

JOURNAL OF THE HOUSE

Fifty-seventh Legislative Assembly

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Bismarck, April 6, 2001

The House convened at 8:30 a.m., with Speaker Bernstein presiding.

The prayer was offered by Pastor Scott Bauman, Charity Lutheran Church, Bismarck.

The roll was called and all members were present except Representatives Gunter, Huether, Price, Thorpe, and Weisz.

A quorum was declared by the Speaker.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. NELSON MOVED that the conference committee report on Reengrossed HB 1058 be adopted as printed on HJ page 839, which motion prevailed on a voice vote.

Reengrossed HB 1058, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1058: A BILL for an Act relating to the transfer of duplicative payments received by the superintendent of public instruction.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Huether; Price; Thorpe; Weisz

Reengrossed HB 1058 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on HB 1416: Reps. Kretschmar, Grande, Mahoney.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEVLIN MOVED that the House do concur in the Senate amendments to Engrossed HB 1109 as printed on HJ pages 1256-1257, which motion prevailed on a voice vote.

Engrossed HB 1109, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1109: A BILL for an Act to create and enact a new section to chapter 50-24.5 and a new subsection to section 50-24.5-02 of the North Dakota Century Code, relating to registration fees, requirements, and complaints to the department of human services regarding assisted living facilities; to amend and reenact subsection 2 of section 23-09-01, subsection 1 of section 23-09.3-01, and sections 50-24.5-01 and 50-24.5-04 of the North Dakota Century Code, relating to requiring assisted living facilities to be licensed as boardinghouses, definitions, and limits on cost of services provided; to

repeal section 23-09.3-03 of the North Dakota Century Code, relating to choice of pharmacy services; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Huether; Price; Thorpe; Weisz

Engrossed HB 1109 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEVLIN MOVED that the House do not concur in the Senate amendments to Engrossed HB 1441 as printed on HJ pages 1257-1258 and that a conference committee be appointed to meet with a like committee from the Senate.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1441: Reps. Price, Kliniske, Niemeier.

MOTION

REP. BELTER MOVED that the House stand in recess until 12:30 p.m., which motion prevailed.

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

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 5, 2001, I have signed the following: HB 1032, HB 1046, HB 1102, HB 1105, HB 1114, HB 1168, HB 1201, HB 1206, HB 1216, HB 1218, HB 1234, HB 1259, HB 1270, HB 1282, HB 1289, HB 1296, HB 1304, HB 1306, HB 1322, HB 1350, HB 1406, HB 1408, HB 1409, HB 1417, HB 1423, HB 1431, HB 1437, HB 1459, HB 1465, and HB 1474.

Also, on April 5, 2001, I have signed the following: HB 1354, HB 1370, HB 1390, HB 1391, and HB 1401.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. R. Kelsch, Boehm, Porter, Renner and Sens. Cook, Tomac introduced:

(Approved by the Delayed Bills Committee)

HCR 3071: A concurrent resolution urging Congress to encourage the individuals and entities who received advance payments from the members of the Mandan High School Band and their families to make every possible effort to refund the payments or to otherwise provide compensation for the financial losses incurred by the band members and their families in preparation for their trip to Ireland.

Was read the first time.

MOTION

REP. R.KELSCH MOVED that the rules be suspended, that HCR 3071 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. R. Kelsch, Boehm, Porter, Renner and Sens. Cook, Tomac introduced:

(Approved by the Delayed Bills Committee)

HOUSE CONCURRENT RESOLUTION NO. 3071

A concurrent resolution urging Congress to encourage the individuals and entities who received advance payments from the members of the Mandan High School Band and their families to make every possible effort to refund the payments or to otherwise provide compensation for the financial losses incurred by the band members and their families in preparation for their trip to Ireland.

