011.

Any federal funds appropriated under this section, except for the funding of \$66,500,000 relating to the federal medical assistance percentage and funding of \$2,763,082 of child support incentive matching funds, are not a part of the agency's 2011-13 base budget. Any program expenditures made with these funds will not be replaced with state funds after the federal American Recovery and Reinvestment Act funds are no longer available.

SECTION 3. GENERAL FUND TRANSFER TO BUDGET STABILIZATION FUND - EXCEPTION - USE OF GENERAL FUND AMOUNTS. Notwithstanding section 54-27.2-02, the state treasurer and the office of management and budget may not include in the amount used to determine general fund transfers to the budget stabilization fund at the end of the 2007-09 biennium under chapter 54-27.2 any general fund amounts resulting from the increased federal share of medical assistance payments resulting from federal medical assistance percentage changes under the federal American Recovery and Reinvestment Act of 2009. The state treasurer and the office of management and budget shall separately account for these amounts and 2009-11 biennium general fund amounts resulting from federal medical assistance percentage changes under the federal American Recovery and Reinvestment Act of 2009 and use these amounts to defray the expenses of continuing program costs of the department of human services from the general fund for the biennium beginning July 1, 2009, and ending June 30, 2011, as follows:

| | |
|--|--------------|
| Inflationary increases for human service providers | \$32,564,450 |
| Rate increases for selected medicaid services due to rebasing | 21,788,982 |
| Rate increases for nursing homes due to property limit changes | 3,000,000 |
| Wage increases for employees of nursing homes, basic care, and developmental disabilities services providers and qualified service providers | 15,867,327 |
| Global behavioral health initiative | 4,088,873 |
| Salary increases for department of human services employees | 18,949,591 |
| Total | \$96,259,223 |

SECTION 4. CONTINGENT APPROPRIATION. If section 23 of this Act becomes effective, there is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$964,031, or so much of the sum as may be necessary, and from special funds derived from federal funds, the sum of \$1,582,480, or so much of the sum as may be necessary, to the department of human services for the purpose of defraying the expenses of implementing the expansion of medical assistance benefits for pregnant women as provided for in section 23 of this Act, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 3, line 19, replace "2,793,692" with "3,943,692"

Page 3, line 21, replace "3,146,298" with "4,296,298"

Page 4, remove lines 22 through 29

Page 5, line 1, replace "\$14,739,128" with "\$22,576,412" and replace "\$4,950,451" with "\$7,927,252"

Page 5, line 2, replace "\$8,788,677" with "\$13,649,160"

Page 5, line 4, replace "each employee earning a salary that is less than the eightieth" with "employees beginning July 1, 2009. Basic care and skilled nursing care facilities may not use the money received under this section for providing salary and benefit enhancements to administrators or directors of nursing."

Page 5, remove lines 5 and 6

Page 5, line 9, replace "\$18,929,151" with "\$21,639,106" and replace "\$7,000,000" with "\$7,086,807"

Page 5, line 10, replace "\$11,929,151" with "\$14,552,299"

Page 5, line 11, replace "each employee earning a" with "employees beginning July 1, 2009. Developmental disabilities service providers may not use the money received under this section for providing salary and benefit enhancements to administrators."

Page 5, replace lines 12 and 13 with:

"SECTION 12. LEGISLATIVE INTENT - MEDICAID PROVIDER PAYMENTS.

It is the intent of the legislative assembly that the department of human services establish a goal to set medicaid payments for hospitals, physicians, chiropractors, and ambulances at 100 percent of cost.

SECTION 13. SUPPLEMENTAL PAYMENT - CRITICAL ACCESS HOSPITALS.

The grants - medical assistance line item in subdivision 2 of section 1 of this Act includes the sum of \$400,000 from the general fund that the department of human services shall use for providing a supplemental payment to eligible critical access hospitals. A critical access hospital is eligible for a payment under this section only if its percentage of medical payments exceeds 25 percent of its total annual revenue in its most recent audited financial statements and is located in a city with a population that does not exceed 1,450. The department shall seek federal medicaid funding to provide a portion of the \$400,000 supplement payment. If federal medicaid funding is not available for a portion of the payment, the department may spend the \$400,000 from the general fund for making the supplemental payment only if the action will not result in a reduction in federal medicaid funding to the state.

