

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, April 13, 1999

The House convened at 9:00 a.m., with Speaker Wald presiding.

The prayer was offered by Representative Hawken.

The roll was called and all members were present except Representatives Bernstein, DeKrey, and Stefonowicz.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

I am returning House Bill 1335 to you, and hereby veto the same. The bill has a noble purpose at heart, namely to require producers of our trading partners to comply with the same standards with which North Dakota producers must comply. This is a goal I support and will aggressively pursue in the next two years. However, I cannot sign the bill for the following reasons:

1. The bill does not become effective until July 1, 2001. Consequently, it will have no positive legal effect upon the issues that it is designed to address.
2. However, it may have several negative and unintended consequences that cause me concern. These potential consequences will include the following:
  - a. First, the Canadian Government has indicated that even with the delayed effective date, it will pursue consultations with the United States Trade Representative, which may result in retaliation against North Dakota producers.
  - b. This will require North Dakota to expend resources in these consultations to defend a law that has no legal effect until July 1, 2001. We should not commit taxpayer dollars for such a purpose.
  - c. It may also affect our canola processing industry that relies upon canola from our neighbors to the North. Forty-five percent of canola crushed at Velva comes from Canada.
  - d. Finally, the bill may jeopardize what progress is being made to address these issues between our national government and our trading partners. I do not support legislation that has no legal effect yet creates the potential for harming efforts to address these issues in other arenas.

House Bill 1335 has served to put on notice the governments of the United States and Canada that the issues raised by this bill are significant and real, requiring urgent resolution. If they are not resolved successfully and in a timely manner, legislative leaders and governors across the border states are likely to take up these issues again, to seek resolution on their own.

For these reasons, I have vetoed HB 1335 and respectfully return the bill with these objections for your consideration.

**ANNOUNCEMENT**

**THE SPEAKER ANNOUNCED** that in accordance with House Rule 335, HB 1335 was placed on the Eleventh order of business.

**CONSIDERATION OF VETOED MEASURE**

**HB 1335:** A BILL for an ACT to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to the presence of chemicals in agricultural products and livestock; to provide a penalty; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the enrolled bill over the Governor's veto, which has been read, the roll was called and there were 55 YEAS, 40 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Boucher; Brandenburg; Brekke; Brusegaard; Cleary; Dalrymple; Delmore; Devlin; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Galvin; Glassheim; Gorder; Grumbo; Gulleson; Haas; Hanson; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Kelsh, S.; Kempenich; Kerzman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mueller; Nelson; Nicholas; Nichols; Niemeier; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Thorpe; Warner; Weisz; Wikenheiser; Winrich

**NAYS:** Berg; Boehm; Byerly; Carlisle; Carlson; Clark; Delzer; Disrud; Dorso; Froseth; Grande; Grosz; Gunter; Hawken; Henegar; Johnson, N.; Keiser; Kelsch, R.; Klein; Klemin; Kliniske; Koppang; Koppelman; Maragos; Mickelson; Monson; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Wentz; Speaker Wald

**ABSENT AND NOT VOTING:** Bernstein; DeKrey; Stefonowicz

The House has sustained the Governor's veto of HB 1335, as enrolled.

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**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed to pass: SB 2396.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1020, HB 1089.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed to pass: HB 1024.

**MOTION**

**REP. DORSO MOVED** that the House be on the Seventh and Twelfth orders of business and at the conclusion of those orders, the House stand in recess until 1:00 p.m., which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1003, as engrossed:** Your conference committee (Sens. St. Aubyn, Bowman, Krauter and Reps. Wentz, Carlson, Nichols) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1169-1183 and pages 1271-1272, adopt amendments as follows, and place HB 1003 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1169-1183 and 1271 and 1272 of the House Journal and pages 1009-1022 and 1034 and 1035 of the Senate Journal and that Engrossed House Bill No. 1003 be amended as follows:

Page 1, line 2, after "system" insert "; to provide for legislative council studies; to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to the adoption of the midwestern regional higher education compact; and to declare an emergency"

Page 1, replace lines 12 through 24 with:

<b>"NORTH DAKOTA UNIVERSITY SYSTEM</b>	
Equity and special needs pool	\$4,290,128
Technology pool	21,948,467
Critical salary pool	<u>2,630,992</u>
General fund appropriation	<b>\$28,869,587</b>

Subdivision 2.

<b>NORTH DAKOTA UNIVERSITY SYSTEM OFFICE</b>	
Salaries and wages	\$2,194,131
Operating expenses	760,709
Equipment	26,000
Student financial assistance grants	4,450,281
Information technology management	215,255
Professional student exchange program	1,310,716
Disabled student services	26,560
Technical administration	197,627

Contingency and capital improvements emergency fund	398,000
Scholars program	706,230
Native American scholarships	204,082
Title II	534,000
Competitive research program	1,971,100
Prairie public broadcasting	992,513
Board initiatives	<u>2,296,000</u>
Total operating funds	\$16,283,204
Less estimated income	<u>4,933,900</u>
General fund appropriation	\$11,349,304

## Subdivision 3.

## BISMARCK STATE COLLEGE

Salaries and wages	\$16,406,677
Operating expenses	4,893,212
Equipment	367,187
Capital improvements	<u>958,835</u>
Total operating funds	\$22,625,911
Less estimated income	<u>7,789,776</u>
General fund appropriation	\$14,836,135
Local funds appropriation	\$11,370,000
Total all funds appropriation	\$33,995,911

## Subdivision 4.

## UNIVERSITY OF NORTH DAKOTA - LAKE REGION

Salaries and wages	\$4,374,197
Operating expenses	1,338,042
Equipment	150,338
Capital improvements	<u>1,094,318</u>
Total operating funds	\$6,956,895
Less estimated income	<u>1,948,806</u>
General fund appropriation	\$5,008,089
Local funds appropriation	\$6,403,766
Total all funds appropriation	\$13,360,661

## Subdivision 5.

## UNIVERSITY OF NORTH DAKOTA - WILLISTON

Salaries and wages	\$5,280,022
Operating expenses	1,521,116
Equipment	249,596
Capital improvements	<u>88,790</u>
Total operating funds	\$7,139,524
Less estimated income	<u>2,300,265</u>
General fund appropriation	\$4,839,259
Local funds appropriation	\$1,653,000
Total all funds appropriation	\$8,792,524

## Subdivision 6.

## UNIVERSITY OF NORTH DAKOTA

Salaries and wages	\$98,902,879
Operating expenses	27,655,286
Equipment	1,520,260
Capital improvements	4,917,136
Special initiatives pool	<u>1,462,223</u>
Total operating funds	\$134,457,784
Less estimated income	<u>52,633,093</u>
General fund appropriation	\$81,824,691
Local funds appropriation	\$282,733,609
Total all funds appropriation	\$417,191,393

## Subdivision 7.

## NORTH DAKOTA STATE UNIVERSITY

Salaries and wages	\$85,829,387
Operating expenses	21,576,515
Equipment	1,867,800
Capital improvements	8,652,531
Skills training center	<u>1,535,000</u>
Total operating funds	\$119,461,233
Less estimated income	<u>55,903,914</u>
General fund appropriation	\$63,557,319

Local funds appropriation	\$111,620,179
Total all funds appropriation	\$231,081,412

## Subdivision 8.

## NORTH DAKOTA STATE COLLEGE OF SCIENCE

Salaries and wages	\$23,706,342
Operating expenses	6,605,363
Equipment	1,494,368
Capital improvements	<u>2,635,885</u>
Total operating funds	\$34,441,958
Less estimated income	<u>9,485,836</u>
General fund appropriation	\$24,956,122
Local funds appropriation	\$15,580,000
Total all funds appropriation	\$50,021,958

## Subdivision 9.

## DICKINSON STATE UNIVERSITY

Salaries and wages	\$14,074,351
Operating expenses	4,074,962
Equipment	390,000
Capital improvements	<u>693,962</u>
Total operating funds	\$19,233,275
Less estimated income	<u>6,146,576</u>
General fund appropriation	\$13,086,699
Local funds appropriation	\$8,221,397
Total all funds appropriation	\$27,454,672

## Subdivision 10.

## MAYVILLE STATE UNIVERSITY

Salaries and wages	\$8,142,255
Operating expenses	2,211,150
Equipment	170,500
Capital improvements	<u>931,671</u>
Total operating funds	\$11,455,576
Less estimated income	<u>2,908,718</u>
General fund appropriation	\$8,546,858
Local funds appropriation	\$7,400,000
Total all funds appropriation	\$18,855,576

## Subdivision 11.

## MINOT STATE UNIVERSITY

Salaries and wages	\$28,733,664
Operating expenses	6,043,525
Equipment	917,929
Capital improvements	<u>1,050,466</u>
Total operating funds	\$36,745,584
Less estimated income	<u>11,501,851</u>
General fund appropriation	\$25,243,733
Local funds appropriation	\$19,003,936
Total all funds appropriation	\$55,749,520

## Subdivision 12.

## VALLEY CITY STATE UNIVERSITY

Salaries and wages	\$11,009,411
Operating expenses	2,842,167
Equipment	323,100
Capital improvements	812,334
Center for innovation in instruction	299,583
Special initiatives	<u>68,714</u>
Total operating funds	\$15,355,309
Less estimated income	<u>3,893,786</u>
General fund appropriation	\$11,461,523
Local funds appropriation	\$8,820,000
Total all funds appropriation	\$24,175,309

## Subdivision 13.

## MINOT STATE UNIVERSITY - BOTTINEAU

Salaries and wages	\$3,930,059
Operating expenses	1,063,035
Equipment	147,500

Capital improvements	218,130
Total operating funds	\$5,358,724
Less estimated income	<u>1,424,817</u>
General fund appropriation	\$3,933,907
Local funds appropriation	\$2,124,426
Total all funds appropriation	\$7,483,150

## Subdivision 14.

## NORTH DAKOTA FOREST SERVICE

Salaries and wages	\$1,770,118
Operating expenses	423,601
Equipment	65,011
Capital improvements	79,541
Grants to centennial trees	<u>147,486</u>
Total operating funds	\$2,485,757
Less estimated income	<u>859,006</u>
General fund appropriation	\$1,626,751
Local funds appropriation	\$1,336,082
Total all funds appropriation	\$3,821,839

## Subdivision 15.

## UNIVERSITY OF NORTH DAKOTA MEDICAL CENTER

Salaries and wages	\$32,021,200
Operating expenses	7,502,327
Equipment	<u>547,915</u>
Total operating funds	\$40,071,442
Less estimated income	<u>10,812,782</u>
General fund appropriation	\$29,258,660
Local funds appropriation	\$47,592,145
Total all funds appropriation	\$87,663,587
Grand total general fund appropriation H.B. 1003	\$328,398,637
Grand total estimated income appropriation H.B. 1003	\$172,543,126
Grand total local funds appropriation H.B. 1003	\$523,858,540
Grand total all funds appropriation H.B. 1003	\$1,024,800,303"

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 3

Page 7, line 5, replace "critical salary pool" with "board initiatives"

Page 7, line 6, replace the first "1" with "2"

Page 7, line 7, replace the first "1" with "2" and replace "14" with "15"

Page 7, line 10, replace "critical salary pool" with "board initiatives"

Page 8, line 9, after "approve" insert "the"

Page 8, line 12, remove "appropriations"

Page 8, line 13, replace the first "1" with "2"

Page 8, line 14, replace "3" with "32"

Page 8, line 19, after the first "to" insert "the"

Page 8, line 21, replace "**FUNDS**" with "**FUND APPROPRIATIONS**"

Page 8, line 22, replace "funds" with "fund dollars"

Page 8, remove lines 28 through 30

Page 9, remove lines 1 and 2

Page 9, line 9, after "funds" insert ", in addition to the minimum local match of \$200,000,"

Page 9, line 13, after "funds" insert ", in addition to the minimum local match of \$495,000,"

Page 9, remove lines 16 through 20

Page 9, line 29, replace "11" with "9"

Page 10, remove lines 8 through 10

Page 10, after line 15, insert:

**"SECTION 13. NDSU/NDSCS SKILLS TRAINING CENTER.** The general fund moneys provided by the 1999 legislative assembly for the skills training center may only be used for renovations to the skills training center. Any general fund moneys provided for the skills training center for the 1999-2001 biennium are intended to be the final direct general fund support provided by the legislative assembly, and no direct general fund support may be provided for the operations of or renovations or additions to the skills training center after the 1999-2001 biennium.