WHEREAS, the Mandan High School Band had intended to travel to Ireland on March 11, 2001, and appear in the 2001 St. Patrick's Day Parade in Dublin, Ireland; and

WHEREAS, the cost per student was in excess of \$1,625 and the band's total advanced expenses for airfare, lodging, and food exceeded \$169,000; and

WHEREAS, each of the band members worked long and hard to raise funds necessary to offset the inherent costs of the trip and the families of band members were obligated to make up the difference between the amount generated through fundraising efforts and the actual cost of the trip; and

WHEREAS, the 2001 St. Patrick's Day Parade was canceled because of the outbreak of foot and mouth disease in Europe and the trip to Ireland was canceled in recognition of the high risk that the foot and mouth disease could be transported back to the United States and if so transported, could decimate the livestock industry in this state and country; and

WHEREAS, the members of the Mandan High School Band and their families need to be commended for their maturity and wisdom in understanding the value of this state's and this country's livestock industry; and

WHEREAS, the members of the Mandan High School Band and their families have incurred significant financial loss as a result of the trip's cancellation and their inability to be reimbursed for any advanced payments;

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

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to encourage the individuals and entities who received advanced payments from the members of the Mandan High School Band and their families to make every possible effort to refund the payments or to otherwise provide compensation for the financial losses incurred by the band members and their families; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the President of the United States, the President of Ireland, the United States Ambassador to Ireland, the Irish Ambassador to the United States, the Secretary of Agriculture, the North Dakota Agriculture Commissioner, the North Dakota Farm Bureau, the North Dakota Farmer's Union, the North Dakota Beef Commission, the North Dakota Stockmen's Association, the National Cattlemen's Beef Association, the Cattlemen's Beef Board, the United States Meat Export Federation, the American National Cattlewomen, and to each member of the North Dakota Congressional Delegation.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3071: A concurrent resolution urging Congress to encourage the individuals and entities who received advance payments from the members of the Mandan High School Band and their families to make every possible effort to refund the payments or to otherwise provide compensation for the financial losses incurred by the band members and their families in preparation for their trip to Ireland.

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

HCR 3071 was declared adopted on a voice vote.

MOTION

REP. BELTER MOVED that HB 1228 and SB 2354 be laid over one legislative day, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. BELTER MOVED that the amendments on the Sixth order of business to SB 2043 and SB 2285 be adopted, which motion prevailed.

SB 2043 and SB 2285, as amended, were placed on the Fourteenth order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BERG MOVED that the conference committee report on Engrossed HB 1273 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1273, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1273: A BILL for an Act to create and enact a new chapter to title 13 of the North Dakota Century Code, relating to the licensing of deferred presentment service providers; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 75 YEAS, 16 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Fairfield; Froseth; Galvin; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Hunsakor; Jensen; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Ruby; Sandvig; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Wentz; Wikenheiser; Speaker Bernstein

NAYS: Aarsvold; Boucher; Delzer; Ekstrom; Froelich; Glassheim; Gulleon; Kerzman; Kroeber; Lemieux; Onstad; Schmidt; Solberg; Warner; Winrich; Wrangham

ABSENT AND NOT VOTING: Huether; Johnson, N.; Kempenich; Lloyd; Price; Thorpe; Weisz

Engrossed HB 1273 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on HB 1003: Reps. Koppelman, Carlisle, Glassheim.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on HB 1004: Reps. Skarphol, B. Thoreson, Glassheim.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on HB 1023: Reps. Wald, Monson, Aarsvold.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on HB 1200: Reps. Timm, Nicholas, Warner.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on HB 1328: Reps. Nicholas, Brandenburg, Froelich.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2007: Reps. Delzer, Kempenich, Kerzman.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2013: Reps. Carlisle, Koppelman, Huether.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2017: Reps. Wald, Monson, Gulleon.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2244: Reps. Grosz, Kretschmar, Delmore.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2287: Reps. Keiser, Galvin, Winrich.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2449: Reps. Nelson, Porter, Solberg.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2183: Reps. Nelson, D. Johnson, Mueller.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2251: Reps. Haas, Nelson, Grumbo.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2291: Reps. Brusegaard, Hawken, Hunskor.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. RENNERFELDT MOVED that the conference committee report on Engrossed HB 1269 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1269, as amended, was placed on the Eleventh order.

REPORT OF CONFERENCE COMMITTEE

HB 1269, as engrossed: Your conference committee (Sens. Traynor, Tollefson, Kelsh and Reps. Rennerfeldt, DeKrey, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1101-1102, adopt amendments as follows, and place HB 1269 on the Seventh order.