SECTION 14. LEGISLATIVE INTENT - DEVELOPMENTAL DISABILITIES MEDICALLY FRAGILE.

It is the intent of the sixty-first legislative assembly that the additional funding for severely medically fragile and behaviorally challenged individuals be provided to the Anne Carlsen center and other similar private providers serving individuals with developmental disabilities in proportion to the respective severity of the critical medical and behavioral needs of each individual served by these providers. The funding is to become part of each provider's annual base budget and is not to reduce each provider's entitlement to additional critical needs staffing in future ratesetting by the department.

SECTION 15. LEGISLATIVE INTENT - DEMENTIA CARE SERVICES. It is the intent of the sixty-first legislative assembly that the department of human services integrate the dementia care services program established in House Bill No. 1043 with the home and community-based care services programs of the department.

SECTION 16. LEGISLATIVE COUNCIL STUDY - RETURNING VETERANS AND THEIR FAMILIES.

During the 2009-11 interim, the legislative council shall consider studying the impact of veterans who are returning from wars and their families on the state's human services system. The study must include an analysis of the estimated cost of providing human service-related services to the returning veterans and their families, including treatment for traumatic brain injury and mental illness. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-second legislative assembly.

SECTION 17. LEGISLATIVE INTENT - HOME TELEMONITORING SERVICES.

It is the intent of the sixty-first legislative assembly that the department of human services consider the changes necessary to reimburse home telemonitoring

services under the medicaid program at the same rate as skilled nursing visits provided in person.

SECTION 18. UNSPENT 2007-09 BIENNIUM - GENERAL FUND APPROPRIATIONS - EXCEPTION. The amount of \$270,000 of the \$3,100,000 for a sexual offender treatment addition at the state hospital appropriated in subdivision 3 of section 3 of 2007 Senate Bill No. 2012 is not subject to section 54-44.1-11 and may be spent during the 2009-11 biennium for completing roof repair at the state hospital."

Page 7, after line 21, insert:

"SECTION 20. AMENDMENT. Section 50-06-29 of the North Dakota Century Code is amended and reenacted as follows:

50-06-29. ~~Application for aging~~ Aging and disability resource center funding link - No wrong door model. ~~No later than December 31, 2007, the~~ The department of human services, within the limits of legislative appropriation, shall ~~seek federal funds for the planning plan and implementation of~~ implement an aging and disability resource center ~~for link, "no wrong door" model, initially in up to two regions of the state. The department also may provide additional services or may provide services in multiple regions as required or allowed by any source providing funds for these purposes. The initial resource center will be a single point of information program at the community level which link model will help people residing in the state make informed decisions about the full range of long-term care service and support options, including both institutional and home and community-based care, and which. Participating access points will provide unbiased information and assistance to individuals needing either public or private resources, to professionals seeking assistance on behalf of their clients, and to individuals planning for their future long-term care needs. Upon receipt of federal funds funding, the department of human services may establish the initial aging and disability resource center link, "no wrong door" model, or it may request bids and award a contract contracts for the provision of this service training and coordination to implement the model utilizing existing community-based access points and for the provision of services. The duties of the aging and disability resource center must include all duties initial model and any subsequent model or variation of the model, as well as any additional locations will provide services consistent with those required to receive federal funds, including by the 2006 amendments to the Older Americans Act [Pub. L. 109-365; 120 Stat. 2522; 42 U.S.C. 3001 et seq.], providing information about the full range of long-term care service and support options available in the state to assure that consumers may make informed decisions about their care. The resource center link's participating access points must be free from a conflict of interest which would inappropriately influence or bias the actions of a contractor, staff member, board member, or volunteer of the resource center access points to limit the information given to a consumer to steer the consumer to services that may also be provided by the resource center access points.~~

SECTION 21. AMENDMENT. Section 50-24.1-02.6 of the North Dakota Century Code is amended and reenacted as follows:

50-24.1-02.6. ~~(Contingent effective date - See note) Medical assistance benefits - Eligibility criteria:~~

1. ~~The department shall provide medical assistance benefits to otherwise eligible persons who are:~~
 - a. ~~Medically needy persons who have countable income that does not exceed an amount determined under subsection 2; and~~
 - b. ~~Minors who have countable income that does not exceed an amount determined under subsection 3.~~
2. ~~The department of human services shall establish an income level for medically needy persons at an amount, no less than required by federal law, that, consistent with the requirements of subsection 3, is the greatest income level achievable without exceeding legislative appropriations for that purpose.~~
3. ~~The department of human services shall establish income levels for minors, based on the age of the minors, at amounts, no less than required by federal law, that provide an income level for all minors born before September 30, 1983, equal to one hundred percent of the federal poverty~~

~~level in the month for which eligibility for medical assistance benefits is being determined and that do not exceed legislative appropriations for that purpose.~~

4. ~~The department of human services shall provide medical assistance benefits to children and families coverage groups and pregnant women without consideration of assets.~~

(Contingent effective date — See note) Medical assistance benefits - Eligibility criteria.

1. The department shall provide medical assistance benefits to otherwise eligible persons who are:
 - a. Medically needy persons who have countable income that does not exceed an amount determined under subsection 2; and
 - b. Minors who have countable income that does not exceed an amount determined under subsection 3.
2. The department of human services shall establish an income level for medically needy persons at an amount, no less than required by federal law, that, consistent with the requirements of subsection 3, is the greatest income level achievable without exceeding legislative appropriations for that purpose.
3. The department of human services shall establish income levels for minors, based on the age of the minors, at amounts, no less than required by federal law, ~~that provide an income level for all individuals from birth through age eighteen equal to one hundred thirty three percent of the federal poverty level in the month for which eligibility for medical assistance benefits is being determined.~~
4. The department of human services shall provide medical assistance benefits to children and families coverage groups and pregnant women without consideration of assets.

SECTION 22. AMENDMENT. Section 50-24.1-02.6 of the North Dakota Century Code is amended and reenacted as follows:

50-24.1-02.6. (Contingent effective date — See note) Medical assistance benefits — Eligibility criteria.

1. ~~The department shall provide medical assistance benefits to otherwise eligible persons who are:~~
 - a. ~~Medically needy persons who have countable income that does not exceed an amount determined under subsection 2; and~~
 - b. ~~Minors who have countable income that does not exceed an amount determined under subsection 3.~~
2. ~~The department of human services shall establish an income level for medically needy persons at an amount, no less than required by federal law, that, consistent with the requirements of subsection 3, is the greatest income level achievable without exceeding legislative appropriations for that purpose.~~
3. ~~The department of human services shall establish income levels for minors, based on the age of the minors, at amounts, no less than required by federal law, that provide an income level for all minors born before September 30, 1983, equal to one hundred percent of the federal poverty level in the month for which eligibility for medical assistance benefits is being determined and that do not exceed legislative appropriations for that purpose.~~
4. ~~The department of human services shall provide medical assistance benefits to children and families coverage groups and pregnant women without consideration of assets.~~

~~(Contingent effective date — See note)~~ **Medical assistance benefits - Eligibility criteria.**

1. The department shall provide medical assistance benefits to otherwise eligible persons who are:
 - a. Medically needy persons who have countable income that does not exceed an amount determined under subsection 2; and
 - b. Minors who have countable income that does not exceed an amount determined under subsection 3.
2. The department of human services shall establish an income level for medically needy persons at an amount, no less than required by federal law, that, consistent with the requirements of ~~subsection~~ subsections 3 and 4, is the greatest income level achievable without exceeding legislative appropriations for that purpose.
3. The department of human services shall establish income levels for minors, based on the age of the minors, at amounts, no less than required by federal law, ~~that provide an income level for all individuals from birth through age eighteen equal to one hundred thirty three percent of the federal poverty level in the month for which eligibility for medical assistance benefits is being determined.~~
4. The department of human services shall establish income levels for pregnant women at an amount, no less than required by federal law, equal to one hundred sixty-five percent of the federal poverty level in the month for which eligibility for medical assistance benefits is being determined.
5. The department of human services shall provide medical assistance benefits to children and families coverage groups and pregnant women without consideration of assets."