**SECTION 14. PROGRAM COORDINATION AND ACCREDITATION.** The legislative assembly urges the state board of higher education to carefully review requests by state institutions of higher education applying for accreditation of programs that have already been accredited at other state institutions. The board should consider student access and quality issues as well as costs when reviewing such requests. Whenever such a request is made or accreditation is granted, the board is encouraged to direct the campuses offering similar programs to cooperate in jointly offering the similar programs by using the staffs and resources of the other campuses. Also, the legislative assembly expresses its strong support for the board to continue implementing policies and procedures to ensure coordination and cooperation between campuses where similar programs are offered.

**SECTION 15. TECHNOLOGY POOL.** The technology pool amount in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 2 through 15 of section 1 as determined by the board of higher education. Technology funding allocations are to be made based on historic funding, the higher education computer network strategic plan, base funding for higher education computer network computer center operations, and base funding for interactive video network and on-line Dakota information network operations.

**SECTION 16. CRITICAL SALARY POOL.** The critical salary pool amount in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 2 through 15 of section 1 as determined by the board of higher education. When making allocations from the critical salary pool in subdivision 1 of section 1, the state board of higher education shall allocate funds to address additional salary increases beyond legislative appropriations, for market and equity issues.

**SECTION 17. EQUITY AND SPECIAL NEEDS POOL.** The equity and special needs pool in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 3 through 13 of section 1 as determined by the board of higher education. When making allocations from the equity and special needs pool in subdivision 1 of section 1, the board of higher education shall allocate the funds to address equity funding issues and special academic program needs of the entities under its control.

**SECTION 18. MINOT STATE UNIVERSITY - BOTTINEAU INFORMATION TECHNOLOGY INITIATIVE.** The board of higher education is strongly encouraged to consider allocating \$200,000 from either the equity and special needs pool or the board initiatives funding to Minot state university - Bottineau for Minot state university - Bottineau's information technology initiative.

**SECTION 19. LEGISLATIVE COUNCIL INTERIM STUDY OF HIGHER EDUCATION FUNDING.** The legislative council shall consider studying higher education funding during the 1999-2000 interim. If conducted, the study should solicit input from the governor, board of higher education, executive branch, university system campuses, and representatives of business and industry. The study should address the expectations of the North Dakota university system in meeting the state's needs in the

twenty-first century, the funding methodology needed to meet these expectations and needs, and an accountability system and reporting methodology for the university system. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly.

**SECTION 20. LEGISLATIVE COUNCIL STUDY - TRIBAL COLLEGES.** The legislative council shall consider studying the tribally controlled colleges in this state and the United Tribes technical college, including a review of funding sources and the number of Indian and non-Indian students attending each college, for the purpose of determining the desirability and feasibility of a grant program to assist the colleges in providing education to students who are less than one-quarter Indian. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly.

**SECTION 21. UTILITY SAVINGS.** Any utility savings realized during the 1999-2001 biennium by the entities listed in section 1 of this Act must be used for maintenance or capital project expenditures.

**SECTION 22. LAND BOARD DISTRIBUTIONS.** Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands shall distribute to the appropriate entities in section 1 of this Act all income from permanent funds managed for the benefit of those institutions.

**SECTION 23. PARTICIPATION IN MIDWESTERN REGIONAL HIGHER EDUCATION COMPACT STUDENT EXCHANGE PROGRAM.** Notwithstanding section 24 of this Act, it is the intent of the fifty-sixth legislative assembly that during the 1999-2001 biennium North Dakota's membership in the midwestern regional higher education compact may not include participation in the compact's student exchange program. The legislative council shall consider including a review of North Dakota's participation in the student exchange program portion of the midwestern regional higher education compact in the study provided for in section 19 of this Act.

**SECTION 24.** A new chapter to title 15 of the North Dakota Century Code is created and enacted as follows:

**Midwestern regional higher education compact.** The midwestern regional higher education compact is adopted as follows:

#### Article I. Purpose

The purpose of the midwestern higher education compact is to provide greater higher education opportunities and services in the midwestern region, with the aim of furthering regional access to, research in, and choice of higher education for the citizens residing in the states that are parties to this compact.

#### Article II. The Commission

1. The compacting states create the midwestern higher education commission, hereinafter called the commission. The commission is a body corporate of each compacting state. The commission has all the responsibilities, powers, and duties set forth in this chapter, including the power to sue and be sued, and any additional powers conferred upon it by subsequent action of the respective legislative assemblies of the compacting states in accordance with the terms of this compact.
2. The commission consists of the following five resident members from each state: the governor or the governor's designee who serves during the tenure of office of the governor; two legislators, one from each house, except for Nebraska, which may appoint two legislators from its legislative assembly, who serve two-year terms and are appointed by the appropriate appointing authority in each house of the legislative assembly; and two other at large members, at least one of whom is to be selected from the field of higher education. The at large members are to be appointed as provided by the laws of the appointing state. One of the two at large members initially appointed in each state serves a two-year term. The other, and any regularly appointed successor to either at large member, serves a four-year term. All vacancies are to be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy serves until the end of the incomplete term.

3. The commission shall select annually, from among its members, a chairman, a vice chairman, and a treasurer.
4. The commission shall appoint an executive director who serves at its pleasure and who is secretary to the commission. The treasurer, the executive director, and other personnel as the commission determines must be bonded in the amounts required by the commission.
5. The commission shall meet at least once each calendar year. The chairman may call additional meetings and upon the request of a majority of the commission members of three or more compacting states, shall call additional meetings. The commission shall give public notice of all meetings. All meetings must be open to the public.
6. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the commission.

#### Article III. Powers and Duties of the Commission

1. The commission shall adopt bylaws governing its management and operations.
2. Notwithstanding the laws of any compacting state, the commission shall provide for the personnel policies and programs of the compact in its bylaws.
3. The commission shall submit a budget to the governor and legislative assembly of each compacting state at the time and for the period required by each state. The budget must contain recommendations regarding the amount to be appropriated by each compacting state.
4. The commission shall report annually to the legislative assemblies and governors of the compacting states, to the midwestern governors' conference, and to the midwestern legislative conference of the council of state governments regarding the activities of the commission during the preceding year. The reports must include any recommendations that have been adopted by the commission.
5. The commission may borrow, accept, or contract for the services of personnel from any state or from the United States, or from any subdivision or agency thereof, from any interstate agency, or from any person.
6. The commission may accept for any of its purposes and functions under the compact donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state or the United States or from any subdivision or agency thereof, from an interstate agency, or from any person, and may receive, use, and dispose of the same.
7. The commission may enter agreements with any other interstate education organization or agency, with institutions of higher education located in nonmember states, and with any of the various states to provide adequate programs and services in higher education for the citizens of the respective compacting states. After negotiations with interested institutions and interstate organizations or agencies, the commission shall determine the cost of providing the programs and services in higher education for use in these agreements.
8. The commission may establish and maintain offices in one or more of the compacting states.
9. The commission may establish committees and hire staff as necessary to carry out its functions.
10. The commission may provide for actual and necessary expenses for the attendance of its members at official meetings of the commission or of its designated committees.



## Article IV. Activities of the Commission

1. The commission shall collect data on the long-range effects of the compact on higher education. By the end of the fourth year from the effective date of the compact and every two years thereafter, the commission shall review its accomplishments and make recommendations to the governors and legislative assemblies of the compacting states regarding continuance of the compact.
2. The commission shall study higher education issues that are of particular concern to the midwestern region. The commission also shall study the need for higher education programs and services in the compacting states and the resources for meeting those needs. The commission shall prepare reports, on its research, for presentation to the governors and legislative assemblies of the compacting states, as well as to other interested parties. In conducting the studies, the commission may confer with any national or regional planning body. The commission may draft and recommend to the governors and legislative assemblies of the various compacting states suggested legislation addressing issues in higher education.
3. The commission shall study the need for the provision of adequate programs and services in higher education, such as undergraduate, graduate, or professional student exchanges in the region. If a need for exchange in a field is apparent, the commission may enter agreements with any institution of higher education and with any compacting state to provide programs and services in higher education for the citizens of the respective compacting states. After negotiating with interested institutions and the compacting states, the commission shall determine the cost of providing the programs and services in higher education for use in its agreements. The contracting states shall contribute funds not otherwise provided, as determined by the commission, to carry out the agreements. The commission may also serve as the administrative and fiscal agent in carrying out agreements for higher education programs and services.
4. The commission shall serve as a clearinghouse for information regarding higher education activities among institutions and agencies.
5. The commission may provide services and research in any other area of regional concern.

## Article V. Finance

1. The compacting states will appropriate the amount necessary to finance the general operations of the commission, not otherwise provided for, when authorized by their respective legislative assemblies. The amount must be apportioned equally among the compacting states.
2. The commission may not incur any obligations prior to the passage of appropriations adequate to meet the same; nor may the commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.
3. The commission shall keep accurate accounts of its receipts and disbursements. The receipts and disbursements of the commission are subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements handled by the commission must be audited yearly by a certified or licensed public accountant and the report of the audit must be included in and become part of the annual report of the commission.
4. The accounts of the commission must be open at any reasonable time for inspection by duly authorized representatives of the compacting states and by persons authorized by the commission.

## Article VI. Eligible Parties and Entry Into Force

1. The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin are eligible to become parties to this compact. Additional states may be eligible if approved by a majority of the compacting states.

2. This compact becomes effective, as to any eligible party state, when its legislative assembly enacts the compact into law.
3. An amendment to the compact becomes effective upon its enactment by the legislative assemblies of all compacting states.

#### Article VII. Withdrawal, Default, and Termination

1. A compacting state may withdraw from the compact by enacting a statute repealing the compact, but the withdrawal may not become effective until two years after the enactment of such statute. A withdrawing state is liable for any obligation that it incurred on account of its party status, up to the effective date of withdrawal, except that if the withdrawing state has specifically undertaken or committed itself to any performance of an obligation extending beyond the effective date of withdrawal, it remains liable to the extent of the obligation.
2. If a compacting state at any time defaults in the performance of its obligations, assumed or imposed, in accordance with this compact, all rights, privileges, and benefits conferred by this compact or by agreements made under the compact are suspended from the effective date of the default, as fixed by the commission. The commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless the default is remedied under the stipulations and within the time period set by the commission, the compact may be terminated with respect to the defaulting state by affirmative vote of a majority of the other member states. A defaulting state may be reinstated by performing all acts and obligations required by the commission.

#### Article VIII. Severability and Construction

The provisions of this compact are severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States or its applicability to any person or circumstance is held invalid, the validity of the remainder of the compact and its applicability to any person or circumstance may not be affected. If the compact is found to be contrary to the constitution of any compacting state, the compact remains in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of the compact must be liberally construed to effectuate the purpose of the compact.