That the Senate recede from its amendments as printed on pages 1101 and 1102 of the House Journal and pages 880 and 881 of the Senate Journal and that Engrossed House Bill No. 1269 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of issues relating to resident and nonresident hunting in this state."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE COUNCIL STUDY OF RESIDENT AND NONRESIDENT HUNTING. During the 2001-2002 interim, the legislative council shall study issues relating to resident and nonresident hunting in this state. The study must include the number of licenses issued to residents and nonresidents and the fees for those licenses, the time period for which a license is valid, whether zones should be established, effects on landowners, effects on guides and outfitters, the economic impact of nonresident hunters on the state of North Dakota, and how states bordering North Dakota are addressing issues relating to nonresident and resident hunting. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

Engrossed HB 1269 was placed on the Seventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1269: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 9 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Johnson, D.; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin;

Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nicholas; Nottestad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Cleary; Froelich; Jensen; Keiser; Lemieux; Nelson; Niemeier; Onstad; Weiler

ABSENT AND NOT VOTING: Huether; Johnson, N.; Kempenich; Lloyd; Price; Thorpe; Weisz

Engrossed HB 1269 passed and the title was agreed to.

REPORT OF STANDING COMMITTEE (MAJORITY)

SB 2022, as engrossed: Appropriations Committee (Rep. Timm, Chairman) A MAJORITY of your committee (Reps. Boehm, Byerly, Carlisle, Delzer, Kempenich, Koppelman, Martinson, Monson, Skarphol, Svedjan, Timm, B. Thoreson, Wald, Wentz) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, after "department" insert "; to provide a contingent appropriation; to provide a statement of legislative intent; and to provide an expiration date"

Page 1, line 10, replace "25,985,352" with "25,576,531"

Page 1, line 11, replace "36,076,824" with "35,661,772"

Page 1, line 12, replace "5,595,000" with "5,080,000"

Page 1, line 13, replace "934,583" with "600,334"

Page 1, line 15, replace "1,973,669" with "1,173,669"

Page 1, remove line 16

Page 1, line 17, replace "9,968,905" with "9,647,121"

Page 1, line 18, replace "11,971,373" with "1,503,666"

Page 1, line 19, replace "1,407,513" with "1,407,513"

Page 1, remove line 20

Page 1, line 21, replace "96,903,519" with "82,850,606"

Page 1, line 22, replace "71,185,087" with "71,883,880"

Page 1, line 23, replace "25,718,432" with "10,966,726"

Page 2, after line 4, insert:

"SECTION 3. ESTIMATED INCOME. The estimated income line item included in section 1 of this Act includes \$1,045,000, or so much of the line item as may be necessary, of payments from school districts that contain a high school. Each school district that contains a high school is to provide the information technology department \$2,500 per year for costs associated with being connected to the statewide wide area network.

SECTION 4. CONTINGENT APPROPRIATION - GEOGRAPHIC INFORMATION SYSTEMS. If the information technology department develops a centralized geographic information system initiative proposal that identifies all geographic information system participants, a process for implementing a centralized geographic information system, and efficiencies resulting from a centralized geographic information system and the proposal is approved by the budget section of the legislative council, there is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$750,000 to the information technology department for implementing a centralized geographic information system for fiscal year beginning July 1, 2002, and ending June 30, 2003.

SECTION 5. LEGISLATIVE INTENT - ENTERPRISE RESOURCE PLANNING - REPORT TO FIFTY-EIGHTH LEGISLATIVE ASSEMBLY. It is the intent of the fifty-seventh legislative assembly that during the biennium beginning July 1, 2001, and ending June 30, 2003, the information technology department review the enterprise resource planning concept and the request for proposal process anticipated to be used to solicit bids for the project, if authorized; that the department prepare a report and its recommendations relating to the project; and that the report and recommendations be presented to the appropriations committees of the fifty-eighth legislative assembly.

SECTION 6. EXPIRATION DATE. Section 3 of this Act is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2022 - Information Technology Department - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$25,985,352	\$25,985,352	(\$408,821)	\$25,576,531
Operating expenses	36,076,824	36,076,824	(415,052)	35,661,772
Equipment	5,595,000	5,595,000	(515,000)	5,080,000
Center for Innovation and Instruction	934,583	934,583	(334,249)	600,334
Education Technology	3,500,000	2,200,000		2,200,000
Commission grants				
SENDIT network	1,973,669	1,973,669	(800,000)	1,173,669
IT technical education	590,300	590,300	(590,300)	
program development				
Wide area network	9,968,905	9,968,905	(321,784)	9,647,121
Enterprise resource	20,488,873	11,971,373	(10,467,707)	1,503,666
planning system				
Prairie Public Broadcasting	1,407,513	1,407,513		1,407,513
IT innovation fund	500,000	200,000	(200,000)	
Contingent GIS appropriation			750,000	750,000
Total all funds	\$107,021,019	\$96,903,519	(\$13,302,913)	\$83,600,606
Less estimated income	<u>71,185,087</u>	<u>71,185,087</u>	<u>698,793</u>	<u>71,883,880</u>
General fund	\$35,835,932	\$25,718,432	(\$14,001,706)	\$11,716,726
FTE	212.00	212.00	(8.00)	204.00