Page 7, after line 29, insert:

"SECTION 24. A new subsection to section 50-25.1-05 of the North Dakota Century Code is created and enacted as follows:

The department shall adopt rules that require all interviews of the alleged abused or neglected child conducted under this section to be audio-recorded or video-recorded, when possible. The rules must provide that a recording may not be disclosed except in accordance with section 50-25.1-11."

Page 8, after line 21, insert:

"SECTION 26. REPEAL. Section 4 of chapter 422 of the 2007 Session Laws is repealed.

SECTION 27. EFFECTIVE DATE. Section 23 of this Act becomes effective on the date the department of human services certifies to the legislative council that the department has received approval to claim federal financial participation to expand medical assistance benefits to pregnant women as provided for in section 1 of this Act, but may not become effective earlier than January 1, 2010.

SECTION 28. EMERGENCY. Sections 2 and 18 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT - LC 98013.0209 FN 4

A copy of the statement of purpose of amendment is on file in the Legislative Council Office.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1012

In addition to the amendments adopted by the Senate as printed on pages 1317-1323 of the Senate Journal, Engrossed House Bill No. 1012 is further amended as follows:

Page 3, after line 6, insert:

"SECTION 2. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$226,442, or so much of the sum as may be necessary, and from special funds derived from federal funds, the sum of \$130,678, or so much of the sum as may be necessary, to the department of human services for the purpose of increasing the personal needs allowance for individuals in basic care facilities and intermediate care facilities for the mentally retarded to \$95 per month, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Page 7, line 29, replace "seventy-five" with "ninety-five"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment appropriates \$226,442 from the general fund and \$130,678 of special funds to the Department of Human Services to increase the personal needs allowance to \$95 per month for individuals in the following facilities:

| | General Fund | Special Funds | Total |
|--|-----------------|------------------|-----------|
| Basic care facilities (currently at \$75 per month) | \$149,760 | \$0 | \$149,760 |
| ICF/MR (currently at \$75 per month) | 76,682 | 130,678 | 207,360 |
| Total | \$226,442 | \$130,678 | \$357,120 |

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1012

In addition to the amendments adopted by the Senate as printed on pages 1317-1323 and pages 1331 and 1332 of the Senate Journal, Engrossed House Bill No. 1012 is further amended as follows:

Page 3, after line 6, insert:

"SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$6,277,888, or so much of the sum as may be necessary, and from special funds derived from federal funds, the sum of \$9,930,864, or so much of the sum as may be necessary, to the department of human services for the purpose of providing inflationary increases of seven percent for the second year of the biennium for rebased services and seven percent annual increases for all other services, for the biennium beginning July 1, 2009, and ending June 30, 2011."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment appropriates \$6,277,888 from the general fund and \$9,930,864 of special funds to the Department of Human Services for providing inflationary increases of 7 percent for the second year of the biennium for rebased services and 7 percent annual increases for all other services for the 2009-11 biennium.

MOTION

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

MOTION

REP. VIGESAA MOVED that the House be on the Fourth, Fifth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Thursday, April 16, 2009, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1301, as engrossed: Your conference committee (Sens. Nodland, Andrist, Horne and Reps. Nottestad, Ruby, Gruchalla) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1087-1089 and place HB 1301 on the Seventh order.

Engrossed HB 1301 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1308, as engrossed: Your conference committee (Sens. Wanzek, Klein, Behm and Reps. Hatlestad, Kingsbury, Griffin) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 913-913 and place HB 1308 on the Seventh order.

Engrossed HB 1308 was placed on the Seventh order of business on the calendar.

REPORT OF STANDING COMMITTEE

SB 2442: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (7 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SB 2442 was placed on the Fourteenth order on the calendar.

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

Buell J. Reich, Chief Clerk