#### **Midwestern higher education commission - Terms - Vacancies.**

1. The members of the midwestern higher education commission representing this state are:
  - a. The governor or the governor's designee.
  - b. One member of the senate and one member of the house of representatives, appointed by the chairman of the legislative council.
  - c. Two at large members, one of whom must be knowledgeable about the field of higher education, appointed by the governor.
2. The term of each legislative appointee is two years. One initial at large member must be appointed for a term of two years and the other for a term of four years. Thereafter, the term of each at large member is four years.
3. If a member vacates the position to which the member was appointed, the position must be filled for the remainder of the unexpired term in the same manner as that position was filled initially.

**SECTION 25. EMERGENCY.** The capital improvements line items contained in subdivisions 2 through 14 of section 1 of this Act and the skills training center line item contained in subdivision 7 of section 1 of this Act are declared to be emergency measures, and those funds are available immediately upon filing of this Act with the secretary of state. Sections 9 and 10 of this Act are declared to be emergency measures."

Renumber accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

CONFERENCE COMMITTEE - This amendment provides for the following changes:

General fund:

	SYSTEM POOLS	UNIVERSITY SYSTEM OFFICE	BISMARCK STATE COLLEGE	UND-LAKE REGION	UND- WILLISTON	UNIVERSITY OF NORTH DAKOTA
Executive budget		\$28,856,525	\$14,512,720	\$4,950,031	\$4,771,162	\$93,355,802
House changes		(15,076,229)	464,155	120,099	148,684	2,126,429
House version	\$0	\$13,780,296	\$14,976,875	\$5,070,130	\$4,919,846	\$95,482,231
Conference Committee changes:						
Restore EPSCoR funding		\$200,000				
Provide funding to complete Schafer Hall hallway renovation project			\$72,000			
Correct other funds portion of Med School pay plan error						
Utility reductions			(27,701)	(\$2,441)	(\$19,776)	(\$435,553)
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House						154,831
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide equity and special needs pool	\$1,178,000					
Funding transferred to the system technology pool	21,948,467					(12,291,515)
Funding transferred to the critical salary pool	2,630,992	(2,630,992)				
Funding transferred to the systemwide equity and special needs pool	3,112,128		(185,039)	(59,600)	(60,811)	(944,281)
Add funding for electrical distribution, streamline distribution, and roof replacement projects						
Funding source change for increased land department revenue distributions						(141,022)
Total Conference Committee changes	<u>\$28,869,587</u>	<u>(\$2,430,992)</u>	<u>(\$140,740)</u>	<u>(\$62,041)</u>	<u>(\$80,587)</u>	<u>(\$13,657,540)</u>
Conference Committee version (general fund)	\$28,869,587	\$11,349,304	\$14,836,135	\$5,008,089	\$4,839,259	\$81,824,691
	NORTH DAKOTA STATE UNIVERSITY	STATE COLLEGE OF SCIENCE	DICKINSON STATE UNIVERSITY	MAYVILLE STATE UNIVERSITY	MINOT STATE UNIVERSITY	VALLEY CITY STATE UNIVERSITY
Executive budget	\$72,401,732	\$22,682,030	\$13,039,293	\$8,461,666	\$24,852,277	\$11,371,567
House changes	1,331,066	649,764	215,047	223,528	748,976	262,372
House version	\$73,732,798	\$23,331,794	\$13,254,340	\$8,685,194	\$25,601,253	\$11,633,939
Conference Committee changes:						
Restore EPSCoR funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds portion of Med School pay plan error						
Utility reductions	(\$65,450)	(\$2,364)		(\$1,038)		
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House	95,169					
Restore a portion of the specific operating	161,874					

expense reductions made by the House						
Restore all of the Skills Center funding removed by the House	250,000					
Provide for a systemwide equity and special needs pool						
Funding transferred to the system technology pool	(9,656,952)					
Funding transferred to the critical salary pool						
Funding transferred to the systemwide equity and special needs pool	(754,346)	(290,214)	(\$161,791)	(106,807)	(\$351,670)	(\$145,217)
Add funding for electrical distribution, streamline distribution, and roof replacement projects		2,000,000				
Funding source change for increased land department revenue distributions	(205,774)	(83,094)	(5,850)	(30,491)	(5,850)	(27,199)
Total Conference Committee changes	<u>(\$10,175,479)</u>	<u>\$1,624,328</u>	<u>(\$167,641)</u>	<u>(\$138,336)</u>	<u>(\$357,520)</u>	<u>(\$172,416)</u>
Conference Committee version (general fund)	\$63,557,319	\$24,956,122	\$13,086,699	\$8,546,858	\$25,243,733	\$11,461,523

	MSU-BOTTINEAU	FOREST SERVICE	UND SCHOOL OF MEDICINE AND HEALTH SCIENCES	TOTAL
Executive budget	\$3,872,632	\$1,573,548	\$28,223,862	\$332,924,847
House changes	319,477	53,203	892,349	(7,521,080)
House version	\$4,192,109	\$1,626,751	\$29,116,211	\$325,403,767
Conference Committee changes:				
Restore EPSCoR funding				\$200,000
Provide funding to complete Schafer Hall hallway renovation project				72,000
Correct other funds portion of Med School pay plan error				
Utility reductions				(554,323)
Remove information technology initiative added by the House	(\$200,000)			(200,000)
Restore a portion of the capital improvement funds removed by the House				250,000
Restore a portion of the specific operating expense reductions made by the House			\$142,449	304,323
Restore all of the Skills Center funding removed by the House				250,000
Provide for a systemwide equity and special needs pool				1,178,000
Funding transferred to the system technology pool				
Funding transferred to the critical salary pool				
Funding transferred to the systemwide equity and special needs pool	(52,352)			
Add funding for electrical distribution, streamline distribution, and roof replacement projects				2,000,000
Funding source change for increased land department revenue distributions	(5,850)			(505,130)
Total Conference Committee changes	<u>(\$258,202)</u>	<u>_____</u>	<u>\$142,449</u>	<u>\$2,994,870</u>
Conference Committee version (general fund)	\$3,933,907	\$1,626,751	\$29,258,660	\$328,398,637

Other funds:

	SYSTEM POOLS	UNIVERSITY SYSTEM OFFICE	BISMARCK STATE COLLEGE	UND-LAKE REGION	UND- WILLISTON	UNIVERSITY OF NORTH DAKOTA
Executive budget		\$4,933,900	\$7,789,776	\$1,948,806	\$2,300,265	\$56,492,071
House changes			11,370,000	6,403,766	1,653,000	278,733,609
House version	\$0	\$4,933,900	\$19,159,776	\$8,352,572	\$3,953,265	\$335,225,680
Conference Committee changes:						
Restore EPSCoR funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds portion of Med School pay plan error						
Utility reductions						
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House						
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide equity and special needs pool						
Funding transferred to the system technology pool						
Funding transferred to the critical salary pool						
Funding transferred to the systemwide equity and special needs pool						
Add funding for electrical distribution, steamline distribution, and roof replacement projects						
Funding source change for increased land department revenue distributions						141,022
Total Conference Committee changes	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$141,022</u>
Conference Committee version (other funds)	\$0	\$4,933,900	\$19,159,776	\$8,352,572	\$3,953,265	\$335,366,702

	NORTH DAKOTA STATE UNIVERSITY	STATE COLLEGE OF SCIENCE	DICKINSON STATE UNIVERSITY	MAYVILLE STATE UNIVERSITY	MINOT STATE UNIVERSITY	VALLEY CITY STATE UNIVERSITY
Executive budget	\$55,698,903	\$9,018,742	\$8,340,726	\$2,878,227	\$11,680,734	\$3,866,587
House changes	111,619,416	15,964,000	6,021,397	7,400,000	18,819,203	8,820,000
House version	\$167,318,319	\$24,982,742	\$14,362,123	\$10,278,227	\$30,499,937	\$12,686,587
Conference Committee changes:						
Restore EPSCoR funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds portion of Med School pay plan error						
Utility reductions						
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House						
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide equity and special needs pool						
Funding transferred to the system technology pool						
Funding transferred to the critical salary pool						
Funding transferred to the systemwide equity and special						

needs pool						
Add funding for electrical distribution, streamline distribution, and roof replacement projects						
Funding source change for increased land department revenue distributions	205,774	83,094	5,850	30,491	5,850	27,199
Total Conference Committee changes	<u>\$205,774</u>	<u>\$83,094</u>	<u>\$5,850</u>	<u>\$30,491</u>	<u>\$5,850</u>	<u>\$27,199</u>
Conference Committee version (other funds)	\$167,524,093	\$25,065,836	\$14,367,973	\$10,308,718	\$30,505,787	\$12,713,786

	MSU- BOTTINEAU	FOREST SERVICE	UND SCHOOL OF MEDICINE AND HEALTH SCIENCES	TOTAL
Executive budget	\$1,418,967	\$859,006	\$59,472,012	\$226,698,722
House changes	<u>2,152,561</u>	<u>1,336,082</u>	<u>(545,582)</u>	<u>469,747,452</u>
House version	\$3,571,528	\$2,195,088	\$58,926,430	\$696,446,174
Conference Committee changes:				
Restore EPSCoR funding				
Provide funding to complete Schafer Hall hallway renovation project				
Correct other funds portion of Med School pay plan error			(\$521,503)	(\$521,503)
Utility reductions				
Remove information technology initiative added by the House	(\$28,135)			(28,135)
Restore a portion of the capital improvement funds removed by the House				
Restore a portion of the specific operating expense reductions made by the House				
Restore all of the Skills Center funding removed by the House				
Provide for a systemwide equity and special needs pool				
Funding transferred to the system technology pool				
Funding transferred to the critical salary pool				
Funding transferred to the systemwide equity and special needs pool				
Add funding for electrical distribution, streamline distribution, and roof replacement projects				
Funding source change for increased land department revenue distributions	5,850			505,130
Total Conference Committee changes	<u>(\$22,285)</u>	<u>\$0</u>	<u>(\$521,503)</u>	<u>(\$44,508)</u>
Conference Committee version (other funds)	\$3,549,243	\$2,195,088	\$58,404,927	\$696,401,666

## Total funds:

	SYSTEM POOLS	UNIVERSITY SYSTEM OFFICE	BISMARCK STATE COLLEGE	UND-LAKE REGION	UND- WILLISTON	UNIVERSITY OF NORTH DAKOTA
Executive budget		\$33,790,425	\$22,302,496	\$6,898,837	\$7,071,427	\$149,847,873
House changes		<u>(15,076,229)</u>	<u>11,834,155</u>	<u>6,523,865</u>	<u>1,801,684</u>	<u>280,860,038</u>
House version	\$0	\$18,714,196	\$34,136,651	\$13,422,702	\$8,873,111	\$430,707,911
Conference Committee changes:						
Restore EPSCoR funding		\$200,000				
Provide funding to complete Schafer Hall hallway renovation project			\$72,000			
Correct other funds portion of Med School pay plan error						
Utility reductions			(27,701)	(\$2,441)	(\$19,776)	(\$435,553)
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed						154,831

by the House						
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide equity and special needs pool	\$1,178,000					
Funding transferred to the system technology pool	21,948,467					(12,291,515)
Funding transferred to the critical salary pool	2,630,992	(2,630,992)				
Funding transferred to the systemwide equity and special needs pool	3,112,128		(185,039)	(59,600)	(60,811)	(944,281)
Add funding for electrical distribution, streamline distribution, and roof replacement projects						
Funding source change for increased land department revenue distributions						
Total Conference Committee changes	<u>\$28,869,587</u>	<u>(\$2,430,992)</u>	<u>(\$140,740)</u>	<u>(\$62,041)</u>	<u>(\$80,587)</u>	<u>(\$13,516,518)</u>
Conference Committee version (total funds)	\$28,869,587	\$16,283,204	\$33,995,911	\$13,360,661	\$8,792,524	\$417,191,393