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

	REDUCE FUNDING FOR THE CENTER FOR INNOVATION AND INSTRUCTION ¹	REDUCE FUNDING FOR SENDIT NETWORK ²	REMOVE FUNDING FOR IT TECHNICAL EDUCATION PROGRAM DEVELOPMENT ³	REMOVE FUNDING FOR THE IT INNOVATION FUND ⁴	PROVIDE A FUNDING SOURCE CHANGE FOR WIDE AREA NETWORK ⁵	REMOVE POSITIONS AND RELATED FUNDING FOR WIDE AREA NETWORK ⁶
Salaries and wages						
Operating expenses						
Equipment						
Center for Innovation and Instruction	(\$334,249)					
Education Technology						
Commission grants						
SENDIT network		(\$800,000)				
IT technical education			(\$590,300)			
program development						
Wide area network						(\$321,784)
Enterprise resource						
planning system						
Prairie Public Broadcasting						
IT innovation fund				(\$200,000)		
Contingent GIS appropriation						
Total all funds	(\$334,249)	(\$800,000)	(\$590,300)	(\$200,000)	\$0	(\$321,784)
Less estimated income					<u>1,045,000</u>	
General fund	(\$334,249)	(\$800,000)	(\$590,300)	(\$200,000)	(\$1,045,000)	(\$321,784)
FTE	0.00	0.00	0.00	0.00	0.00	(2.00)
	PROVIDE CORRECT FUNDING FOR RECOMMENDED SALARY INCREASES	DECREASE FUNDING FOR E-GOVERNMENT INITIATIVE ⁷	REMOVE FUNDING FOR GIS ⁸	DECREASE FUNDING FOR RESEARCH AND PLANNING POSITION	REMOVE FUNDING FOR THE ENTERPRISE RESOURCE PLANNING SYSTEM ⁹	RESTORE FUNDING FOR HIGHER EDUCATION FINANCIAL AID SYSTEM ¹⁰
Salaries and wages		(\$140,404)	(\$268,417)			
Operating expenses		(21,684)	(293,368)	(100,000)		
Equipment		(5,000)	(510,000)			
Center for Innovation and Instruction						
Education Technology						

Commission grants						
SENDIT network						
IT technical education						
program development						
Wide area network						
Enterprise resource				(11,971,373)		1,503,666
planning system						
Prairie Public Broadcasting						
IT innovation fund						
Contingent GIS appropriation						
Total all funds	\$0	(\$167,088)	(\$1,071,785)	(\$100,000)	(\$11,971,373)	\$1,503,666
Less estimated income	142,666				(488,873)	
General fund	(\$142,666)	(\$167,088)	(\$1,071,785)	(\$100,000)	(\$11,482,500)	\$1,503,666
FTE	0.00	(1.00)	(2.00)	0.00	(3.00)	0.00

	PROVIDE FOR A CONTINGENT APPROPRIATION (GIS) ¹¹	TOTAL HOUSE CHANGES
Salaries and wages		(\$408,821)
Operating expenses		(415,052)
Equipment		(515,000)
Center for Innovation and Instruction		(334,249)
Education Technology		
Commission grants		
SENDIT network		(800,000)
IT technical education		(590,300)
program development		
Wide area network		(321,784)
Enterprise resource		(10,467,707)
planning system		
Prairie Public Broadcasting		
IT innovation fund		(200,000)
Contingent GIS appropriation	750,000	750,000
Total all funds	\$750,000	(\$13,302,913)
Less estimated income		698,793
General fund	\$750,000	(\$14,001,706)
FTE	0.00	(8.00)

¹ This amendment reduces funding from the general fund for the Center for Innovation in Instruction by \$334,249, from \$934,583 to \$600,334.

² This amendment reduces funding from the general fund for the SENDIT network by \$800,000, from \$1,973,669 to \$1,173,669.

³ This amendment removes funding from the general fund of \$590,300 for information technical education program development.

⁴ This amendment removes funding from the general fund of \$200,000 for an information technology innovation fund.

⁵ This amendment provides a change in funding relating to the costs associated with connecting the statewide wide area network to school districts that contain a high school. Each school district that contains a high school will be required to provide the Information Technology Department \$2,500 per year for connection to the statewide wide area network. This will result in approximately \$1,045,000 in special funds revenues and therefore the general fund appropriation for the wide area network is reduced by \$1,045,000.

⁶ This amendment removes funding of \$321,784 from the general fund and two FTE positions associated with the implementation of the statewide wide area network.

⁷ This amendment reduces \$167,088 of funding from the general fund and removes one FTE associated with the e-government initiative.

⁸ This amendment removes funding of \$1,071,785 from the general fund and two FTE positions for the geographic information system (GIS).

⁹ This amendment removes funding of \$11,971,373, of which \$11,482,500 is from the general fund for the enterprise resource planning (ERP) project and authority for three FTE positions relating to the project. This amendment also adds a section of legislative intent that during the 2001-03 biennium, the Information Technology Department study the ERP concept and present recommendations to the 2003 Legislative Assembly.

¹⁰ This amendment provides funding of \$1,503,666 from the general fund for a higher education financial aid system.

¹¹ This amendment adds a section to the bill that provides a contingent appropriation of \$750,000 from the general fund to the department for the GIS initiative if the department submits a proposal regarding implementing a GIS initiative to the Budget Section and receives Budget Section approval. The total general fund changes of (\$14,001,706) include the contingent appropriation.

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF STANDING COMMITTEE (MINORITY)

SB 2022, as engrossed: Appropriations Committee (Rep. Timm, Chairman) A MINORITY of your committee (Reps. Aarsvold, Glassheim, Gulleon, Kerzman, Kliniske, Warner) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, after "department" insert "; to provide a contingent appropriation; to provide a statement of legislative intent; and to provide an expiration date"

Page 1, line 10, replace "25,985,352" with "25,576,531"

Page 1, line 11, replace "36,076,824" with "35,661,772"

Page 1, line 12, replace "5,595,000" with "5,080,000"

Page 1, line 13, replace "934,583" with "600,334"

Page 1, line 15, replace "1,973,669" with "1,173,669"

Page 1, remove line 16

Page 1, line 17, replace "9,968,905" with "9,647,121"

Page 1, line 18, replace "11,971,373" with "6,503,666"

Page 1, line 19, replace "1,407,513" with "1,407,513"

Page 1, remove line 20

Page 1, line 21, replace "96,903,519" with "87,850,606"

Page 1, line 22, replace "71,185,087" with "71,883,880"

Page 1, line 23, replace "25,718,432" with "15,966,726"

Page 2, after line 4, insert:

"SECTION 3. ESTIMATED INCOME. The estimated income line item included in section 1 of this Act includes \$1,045,000, or so much of the line item as may be necessary, of payments from school districts that contain a high school. Each school district that contains a high school is to provide the information technology department \$2,500 per year for costs associated with being connected to the statewide wide area network.

SECTION 4. CONTINGENT APPROPRIATION - GEOGRAPHIC INFORMATION SYSTEMS. If the information technology department develops a centralized geographic information system initiative proposal that identifies all geographic information system participants, a process for implementing a centralized geographic information system, and efficiencies resulting from a centralized geographic information system and the proposal is approved by the budget section of the legislative council, there is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$750,000 to the information technology department for implementing a centralized geographic information system for fiscal year beginning July 1, 2002, and ending June 30, 2003.

SECTION 5. LEGISLATIVE INTENT - ENTERPRISE RESOURCE PLANNING - REPORT TO FIFTY-EIGHTH LEGISLATIVE ASSEMBLY. It is the intent of the fifty-seventh legislative assembly that during the biennium beginning July 1, 2001, and ending June 30, 2003, the information technology department review the enterprise resource planning concept and the request for proposal process anticipated to be used to solicit bids for the project, if authorized; that the department prepare a report and its recommendations relating to the project; and that the report and recommendations be presented to the appropriations committees of the fifty-eighth legislative assembly.