	NORTH DAKOTA STATE UNIVERSITY	STATE COLLEGE OF SCIENCE	DICKINSON STATE UNIVERSITY	MAYVILLE STATE UNIVERSITY	MINOT STATE UNIVERSITY	VALLEY CITY STATE UNIVERSITY
Executive budget	\$128,100,635	\$31,700,772	\$21,380,019	\$11,339,893	\$36,533,011	\$15,238,154
House changes	<u>112,950,482</u>	<u>16,613,764</u>	<u>6,236,444</u>	<u>7,623,528</u>	<u>19,568,179</u>	<u>9,082,372</u>
House version	\$241,051,117	\$48,314,536	\$27,616,463	\$18,963,421	\$56,101,190	\$24,320,526

Conference Committee changes:

Restore EPSCoR funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds portion of Med School pay plan error						
Utility reductions	(\$65,450)	(\$2,364)		(\$1,038)		
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House	95,169					
Restore a portion of the specific operating expense reductions made by the House	161,874					
Restore all of the Skills Center funding removed by the House	250,000					
Provide for a systemwide equity and special needs pool						
Funding transferred to the system technology pool	(9,656,952)					
Funding transferred to the critical salary pool						
Funding transferred to the systemwide equity and special needs pool	(754,346)	(290,214)	(161,791)	(106,807)	(351,670)	(145,217)
Add funding for electrical distribution, streamline distribution, and roof replacement projects		2,000,000				
Funding source change for increased land department revenue distributions						
Total Conference Committee changes	<u>(\$9,969,705)</u>	<u>\$1,707,422</u>	<u>(\$161,791)</u>	<u>(\$107,845)</u>	<u>(\$351,670)</u>	<u>(\$145,217)</u>
Conference Committee version (total funds)	\$231,081,412	\$50,021,958	\$27,454,672	\$18,855,576	\$55,749,520	\$24,175,309

	MSU- BOTTINEAU	FOREST SERVICE	UND SCHOOL OF MEDICINE AND HEALTH SCIENCES	TOTAL
Executive budget	\$5,291,599	\$2,432,554	\$87,695,874	\$559,623,569
House changes	<u>2,472,038</u>	<u>1,389,285</u>	<u>346,767</u>	<u>462,226,372</u>
House version	\$7,763,637	\$3,821,839	\$88,042,641	\$1,021,849,941
Conference Committee changes:				
Restore EPSCoR				\$200,000

funding				
Provide funding to complete Schafer Hall hallway renovation project			72,000	
Correct other funds portion of Med School pay plan error		(\$521,503)	(521,503)	
Utility reductions			(554,323)	
Remove information technology initiative added by the House	(\$228,135)		(228,135)	
Restore a portion of the capital improvement funds removed by the House			250,000	
Restore a portion of the specific operating expense reductions made by the House		142,449	304,323	
Restore all of the Skills Center funding removed by the House			250,000	
Provide for a systemwide equity and special needs pool			1,178,000	
Funding transferred to the system technology pool				
Funding transferred to the critical salary pool				
Funding transferred to the systemwide equity and special needs pool	(52,352)			
Add funding for electrical distribution, streamline distribution, and roof replacement projects			2,000,000	
Funding source change for increased land department revenue distributions				
Total Conference Committee changes	<u>(\$280,487)</u>	<u>          </u>	<u>(\$379,054)</u>	<u>\$2,950,362</u>
Conference Committee version (total funds)	\$7,483,150	\$3,821,839	\$87,663,587	\$1,024,800,303

This amendment also:

- Adds a section providing that funding for the NDSU/NDSCS Skills Training Center may not be used for the operations of the center and that no general fund support will be provided for the center after the 1999-2001 biennium.
- Adds a section urging the Board of Higher Education to review accreditation of new programs which are already accredited at another institution.
- Adds sections providing directive regarding the allocations to be made from the technology pool, equity and special needs pool, and the critical salary pool.
- Adds a section encouraging the Board of Higher Education to allocate \$200,000 from either the equity and special needs pool or the board initiatives funding to Minot State University - Bottineau for its information technology initiative.
- Adds a section providing for a Legislative Council study of the funding of higher education.
- Adds a section providing for a Legislative Council study of tribally controlled colleges.
- Adds a section directing that any utility savings be used for repair or maintenance items.
- Adds a section providing for additional distributions by the Land Board to the institutions.
- Adds sections providing for the state to join the Midwestern Regional Higher Education Compact.
- Adds a section providing that North Dakota may not participate in the Midwestern Regional Higher Education Compact student exchange program during the 1999-2001 biennium.

Engrossed HB 1003 was placed on the Seventh order of business on the calendar.



**REPORT OF CONFERENCE COMMITTEE**

**HB 1016, as engrossed:** Your conference committee (Sens. Kringstad, Robinson, Nething and Reps. Svedjan, Delzer, Hoffner) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1097-1102, adopt amendments as follows, and place HB 1016 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1097-1102 of the House Journal and pages 966-971 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 2, remove the second "and" and after "12.1-32-07" insert "and subsection 5 of section 19-03.1-23"

Page 1, line 3, after "probationers" insert "and sentencing for drug offenses; to provide an effective date; and to declare an emergency"

Page 1, line 14, replace "115,000" with "118,682"

Page 1, line 15, replace "20,200" with "26,950"

Page 1, line 16, replace "1,000,270" with "1,010,702"

Page 1, line 20, replace "4,229,174" with "4,344,374"

Page 1, line 21, replace "104,321" with "123,571"

Page 1, line 22, replace "35,000" with "74,500"

Page 2, line 1, replace "16,991,440" with "17,165,390"

Page 2, line 2, replace "5,674,504" with "5,839,216"

Page 2, line 3, replace "11,316,936" with "11,326,174"

Page 2, line 8, replace "9,635,277" with "9,836,759"

Page 2, line 9, replace "16,699,252" with "19,350,252"

Page 2, line 11, replace "20,341,166" with "20,465,352"

Page 2, line 13, replace "61,461,535" with "64,438,203"

Page 2, line 14, replace "12,660,179" with "14,865,710"

Page 2, line 15, replace "48,801,356" with "49,572,493"

Page 2, line 16, replace "61,118,562" with "61,909,369"

Page 2, line 17, replace "18,334,683" with "20,704,926"

Page 2, line 18, replace "79,453,245" with "82,614,295"

Page 2, remove lines 29 through 31

Page 3, replace lines 1 through 21 with:

**"SECTION 4. LAND BOARD DISTRIBUTIONS.** Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands shall distribute to the youth correctional center all income from permanent funds managed for the benefit of that institution.

**SECTION 5. CAPITAL PROJECT - ADULT SERVICES DIVISION.** The support services line item in subdivision 3 of section 1 of this Act includes up to \$198,000 from the state general fund which must be used by the department of corrections and rehabilitation for the construction of a security fence around the roughrider industries building at the penitentiary during the 1999-2001 biennium."

Page 3, line 29, replace "thirty-five" with "thirty-six"

Page 3, after line 31, insert:

**"SECTION 7. AMENDMENT.** Subsection 5 of section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

5. A violation of this chapter or a law of another state or the federal government which is equivalent to an offense under this chapter committed while the offender was an adult and which resulted in a plea or finding of guilt must be considered a prior offense under subsections 1, 3, and 4. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.

**SECTION 8. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from federal funds to the department of corrections and rehabilitation for the purpose of defraying its expenses for the period beginning with the effective date of this Act and ending June 30, 1999, as follows:

Operating expenses	\$15,000
Equipment	<u>18,209</u>
Total special funds	\$33,209

**SECTION 9. EFFECTIVE DATE.** Section 6 of this Act is effective for fees collected after December 31, 2000, for offenses committed after June 30, 1999.

**SECTION 10. EMERGENCY.** Sections 7 and 8 of this Act are declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Central Office:						
Salaries and wages	\$878,152	\$865,070		\$865,070	\$865,070	
Operating expenses	118,682	115,000	\$3,682	118,682	118,682	
Equipment	<u>26,950</u>	<u>20,200</u>	<u>6,750</u>	<u>26,950</u>	<u>26,950</u>	
Total all funds	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702	\$1,010,702	\$0
Less estimated income						
Total general fund	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702	\$1,010,702	\$0
Juvenile Services:						
Salaries and wages	\$9,764,955	\$9,552,045		\$9,552,045	\$9,552,045	
Operating expenses	4,344,374	4,229,174	\$115,200	4,344,374	4,344,374	
Equipment	141,771	104,321	19,250	123,571	123,571	
Capital improvements	371,900	35,000	39,500	74,500	74,500	
Grants	2,870,900	2,870,900		2,870,900	2,870,900	
Delinquency prevention consortium	200,000	200,000		200,000	200,000	
Total all funds	\$17,693,900	\$16,991,440	\$173,950	\$17,165,390	\$17,165,390	\$0
Less estimated income	<u>5,688,979</u>	<u>5,674,504</u>	<u>164,712</u>	<u>5,839,216</u>	<u>5,839,216</u>	
Total general fund	\$12,004,921	\$11,316,936	\$9,238	\$11,326,174	\$11,326,174	\$0
Adult Services:						
Victim services	\$2,610,550	\$2,609,036		\$2,609,036	\$2,609,036	
Institutional offender services	828,335	821,649		821,649	821,649	
Community offender services	10,029,660	9,635,277	\$201,482	9,836,759	9,836,759	
Support services	20,234,931	16,699,252	2,651,000	19,350,252	19,350,252	
Program services	3,853,788	3,833,361		3,833,361	3,833,361	
Security and safety	23,625,750	20,341,166	124,186	20,465,352	21,576,321	(\$1,110,969)
Roughrider Industries	<u>9,243,724</u>	<u>7,521,794</u>		<u>7,521,794</u>	<u>7,521,794</u>	
Total all funds	\$70,426,738	\$61,461,535	\$2,976,668	\$64,438,203	\$65,549,172	(\$1,110,969)
Less estimated income	<u>16,335,431</u>	<u>12,660,179</u>	<u>2,205,531</u>	<u>14,865,710</u>	<u>14,865,710</u>	
Total general fund	\$54,091,307	\$48,801,356	\$771,137	\$49,572,493	\$50,683,462	(\$1,110,969)
Grand total all funds	\$89,144,422	\$79,453,245	\$3,161,050	\$82,614,295	\$83,725,264	(\$1,110,969)
Less grand total special funds	<u>22,024,410</u>	<u>18,334,683</u>	<u>2,370,243</u>	<u>20,704,926</u>	<u>20,704,926</u>	
Grand total general fund	\$67,120,012	\$61,118,562	\$790,807	\$61,909,369	\$63,020,338	(\$1,110,969)

FTE 577.21 546.68 26.00 572.68 572.68 0.00

Detail of Conference Committee changes to the House version:

	RESTORE EQUIPMENT	RESTORE OPERATING EXPENSES	RESTORE CAPITAL IMPROVEMENTS	REDUCE CAPITAL IMPROVEMENTS	DELAY SUPERVISION FEE INCREASE	FUNDING SOURCE CHANGE FOR YOUTH CORRECTIONAL CENTER 12-MONTH SCHOOL
Central Office:						
Salaries and wages		\$3,682 <sup>3</sup>				
Operating expenses	\$6,750 <sup>1</sup>					
Equipment						
Total all funds	\$6,750	\$3,682	\$0	\$0	\$0	\$0
Less estimated income						
Total general fund	\$6,750	\$3,682	\$0	\$0	\$0	\$0
Juvenile Services:						
Salaries and wages		\$115,200 <sup>4</sup>				
Operating expenses	\$19,250 <sup>2</sup>					
Equipment			\$39,500 <sup>5</sup>			
Capital improvements						
Grants						
Delinquency prevention consortium						
Total all funds	\$19,250	\$115,200	\$39,500	\$0	\$0	\$0
Less estimated income	19,250					12,094 <sup>9</sup>
Total general fund	\$0	\$115,200	\$39,500	\$0	\$0	(\$12,094) <sup>9</sup>
Adult Services:						
Victim services						
Institutional offender services						
Community offender services						
Support services			\$2,751,000 <sup>6</sup>	(\$100,000) <sup>7</sup>		
Program services						
Security and safety						
Roughrider Industries						
Total all funds	\$0	\$0	\$2,751,000	(\$100,000)	\$0	\$0
Less estimated income			2,313,531		(108,000) <sup>8</sup>	
Total general fund	\$0	\$0	\$437,469	(\$100,000)	\$108,000 <sup>8</sup>	\$0
Grand total all funds	\$26,000	\$118,882	\$2,790,500	(\$100,000)	\$0	\$0
Less grand total special funds	19,250		2,313,531		(108,000)	12,094
Grand total general fund	\$6,750	\$118,882	\$476,969	(\$100,000)	\$108,000	(\$12,094)
	RESTORE POSITIONS AND RELATED OPERATING EXPENSES	RESTORE POSITIONS AND OPERATING EXPENSES FOR 5TH AND 6TH FLOOR RENOVATION AT JRCC	REDUCE OPERATING EXPENSES FOR CONTRACT INMATE HOUSING	FUNDING SOURCE CHANGE TO REFLECT ADDITIONAL LAND DEPARTMENT DISTRIBUTIONS	TOTAL CONFERENCE COMMITTEE CHANGES	
Central Office:						
Salaries and wages					\$3,682	
Operating expenses					6,750	
Equipment						
Total all funds	\$0	\$0	\$0	\$0	\$10,432	
Less estimated income						
Total general fund	\$0	\$0	\$0	\$0	\$10,432	
Juvenile Services:						
Salaries and wages					\$115,200	
Operating expenses					19,250	
Equipment					39,500	
Capital improvements						
Grants						
Delinquency prevention consortium						
Total all funds	\$0	\$0	\$0	\$0	\$173,950	
Less estimated income				133,368 <sup>14</sup>	164,712	
Total general fund	\$0	\$0	\$0	(\$133,368) <sup>14</sup>	\$9,238	
Adult Services:						
Victim services						
Institutional offender services						
Community offender services	\$201,482 <sup>10</sup>				\$201,482	
Support services					2,651,000	
Program services						
Security and safety	115,390 <sup>11</sup>	\$857,345 <sup>12</sup>	(\$848,549) <sup>13</sup>		124,186	

Roughrider Industries					
Total all funds	\$316,872	\$857,345	(\$848,549)	\$0	\$2,976,668
Less estimated income					<u>2,205,531</u>
Total general fund	\$316,872	\$857,345	(\$848,549)	\$0	\$771,137
Grand total all funds	\$316,872	\$857,345	(\$848,549)	\$0	\$3,161,050
Less grand total special funds				133,368	<u>2,370,243</u>
Grand total general fund	\$316,872	\$857,345	(\$848,549)	(\$133,368)	\$790,807
FTE	6.00	20.00	0.00	0.00	26.00

Conference Committee changes narrative:

This amendment makes the following changes:

- Removes Section 4 of the engrossed bill, which provided legislative intent that during the 1999-2001 biennium, the department monitor changes in the inmate population and the number of correctional cells available to house state inmates through contractual agreements and present a report to the Legislative Council.
  - Remove Section 5 of the engrossed bill, which provided legislative intent that during the 1999-2001 biennium, the department operate programs to provide alternatives to incarceration and present to the Budget Section periodic reports on the effectiveness of these programs.
  - Adds Section 7, which amends North Dakota Century Code Section 19-03.1-23 relating to sentencing for drug offenses.
  - Adds Section 8, which provides an appropriation of \$33,209 from federal funds for the 1997-99 biennium.
- 1 Restores the House reduction to the equipment line item for the Central Office, increasing the total amount from \$20,200 to \$26,950.
  - 2 Restores the following House reductions, but provides special funds spending authority, rather than general fund spending authority which was removed by the House:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Youth Correctional Center:			
Restores funding for computer purchases, increasing the total amount from \$37,500 to \$50,000		\$12,500	\$12,500
Restores funding for replacement of a tractor, increasing the total amount from \$10,000 to \$15,000		5,000	5,000
Juvenile Community Services:			
Restores funding for equipment, increasing the total amount from \$5,250 to \$7,000		1,750	1,750
Total Juvenile Services Division equipment restorations	\$0	\$19,250	\$19,250

- 3 Restores the House reduction to the operating expenses line item for the Central Office, increasing the total amount from \$115,000 to \$118,682.
- 4 Restores the House reductions to the operating expenses line item for the Juvenile Services Division, increasing the total amount from \$4,229,174 to \$4,344,374. The restoration includes \$32,200 for medical-related expenses at the Youth Correctional Center and \$83,000 for Juvenile Services Division community programs.
- 5 Restores a portion of the House reduction for Youth Correctional Center extraordinary repairs, increasing the total amount from \$35,000 to \$74,500. The executive budget included \$150,900.

- 6 Restores funding for capital improvements for the Adult Services Division as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Restores funding for the 5th and 6th floors renovation project at the JRCC (The House removed the same total amount, but \$259,469 from the general fund and \$2,093,531 from federal funds. The Conference Committee is adding \$39,469 from the general fund, \$1,913,531 from federal funds, and \$400,000 from the Penitentiary land replacement fund.)	\$39,469	\$2,313,531	\$2,353,000
Restores funding for a security fence around the Roughrider Industries building	198,000		198,000
Restores funding for parking lot construction at the JRCC, increasing the total amount for the project from \$40,000 to \$71,000	31,000		31,000
Restores funding for forensic building lobby, front entrance, and other JRCC improvements, increasing the total amount for these projects from \$200,000 to \$325,000	125,000		125,000
Restores funding for security improvements at the JRCC, increasing the total amount for the project from \$100,000 to \$121,000	21,000		21,000
Restores funding for extraordinary repairs for a JRCC ventilation project (The House reduced total extraordinary repairs funding for adult services from \$1,003,700 to \$650,000.)	23,000		23,000
Total Adult Services Division capital improvements restorations	\$437,469	\$2,313,531	\$2,751,000

- 7 Removes funding for parking lot improvements at the Penitentiary. The House reduced the amount included in the executive budget for this project from \$325,000 to \$100,000.
- 8 Reduces other funds and increases general fund spending authority to reflect delaying collection of increased probation supervision fees until January 1, 2001. The amendment increases fees to \$36 per month. The House increased fees to \$35 per month, effective July 1, 1999.
- 9 Increases other funds and decreases general fund spending authority for the 12-month school program at the Youth Correctional Center. The \$12,094 of other funds spending authority was removed by the House, but reflects federal funds anticipated to be available.
- 10 Restores funding for the following FTE positions and related operating expenses included in the community offender services line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Restores administrative secretary III positions removed by the House	2.00	\$95,436		\$95,436
Restores related operating expenses removed by the House		41,848		41,848
Removes funding for temporary salaries added by the House		(38,436)		(38,436)
b. Restores community corrections agent removed by the House	1.00	53,024		53,024
Restores related operating expenses removed by the House		2,531		2,531
c. Restores parole and probation officer II removed by the House	1.00	36,657		36,657
Restores related operating expenses		<u>10,422</u>		<u>10,422</u>
Total positions and related costs restored for community offender services	4.00	\$201,482	\$0	\$201,482

- 11 Restores funding for the following FTE positions and related operating expenses included in the security and safety line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Restores correctional officer II positions for the JRCC	2.00	\$110,910		\$110,910
Restores related operating expenses		<u>4,480</u>		<u>4,480</u>
Total positions and related costs restored for the security and safety program	2.00	\$115,390	\$0	\$115,390

- <sup>12</sup> Restores funding for 20 FTE positions and related operating expenses for the operation of the JRCC 5th and 6th floors. The executive budget assumed that the JRCC would be completed by May 2000. The House removed \$1,463,679 for the FTE positions and the operation of the facility. The Conference Committee amendment restores \$857,345 and assumes that the facility will be completed by November 2000.
- <sup>13</sup> Reduces funding for contract inmate housing, reducing the amount provided from \$2,661,040 in the House version and \$2,923,460 in the Senate version to \$1,812,491 in the Conference Committee version. The House reduced the executive budget amount of \$4,085,300 by \$1,424,260. The House amount was based on inmate population growth of 10 percent the first year of the 1999-2001 biennium, 15 percent growth the second year; a July 1, 1999, population of 950 inmates; alternatives to incarceration saving 135 prison beds per month; not completing the 5th and 6th floors of the JRCC; and contracting for inmate beds at the daily rate of \$47 for the first 82 beds and additional beds at \$55 the first year and \$60 the second year. The Senate amount was based on 10 percent inmate growth the first year of the biennium, 15 percent growth the second year; a July 1, 1999, population of 975 inmates; alternatives to incarceration saving 115 prison beds per month; November 2000 completion of the 5th and 6th floors of the JRCC; and contracting for inmate beds at the daily rate of \$55 the first year and \$60 the second year. The Conference Committee amount is based on a July 1, 1999, population of 962 inmates; alternatives to incarceration saving 125 prison beds per month; and the contracting daily rates used in the House version.
- <sup>14</sup> Increases other funds and decreases general fund spending authority for the Juvenile Services Division to reflect an additional \$133,368 anticipated to be distributed to the Youth Correctional Center from the Board of University and School Lands. Section 4 is added which directs the Board of University and School Lands to distribute all available trust fund income for the 1999-2001 biennium.

Engrossed HB 1016 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1475, as engrossed:** Your conference committee (Sens. C. Nelson, Nething, Tallackson and Reps. Dorso, Dalrymple, Aarsvold) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1187, adopt further amendments as follows, and place HB 1475 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1187 of the House Journal and pages 1053 and 1054 of the Senate Journal and that Engrossed House Bill No. 1475 be further amended as follows:

Page 1, line 12, replace "shall" with "must" and replace "appropriated" with "allocated"

Page 1, line 13, remove "for purposes only"

Page 1, line 23, replace "resources" with "water development"

Page 2, after line 2, insert:

"Notwithstanding the provisions of this section, during each biennium transfers that would be made to the common schools trust fund under subsection 2 must instead be transferred to the water development trust fund until the state water commission certifies to the state treasurer that deposits in the water development trust fund during that biennium are sufficient to pay the principal and interest for that biennium on bonds authorized under section 61-02.1-01. When that certification is received, the state treasurer shall determine the amount deposited in the water development trust fund during that biennium and transfers that would be made to the water development trust fund under subsection 3 must instead be transferred to the common schools trust fund until deposits in the common schools trust fund during that biennium are equal to the amount deposited in the water development trust fund during that biennium or until the end of the biennium, whichever occurs first."

Renumber accordingly

Engrossed HB 1475 was placed on the Seventh order of business on the calendar.

#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2168, SB 2344.

#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

**MR. SPEAKER:** The Senate has adopted the conference committee report on SB 2202.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2168, as engrossed:** Your conference committee (Sens. St. Aubyn, Bowman, Krauter and Reps. Delzer, Timm, Kerzman) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1101-1102, adopt further amendments as follows, and place SB 2168 on the Seventh order:

That the Senate accede to the House amendments as printed on pages 1101 and 1102 of the Senate Journal and pages 1150 and 1151 of the House Journal and that Engrossed Senate Bill No. 2168 be further amended as follows:

Page 3, line 15, replace "the period beginning July first of each year and ending" with "a twelve-month period determined by the department"

Page 3, line 16, remove "June thirtieth of the next year"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

CONFERENCE COMMITTEE - The Senate accedes to the House amendment which changes Section 3 to reflect changes to Senate Bill No. 2036, amends Section 4 to reflect a revised total of \$12,409,448, of which \$3,618,391 is from the general fund, related to the government nursing facility funding pool in Section 2, amends Section 5 to reflect total trust fund deposits of \$8,524,820, of which \$4,262,410 will be appropriated in Senate Bill No. 2012 for the SPED program and \$4,262,410 for the trust fund loans and grants with an additional \$190,460 of trust fund earnings for loans and grants, limits Department of Human Services share of a project to \$1 million or 80 percent of project costs, whichever is less, and provides an expiration date.

In addition, the Conference Committee adds language to change the "fiscal period" definition from a July 1 to June 30 reference to a 12-month period as determined by the Department of Human Services.

Engrossed SB 2168 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2202, as engrossed:** Your conference committee (Sens. Christmann, Bowman, Heitkamp and Reps. Carlson, Poolman, Aarsvold) recommends that the **HOUSE RECEDE** from the House amendments and place SB 2202 on the Seventh order.

Engrossed SB 2202 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2344, as engrossed:** Your conference committee (Sens. Cook, Freborg, O'Connell and Reps. D. Johnson, Drovdal, Solberg) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 904-905, adopt amendments as follows, and place SB 2344 on the Seventh order:

That the House recede from its amendments as printed on pages 904 and 905 of the Senate Journal and pages 981 and 982 of the House Journal and that Engrossed Senate Bill No. 2344 be amended as follows:

Page 1, line 1, remove "to create and enact a new section to chapter 15-40.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to the closure of schools in weather emergencies;"

Page 1, line 4, replace "; and" with a period

Page 1, remove lines 5 and 6

Page 1, remove lines 8 through 18

Page 3, remove lines 9 and 10

Renumber accordingly

Engrossed SB 2344 was placed on the Seventh order of business on the calendar.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1002, HB 1017.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1108, as engrossed:** Your conference committee (Sens. Mutch, Krebsbach, Heitkamp and Reps. Dorso, Clark, Sandvig) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1035-1036, adopt amendments as follows, and place HB 1108 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1035 and 1036 of the House Journal and pages 879 and 880 of the Senate Journal and that Engrossed House Bill No. 1108 be amended as follows:

Page 4, line 5, after the second period insert "The definitions in this section may not be construed to subject a telecommunications carrier or telecommunications service to the provisions of title 49."

Page 6, line 3, replace "4" with "3"

Page 6, line 10, replace "4" with "3"

Page 6, remove lines 11 through 16

Page 6, line 17, replace "4" with "3"

Page 7, line 4, replace "4" with "3"

Page 10, line 2, replace "through 3" with "and 2"

Renumber accordingly

Engrossed HB 1108 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1135, as engrossed:** Your conference committee (Sens. Mutch, Sand, D. Mathern and Reps. Berg, Keiser, Glassheim) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1012, adopt further amendments as follows, and place HB 1135 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1012 of the House Journal and page 838 of the Senate Journal and that Engrossed House Bill No. 1135 be further amended as follows:

Page 1, line 1, remove the second "and" and after "52-04-09" insert ", and 52-06-05"

Page 1, line 3, replace "and" with a comma and after "rates" insert ", and maximum potential benefits"

Page 1, line 7, overstrike "**2000**" and insert immediately thereafter "**1999**"

Page 1, line 15, replace "October" with "January" and replace "1999" with "2000"

Page 2, line 6, replace "Progress towards achieving the targeted amount" with "The trust fund reserve target will be achieved over a seven-year period from January 1, 2000. Progress toward achieving the targeted amount of the trust fund reserve is measured by reducing any difference between one and the average high-cost multiple of the state by an amount that is at least equal to the ratio of the number of years left to reach the targeted amount of the trust fund reserve to the difference between the trust fund reserve and the targeted amount."

Page 2, remove lines 7 through 9

Page 2, line 10, replace "amount and if" with "If"

Page 2, line 15, after the underscored period insert "In setting tax rates, the amount of the trust fund reserve may not be allowed to fall below three hundred percent from a standard margin of error for the targeted amount of the trust fund reserve. The executive director may make reasonable adjustments to the tax rates set for a calendar year to prevent significant rate variations between calendar years."



Page 2, line 16, after the underscored period insert "If while achieving the trust fund reserve target the trigger of above three percent insured unemployment rate and an increase of more than one hundred ten percent of the average of the two preceding years has been in effect for two or more consecutive years, the period of time to achieve the trust fund reserve target is extended to seven years from the end date of the last year in which the trigger was in effect. If this trigger has been in effect for one year, the amount of tax increase towards achieving the targeted amount of the trust fund reserve must be determined using the number of years remaining of the seven-year period, excluding the year the trigger is in effect."

Page 4, line 5, after the period insert "During the building of the trust fund reserve, the rate assigned to an employer may not exceed one hundred thirty percent of the previous year's rate for that employer and an employer may not receive more than a ten percent decrease in that employer's rate from the previous year's tax rate, for the calendar years 2000, 2001, and 2002. The executive director may provide any negative employer whose contributions paid into the trust fund are greater than the benefit charges against that employer's account, for a minimum of three consecutive years immediately preceding the computation date or subject to the law as required, with up to a thirty percent reduction to that employer's rate for any year if that employer has in place a plan approved by the bureau which addresses substantive changes to that employer's business operation and ensures that any rate reduction provided will not put the employer account back into a negative status."

Page 4, line 31, overstrike "**2000**" and insert immediately thereafter "**1999**"

Page 5, line 8, replace "October" with "January" and replace "1999" with "2000"

Page 5, line 23, replace "Progress towards achieving the targeted amount" with "The trust fund reserve target will be achieved over a seven-year period from January 1, 2000. Progress toward achieving the targeted amount of the trust fund reserve is measured by reducing any difference between one and the average high-cost multiple of the state by an amount that is at least equal to the ratio of the number of years left to reach the targeted amount of the trust fund reserve to the difference between the trust fund reserve and the targeted amount."

Page 5, remove lines 24 through 26

Page 5, line 27, replace "amount and if" with "If"

Page 6, line 1, after the underscored period insert "In setting tax rates, the amount of the trust fund reserve may not be allowed to fall below three hundred percent from a standard margin of error for the targeted amount of the trust fund reserve. The executive director may make reasonable adjustments to the tax rates set for a calendar year to prevent significant rate variations between calendar years."

Page 6, line 2, after the underscored period insert "If while achieving the trust fund reserve target the trigger of above three percent insured unemployment rate and an increase of more than one hundred ten percent of the average of the two preceding years has been in effect for two or more consecutive years, the period of time to achieve the trust fund reserve target is extended to seven years from the end date of the last year in which the trigger was in effect. If this trigger has been in effect for one year, the amount of tax increase towards achieving the targeted amount of the trust fund reserve must be determined using the number of years remaining of the seven-year period, excluding the year the trigger is in effect."

Page 7, line 15, after the period insert "During the building of the trust fund reserve, the rate assigned to an employer may not exceed one hundred thirty percent of the previous year's rate for that employer and an employer may not receive more than a ten percent decrease in that employer's rate from the previous year's rate, for the calendar years 2000, 2001, and 2002. The executive director may provide any negative employer whose contributions paid into the trust fund are greater than the benefit charges against that employer's account, for a minimum of three consecutive years immediately preceding the computation date or subject to the law as required, with up to a thirty percent reduction to that employer's rate for any year if that employer has in place a plan approved by the bureau which addresses substantive changes to that employer's business operation and ensures that any rate reduction provided will not put the employer account back into a negative status."

Page 11, after line 21, insert:

**"SECTION 4. AMENDMENT.** Section 52-06-05 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**52-06-05. (Effective through December 31, 1999) Maximum potential benefits.**

1. Except as provided in subsection 2, any otherwise eligible individual is entitled during the individual's benefit year to benefits for the number of times the individual's weekly benefit amount appearing in the following table on the line that includes the individual's ratio of total base-period wages to highest quarter base-period wages:

Ratio of Total Base-Period Wages to High Quarter	Times Weekly Benefit Amount
1.50 to 2.29	12
2.30 to 2.44	14
2.45 to 2.59	16
2.60 to 2.74	18
2.75 to 2.89	20
2.90 to 3.04	22
3.05 to 3.19	24
3.20 or more	26

2. Any otherwise eligible individual ~~whose entire~~ with at least sixty percent of that individual's base-period earnings ~~were~~ paid by an employer belonging to industry group number 161, highway and street construction, except elevated highways, pursuant to the standard industrial classification manual is entitled during the individual's benefit year to benefits for the number of times the individual's weekly benefit amount appearing in the following table on the line that includes the individual's ratio of total base-period wages to highest quarter base-period wages:

Ratio of Total Base-Period Wages to High Quarter	Times Weekly Benefit Amount
1.50 to 1.73	12
1.74 to 1.97	14
1.98 to 2.21	16
2.22 to 2.45	18
2.46 to 2.69	20
2.70 to 2.93	22
2.94 to 3.17	24
3.18 or more	26

**(Effective after December 31, 1999) Maximum potential benefits.** Any otherwise eligible individual is entitled during the individual's benefit year to benefits for the number of times the individual's weekly benefit amount appearing in the following table on the line which includes the individual's ratio of total base-period wages to highest quarter base-period wages:

Ratio of Total Base-Period Wages to High Quarter	Times Weekly Benefit Amount
1.50 to 2.29	12
2.30 to 2.44	14
2.45 to 2.59	16
2.60 to 2.74	18
2.75 to 2.89	20
2.90 to 3.04	22
3.05 to 3.19	24
3.20 or more	26

**SECTION 5. JOB SERVICE NORTH DAKOTA - REPORT TO LEGISLATIVE COUNCIL - LEGISLATIVE COUNCIL RECOMMENDATIONS.** During the 1999-2000 interim, job service North Dakota shall review possible incentives to encourage an employee to decrease the length of time that employee receives unemployment compensation benefits and to encourage a negative employer to become a positive employer and job service North Dakota shall report the results of this review to the legislative council. The legislative council shall report its recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly."

Renumber accordingly

Engrossed HB 1135 was placed on the Seventh order of business on the calendar.

**THE HOUSE RECONVENED**, with Speaker Wald presiding.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2015: Reps. Dalrymple, Byerly, Huether.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

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

**SB 2015:** Reps. Dalrymple; Byerly; Huether

**REPORT OF CONFERENCE COMMITTEE**

**REP. CARLSON MOVED** that the conference committee report on Engrossed SB 2202 be adopted, which motion prevailed on a verification vote.

Engrossed SB 2202, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2202:** A BILL for an Act to amend and reenact section 15-40.1-13 of the North Dakota Century Code, relating to distribution of mineral royalties to counties and school districts; to provide a continuing 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, the roll was called and there were 94 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Monson

**ABSENT AND NOT VOTING:** Bernstein; DeKrey; Stefonowicz

Engrossed SB 2202, as amended, passed and the title was agreed to.

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**MOTION**

**REP. DORSO MOVED** that the House be on the Seventh and Twelfth orders of business and at the conclusion of those orders, the House stand in recess until 4:30 p.m., which motion prevailed.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2202.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1011, as engrossed:** Your conference committee (Sens. Nething, Kringstad, Tallackson and Reps. Keiser, Dalrymple, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1192-1193, adopt amendments as follows, and place HB 1011 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1192 and 1193 of the House Journal and pages 1063 and 1064 of the Senate Journal and that Engrossed House Bill No. 1011 be amended as follows:

Page 1, line 1, replace the semicolon with a period

Page 1, remove lines 2 and 3

Page 1, line 11, replace "22,187,004" with "22,083,004"

Page 1, line 13, replace "25,105,990" with "25,001,990"

Page 1, line 14, replace "15,799,754" with "15,695,754"

Page 1, line 17, replace "\$13,185,610" with "\$13,285,610"

Page 2, remove lines 10 through 31

Page 3, remove lines 1 and 2

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 504 - HIGHWAY PATROL

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE COMPARISON TO SENATE VERSION
Administration	\$2,016,729	\$1,996,541		\$1,996,541	\$1,996,541	
Field operations	22,564,316	22,187,004	(\$104,000)	22,083,004	22,083,004	
Law enforcement training academy	<u>927,900</u>	<u>922,445</u>		<u>922,445</u>	<u>922,445</u>	
Total all funds	\$25,508,945	\$25,105,990	(\$104,000)	\$25,001,990	\$25,001,990	\$0
Less special funds	<u>15,604,953</u>	<u>15,799,754</u>	(104,000)	<u>15,695,754</u>	<u>15,695,754</u>	
General fund	\$9,903,992	\$9,306,236	\$0	\$9,306,236	\$9,306,236	\$0
FTE	198.00	198.00	0.00	198.00	198.00	0.00

Detail of Conference Committee changes to the House version includes:

	RESTORE MOBILE DATA TERMINAL MAINTENANCE FUNDING	RESTORE FUNDING CHANGE FOR LAW ENFORCEMENT TRAINING ACADEMY	REDUCE FUNDING IN UNDESIGNATED AREAS	TOTAL CONFERENCE COMMITTEE CHANGES
Administration				
Field operations	\$40,000 <sup>1</sup>		(\$144,000) <sup>3</sup>	(\$104,000)
Law enforcement training academy				
Total all funds	\$40,000	\$0	(\$144,000)	(\$104,000)
Less special funds		(104,000) <sup>2</sup>		(104,000)
General fund	\$40,000	\$104,000	(\$144,000)	\$0
FTE	0.00	0.00	0.00	0.00

Conference Committee changes narrative:

<sup>1</sup> Restores funding removed by the House for maintenance of the mobile data terminals, the Senate also restored this funding.

<sup>2</sup> Removes provisions added by the House which would have required the Highway Patrol to charge fees to non-Highway Patrol personnel attending courses at the Law Enforcement Training Academy. The increased special fund revenue which would have been generated from this fee is being replaced with general fund moneys. The Senate also made this change.

<sup>3</sup> Reduces funding in the field operations program, the same as the Senate version. The Highway Patrol may determine the specific areas of the budget to reduce.

Sections added by the House establishing a special fund and providing that the Office of Management and Budget's facility management division pay \$50,000, the Supreme Court pay \$30,000, and the Legislative Assembly pay \$20,000 to the Highway Patrol for capitol grounds security services are removed. The \$100,000 of funding that was to be provided for the security services from these agencies is now being provided from the highway fund.

The section added by the House transferring \$100,000 from the highway fund to the general fund during the 1999-2001 biennium is removed.

Engrossed HB 1011 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1462, as engrossed:** Your conference committee (Sens. Wardner, Urlacher, Kinnoin and Reps. Mickelson, Timm, Warner) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 986-989, adopt amendments as follows, and place HB 1462 on the Seventh order:

That the Senate recede from its amendments as printed on pages 986-989 of the House Journal and pages 823-826 of the Senate Journal and that Engrossed House Bill No. 1462 be amended as follows:

Page 1, line 4, after "inventories" insert ", use of dyed special fuel in a licensed motor vehicle"

Page 1, line 5, after "enforcement" insert ", administrative fees"

Page 1, line 10, after "57-43.1-27" insert ", 57-43.2-02.2,"

Page 1, line 11, after "losses" insert ", refunds of special fuels taxes,"

Page 16, line 20, overstrike "The special excise tax applies to all special fuels taxed under section 57-43.2-02"

Page 16, overstrike line 21

Page 16, line 22, overstrike "3."

Page 16, line 25, overstrike "4." and insert immediately thereafter "3."

Page 17, line 1, overstrike "5." and insert immediately thereafter "4."

Page 17, line 3, remove the overstrike over "~~specify the purpose for which the special fuel was sold~~" and remove the overstrike over "and"

Page 17, line 5, overstrike "6." and insert immediately thereafter "5."

Page 17, line 7, replace "7" with "6"

Page 17, line 11, replace "8" with "7"

Page 17, line 21, replace "9" with "8"

Page 17, line 27, replace "10" with "9"

Page 26, line 3, replace "**Penalties**" with "**Administrative fees**"

Page 26, line 10, replace "civil penalties" with "administrative fees"

Page 26, line 11, replace "one" with "two", after "hundred" insert "fifty", and replace "fine" with "fee"

Page 26, line 12, replace "fine" with "fee"

Page 26, line 14, replace "fine" with "fee"

Page 26, line 16, replace "fine" with "fee"

Page 27, line 5, after "hearing" insert "before the tax commissioner in the manner provided in chapter 28-32 if, within thirty days after receiving a citation, the person requests a hearing"

Page 27, after line 13, insert:

- "6. All administrative fees or civil penalties under this section may be completely or partially waived by the tax commissioner for good cause shown, and any fees or penalties not waived must be collected by the tax commissioner and transferred to the state treasurer and deposited in the highway tax distribution fund."

Page 53, line 20, after "Code" insert ", section 57-43.2-02.2 of the 1997 Supplement to the North Dakota Century Code,"

Renumber accordingly

Engrossed HB 1462 was placed on the Seventh order of business on the calendar.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2355.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2355, as engrossed:** Your conference committee (Sens. Wanzek, Klein, Kinnoin and Reps. Brusegaard, Berg, Froelich) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1129-1130, adopt amendments as follows, and place SB 2355 on the Seventh order:

That the House recede from its amendments as printed on pages 1129 and 1130 of the Senate Journal and pages 1166 and 1167 of the House Journal and that Engrossed Senate Bill No. 2355 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 11-33-02 and 58-03-11 of the North Dakota Century Code, relating to zoning regarding farming and ranching.

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

**SECTION 1. AMENDMENT.** Section 11-33-02 of the North Dakota Century Code is amended and reenacted as follows:

**11-33-02. Board of county commissioners to designate districts.**

1. For any or all of the purposes designated in section 11-33-01, the board of county commissioners may divide by resolution ~~divide~~ all or any parts of the county, subject to ~~the provisions of~~ section 11-33-20, into districts of such number, shape, and area as may be ~~deemed~~ determined necessary, and ~~may~~ likewise may enact suitable regulations to carry out the purposes of this chapter. These regulations ~~shall~~ must be uniform in each district, but the regulations in one district may differ from those in other districts. ~~No~~ A regulation or restriction, ~~however, shall~~ may not prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming. ~~The provisions of this~~ For purposes of this section, "farming or ranching" means cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services.
2. A board of county commissioners may regulate the nature and scope of concentrated feeding operations permissible in the county; however, if a regulation would impose a substantial economic burden on a concentrated feeding operation in existence before the effective date of the regulation, the board of county commissioners shall declare that the regulation is ineffective with respect to any concentrated feeding operation in existence before the effective date of the regulation.
3. A regulation may not preclude the development of a concentrated feeding operation in the county. A regulation addressing the development of a

concentrated feeding operation in the county may set reasonable standards, based on the size of the operation, to govern its location.

4. For purposes of this section, "concentrated feeding operation" means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate, or in an area where the space per animal unit is less than six hundred square feet [55.74 square meters]. The term does not include normal wintering operations for cattle. For purposes of this section, "livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, and fur animals raised for their pelts.
5. A board of county commissioners may not prohibit, through regulation, the reasonable diversification or expansion of a farming or ranching operation.
6. This chapter ~~shall~~ does not be construed to include any power relating to the establishment, repair, and maintenance of highways or roads.

**SECTION 2. AMENDMENT.** Section 58-03-11 of the North Dakota Century Code is amended and reenacted as follows:

**58-03-11. Establishment of zoning districts - Limitation - Scope of zoning regulations and restrictions.**

1. For the purpose of promoting the health, safety, morals, or the general welfare, or to secure the orderly development of approaches to municipalities, the board of township supervisors may establish one or more zoning districts and within such districts may, subject to the provisions of chapter 54-21.3, regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. All such regulations and restrictions must be uniform throughout each district, but the regulations and restrictions in one district may differ from those in other districts.
2. ~~No~~ A regulation or restriction, ~~however,~~ may ~~not~~ prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming. ~~The provisions of sections~~ or ranching. For purposes of this section, "farming or ranching" means cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services.
3. A board of township supervisors may regulate the nature and scope of concentrated feeding operations permissible in the township; however, if a regulation would impose a substantial economic burden on a concentrated feeding operation in existence before the effective date of the regulation, the board of township supervisors shall declare that the regulation is ineffective with respect to any concentrated feeding operation in existence before the effective date of the regulation.
4. A regulation may not preclude the development of a concentrated feeding operation in the township. A regulation addressing the development of a concentrated feeding operation in the township may set reasonable standards, based on the size of the operation, to govern its location.
5. For purposes of this section, "concentrated feeding operation" means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate, or in an area where the space per animal unit is less than six hundred square feet [55.74 square meters]. The term does not include normal wintering operations for cattle. For purposes of this section, "livestock" includes beef

cattle, dairy cattle, sheep, swine, poultry, horses, and fur animals raised for their pelts.

6. A board of township supervisors may not prohibit, through regulation, the reasonable diversification or expansion of a farming or ranching operation.
7. Sections 58-03-11 through 58-03-15 may do not be construed to include any power relating to the establishment, repair, and maintenance of highways or roads."

Renumber accordingly

Engrossed SB 2355 was placed on the Seventh order of business on the calendar.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has not adopted the conference committee report on HB 1131. The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

**HB 1131:** Reps. Mickelson; R. Kelsch; Mahoney

**REPORT OF CONFERENCE COMMITTEE**

**HB 1038, as engrossed:** Your conference committee (Sens. Kilzer, Thane, DeMers and Reps. Weisz, Dalrymple, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1120, adopt amendments as follows, and place HB 1038 on the Seventh order:

That the Senate recede from its amendments as printed on page 1120 of the House Journal and pages 699 and 700 of the Senate Journal and that Engrossed House Bill No. 1038 be amended as follows:

Page 1, line 5, replace "ambulance" with "prehospital emergency" and replace "assistance billings" with "services"

Page 1, line 6, replace "for appropriated funds" with "department of human services medical assistance reimbursement rates"

Page 1, line 11, remove the overstrike over "~~assist~~" and remove "offer services and financial"

Page 1, line 12, remove "assistance"

Page 1, line 13, after "~~branch~~" insert "department" and remove the overstrike over "~~and financially shall assist certain prehospital emergency medical~~"

Page 1, line 14, remove the overstrike over "~~services as determined by the~~", after "~~branch~~" insert "department", remove the overstrike over "~~in obtaining equipment~~", remove "department", remove the overstrike over "~~Assistance~~", and remove "No more"

Page 1, remove lines 15 and 16

Page 1, line 17, remove "and financial assistance"

Page 1, line 19, remove "services and financial"

Page 1, line 20, remove the overstrike over "~~To qualify for financial assistance for equipment, a prehospital~~"

Page 1, line 21, remove the overstrike over "~~emergency medical service shall certify, in the manner required by the~~", after "~~branch~~" insert "department", and remove the overstrike over the second overstruck comma

Page 1, remove the overstrike over line 22

Page 1, line 23, remove the overstrike over "~~acquisitions. The~~", after "~~branch~~" insert "department", and remove the overstrike over "~~shall adopt a schedule of eligibility for financial~~"

Page 1, remove the overstrike over line 24

Page 2, remove the overstrike over lines 1 through 4



Page 2, line 5, remove the overstrike over "~~financial assistance available for various classifications.~~"

Page 2, line 10, remove the overstrike over "~~No more than one half of the funds~~"

Page 2, remove the overstrike over lines 11 and 12

Page 2, line 15, remove "**Medical assistance -**"

Page 2, remove lines 16 through 20

Page 2, line 21, remove "assessment. This"

Page 2, remove lines 27 through 31

Page 3, line 4, remove "and a total of \$489,800, of"

Page 3, remove line 5

Page 3, line 6, remove "in 1999 Senate Bill No. 2012 for reimbursement of prehospital emergency medical services"

Page 3, line 11, after the period insert "The state department of health may accept funds from other sources and may distribute these funds to prehospital emergency medical services providers for the purpose of obtaining equipment."

**SECTION 4. MEDICAL ASSISTANCE - REIMBURSEMENT FOR AMBULANCE SERVICES.** During the biennium beginning July 1, 1999, and ending June 30, 2001, the department of human services shall spend \$276,000 in addition to the \$943,068 in the executive budget recommendation for medical assistance reimbursement for ambulance services. If the amount of ambulance services billing is less than the amount required to be spent under this section, the department of human services shall reimburse ambulance services at one hundred percent of billing for ambulance services and the department shall use the remainder for medical assistance reimbursement for other medical services."

ReNUMBER accordingly

Engrossed HB 1038 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1131:** Your conference committee (Sens. Cook, B. Stenehjelm, Thompson and Reps. Mickelson, R. Kelsch, Mahoney) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1092-1093, adopt amendments as follows, and place HB 1131 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1092 and 1093 of the House Journal and pages 953 and 954 of the Senate Journal and that House Bill No. 1131 be amended as follows:

Page 1, line 1, replace "subdivision" with "subdivisions" and after "b" insert "and e"

Page 1, line 5, replace "Subdivision" with "Subdivisions" and after "b" insert "and e"

Page 1, line 6, replace "is" with "are"

Page 1, after line 11, insert:

"e. The execution or imposition of sentence under this section may not be suspended or deferred under subsection 3 or 4 of section 12.1-32-02 ~~except that a fine or a sentence of imprisonment may be suspended in any of the following instances:~~

(1) ~~Upon conviction of being in actual physical control of a motor vehicle in violation of this section or equivalent ordinance.~~

(2) ~~If the defendant is under age eighteen when convicted except that if the defendant has, within the preceding five years, previously been convicted of violating section 39-08-01 or~~

~~equivalent ordinance, the sentence must include at least forty-eight consecutive hours imprisonment or in a minimum security facility or at least ten days of community service. The execution of the sentence may not be suspended nor the imposition of sentence deferred under subsection 3 or 4 of section 12.1 32-02."~~

Page 1, line 17, remove "impounded or immobilized for the period of suspension or revocation"

Page 1, line 18, remove "of the offender's driving privilege."

Page 1, line 23, remove "after the conclusion of the"

Page 1, line 24, remove "suspension or revocation"

Renumber accordingly

HB 1131 was placed on the Seventh order of business on the calendar.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has sustained the Governor's veto on HB 1335. The vote was 55 YEAS, 40 NAYS, 3 ABSENT AND NOT VOTING.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

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

**SB 2008:** Sens. Holmberg; Solberg; Tomac

**THE HOUSE RECONVENED**, with Speaker Wald presiding.

**REPORT OF CONFERENCE COMMITTEE**

**REP. BYERLY MOVED** that the conference committee report on SB 2242 be adopted, which motion prevailed.

SB 2242, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2242:** A BILL for an Act to provide for a beginning entrepreneur loan guarantee program.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Byerly; Delzer; Grande; Gulleson; Keiser; Nichols; Thorpe

**ABSENT AND NOT VOTING:** Belter; Bernstein; Stefonowicz

SB 2242, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. GORDER MOVED** that the conference committee report on SCR 4033 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. SVEDJAN MOVED** that the conference committee report on Engrossed HB 1016 be adopted, which motion prevailed.

Reengrossed HB 1016 was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1016:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to amend and reenact subsection 2 of section 12.1-32-07 and subsection 5 of section 19-03.1-23 of the North Dakota Century Code, relating to the supervision of probationers and sentencing for drug offenses; 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, the roll was called and there were 89 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Henegar; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Gorder; Herbel; Lemieux; Monson; Sandvig; Warner

**ABSENT AND NOT VOTING:** Belter; Bernstein; Stefonowicz

Reengrossed HB 1016 passed, the title was agreed to, and the emergency clause was declared carried.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. DORSO MOVED** that the conference committee report on Engrossed HB 1475 be adopted.

**REQUEST**

**REP. BOUCHER REQUESTED** a verification vote on the motion to adopt the conference committee report on Engrossed HB 1475.

**REQUEST**

**REP. GROSZ REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1475, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on HB 1475, the roll was called and there were 60 YEAS, 34 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Berg; Boehm; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Maragos; Martinson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Renner; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Aarsvold; Boucher; Byerly; Cleary; Delzer; Ekstrom; Fairfield; Froelich; Grumbo; Gulleeson; Hanson; Hoffner; Kelsch, R.; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Metcalf; Meyer; Monson; Mueller; Nichols; Niemeier; Nowatzki; Price; Rennerfeldt; Rose; Sandvig; Schmidt; Thorpe; Warner

**ABSENT AND NOT VOTING:** Belter; Bernstein; Mickelson; Stefonowicz

The conference committee report on Engrossed HB 1475 was adopted.

Reengrossed HB 1475 was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

**HB 1475:** A BILL for an Act to provide for allocation of funds from settlements with tobacco product manufacturers; to create and enact a new subsection to section 54-44-04 of the North Dakota Century Code, relating to monitoring tobacco product manufacturers settlement funds by the office of management and budget; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 59 YEAS, 36 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Berg; Boehm; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Dalrymple; Delmore; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Mahoney; Maragos; Martinson; Mickelson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Renner; Rennerfeldt; Severson; Solberg; Svedjan; Sveen; Thoreson, L.; Thorpe; Timm; Tollefson; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Aarsvold; Boucher; Brusegaard; Cleary; DeKrey; Delzer; Devlin; Fairfield; Froelich; Grumbo; Gulleon; Hanson; Hoffner; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lloyd; Lundgren; Metcalf; Meyer; Monson; Mueller; Nichols; Niemeier; Nowatzki; Porter; Price; Rose; Sandvig; Schmidt; Thoreson, B.; Warner; Weisz

**ABSENT AND NOT VOTING:** Belter; Bernstein; Stefonowicz

Reengrossed HB 1475 passed, the title was agreed to, but the emergency clause lost.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. WENTZ MOVED** that the conference committee report on Engrossed HB 1003 be adopted, which motion prevailed.

Reengrossed HB 1003 was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

**HB 1003:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to provide for legislative council studies; to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to the adoption of the midwestern regional higher education compact; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 67 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Boucher; Brekke; Brusegaard; Carlisle; Carlson; Clark; Dalrymple; Delmore; Disrud; Dorso; Eckre; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gulleon; Gunter; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kerzman; Klein; Klemin; Koppang; Koppelman; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nowatzki; Pollert; Price; Rennerfeldt; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Boehm; Brandenburg; Byerly; Cleary; DeKrey; Delzer; Devlin; Drovdal; Ekstrom; Fairfield; Glassheim; Gorder; Haas; Hanson; Hoffner; Kelsh, S.; Kempenich; Kliniske; Lemieux; Lundgren; Nottestad; Poolman; Porter; Renner; Rose; Sandvig; Warner; Winrich

**ABSENT AND NOT VOTING:** Belter; Bernstein; Stefonowicz

Reengrossed HB 1003 passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

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

**MOTION**

**REP. MONSON MOVED** that the House be on the Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Wednesday, April 14, 1999, which motion prevailed.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1021, HB 1037, HB 1443, HB 1490.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2023.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2023, as engrossed:** Your conference committee (Sens. Nething, Kringstad, Lindaas and Reps. Byerly, Carlisle, Guleson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 874-875, adopt amendments as follows, and place SB 2023 on the Seventh order:

That the House recede from its amendments as printed on pages 874 and 875 of the Senate Journal and pages 955 and 956 of the House Journal and that Engrossed Senate Bill No. 2023 be amended as follows:

Page 1, line 2, replace the first "and" with "to provide an appropriation to the public service commission;"

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

Page 1, line 11, replace "8,048,657" with "8,013,657"

Page 1, line 12, replace "6,050,687" with "6,010,687"

Page 1, line 17, replace "54,719,269" with "54,644,269"

Page 1, line 19, replace "9,283,348" with "9,208,348"

Page 1, after line 19, insert:

**"SECTION 2. APPROPRIATION - PUBLIC SERVICE COMMISSION.** There is hereby appropriated from federal funds, the sum of \$25,000, or so much of the sum as may be necessary, to the public service commission for the purpose of promoting the "one-call" call-before-you-dig program for the period beginning with the effective date of this Act and ending June 30, 1999."

Page 2, after line 23, insert:

**"SECTION 8. EMERGENCY.** Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****DEPARTMENT 770 - STATE WATER COMMISSION**

**CONFERENCE COMMITTEE** - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMPARISON TO HOUSE VERSION
Salaries and wages	\$8,128,141	\$8,048,657	(\$35,000)	\$8,013,657	\$7,973,109	\$40,548
Operating expenses	6,050,687	6,050,687	(40,000)	6,010,687	5,983,487	27,200
Equipment	160,656	160,656		160,656	152,556	8,100
Capital improvements	23,624,024	23,624,024		23,624,024	23,624,024	
Grants	13,785,245	13,785,245		13,785,245	13,785,245	
Cooperative research	3,050,000	3,050,000		3,050,000	3,050,000	
Total all funds	\$54,798,753	\$54,719,269	(\$75,000)	\$54,644,269	\$54,568,421	\$75,848
Less special funds	45,446,368	45,435,921		45,435,921	45,435,921	
General fund	\$9,352,385	\$9,283,348	(\$75,000)	\$9,208,348	\$9,132,500	\$75,848

FTE	82.00	82.00	0.00	82.00	81.00	1.00
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Detail of Conference Committee changes to the Senate version includes:

	REDUCE OPERATING	REDUCE SALARIES AND WAGES	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		(\$35,000)	(\$35,000)
Operating expenses	(\$40,000)		(40,000)
Equipment			
Capital improvements			
Grants			
Cooperative research			
Total all funds	(\$40,000)	(\$35,000)	(\$75,000)
Less special funds			
General fund	(\$40,000)	(\$35,000)	(\$75,000)
FTE	(0.00)	0.00	0.00

#### DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

CONFERENCE COMMITTEE - This amendment adds a \$25,000 federal funds appropriation to the Public Service Commission for promoting the "One-Call" call-before-you-dig program for the remainder of the 1997-99 biennium.

Engrossed SB 2023 was placed on the Seventh order of business on the calendar.

#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

**MR. SPEAKER:** The President has signed: HB 1034, HB 1171, HB 1329.

#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2017, SB 2025, SB 2038, SB 2148, SB 2171, SB 2254, SB 2419.

#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

**MR. SPEAKER:** The President has signed: HB 1007, HB 1013, HB 1014, HB 1015, HB 1121, HB 1156, HB 1274, HB 1290, HB 1291, HB 1325.

#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

**MR. SPEAKER:** The President has signed the veto certification on HB 1266.

#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2003, SB 2004, SB 2010, SB 2022, SB 2114, SB 2127, SB 2267, SB 2381.

#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2202.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval on April 13, 1999: HB 1007, HB 1013, HB 1014, HB 1015, HB 1034, HB 1121, HB 1156, HB 1171, HB 1274, HB 1290, HB 1291, HB 1325, HB 1329.

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

**LANCE HAGEN, Chief Clerk**