SECTION 6. EXPIRATION DATE. Section 3 of this Act is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2022 - Information Technology Department - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$25,985,352	\$25,985,352	(\$408,821)	\$25,576,531
Operating expenses	36,076,824	36,076,824	(415,052)	35,661,772
Equipment	5,595,000	5,595,000	(515,000)	5,080,000
Center for Innovation and Instruction	934,583	934,583	(334,249)	600,334
Education Technology Commission grants	3,500,000	2,200,000		2,200,000
SENDIT network	1,973,669	1,973,669	(800,000)	1,173,669
IT technical education program development	590,300	590,300	(590,300)	
Wide area network	9,968,905	9,968,905	(321,784)	9,647,121
Enterprise resource planning system	20,488,873	11,971,373	(5,467,707)	6,503,666
Prairie Public Broadcasting	1,407,513	1,407,513		1,407,513
IT innovation fund	500,000	200,000	(200,000)	
Contingent GIS appropriation			750,000	750,000
Total all funds	\$107,021,019	\$96,903,519	(\$8,302,913)	\$88,600,606
Less estimated income	<u>71,185,087</u>	<u>71,185,087</u>	<u>698,793</u>	<u>71,883,880</u>
General fund	\$35,835,932	\$25,718,432	(\$9,001,706)	\$16,716,726

FTE	212.00	212.00	(8.00)	204.00
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Dept. 112 - Information Technology Department - Detail of House Changes

	REDUCE FUNDING FOR THE CENTER FOR INNOVATION AND INSTRUCTION ¹	REDUCE FUNDING FOR SENDIT NETWORK ²	REMOVE FUNDING FOR IT TECHNICAL EDUCATION PROGRAM DEVELOPMENT ³	REMOVE FUNDING FOR THE IT INNOVATION FUND ⁴	PROVIDE A FUNDING SOURCE CHANGE FOR WIDE AREA NETWORK ⁵	REMOVE POSITIONS AND RELATED FUNDING FOR WIDE AREA NETWORK ⁶
Salaries and wages						
Operating expenses						
Equipment						
Center for Innovation and Instruction	(\$334,249)					
Education Technology						
Commission grants						
SENDIT network		(\$800,000)				
IT technical education			(\$590,300)			
program development						
Wide area network						(\$321,784)
Enterprise resource						
planning system						
Prairie Public Broadcasting						
IT innovation fund				(\$200,000)		
Contingent GIS appropriation						
Total all funds	(\$334,249)	(\$800,000)	(\$590,300)	(\$200,000)	\$0	(\$321,784)
Less estimated income					<u>1,045,000</u>	
General fund	(\$334,249)	(\$800,000)	(\$590,300)	(\$200,000)	(\$1,045,000)	(\$321,784)
FTE	0.00	0.00	0.00	0.00	0.00	(2.00)
	PROVIDE CORRECT FUNDING FOR RECOMMENDED SALARY INCREASES	DECREASE FUNDING FOR E-GOVERNMENT INITIATIVE ⁷	REMOVE FUNDING FOR GIS ⁸	DECREASE FUNDING FOR RESEARCH AND PLANNING POSITION	REDUCE FUNDING FOR THE ENTERPRISE RESOURCE PLANNING SYSTEM ⁹	RESTORE FUNDING FOR HIGHER EDUCATION FINANCIAL AID SYSTEM ¹⁰
Salaries and wages		(\$140,404)	(\$268,417)			
Operating expenses		(21,684)	(293,368)	(\$100,000)		
Equipment		(5,000)	(510,000)			
Center for Innovation and Instruction						
Education Technology						
Commission grants						
SENDIT network						
IT technical education						
program development						
Wide area network						
Enterprise resource					(\$6,971,373)	\$1,503,666
planning system						
Prairie Public Broadcasting						
IT innovation fund						
Contingent GIS appropriation						
Total all funds	\$0	(\$167,088)	(\$1,071,785)	(\$100,000)	(\$6,971,373)	\$1,503,666
Less estimated income	<u>142,666</u>				<u>(488,873)</u>	
General fund	(\$142,666)	(\$167,088)	(\$1,071,785)	(\$100,000)	(\$6,482,500)	\$1,503,666
FTE	0.00	(1.00)	(2.00)	0.00	(3.00)	0.00
	PROVIDE FOR A CONTINGENT APPROPRIATION (GIS) ¹¹	TOTAL HOUSE CHANGES				
Salaries and wages		(\$408,821)				
Operating expenses		(415,052)				
Equipment		(515,000)				
Center for Innovation and Instruction		(334,249)				
Education Technology						
Commission grants						
SENDIT network		(800,000)				
IT technical education		(590,300)				
program development						
Wide area network		(321,784)				
Enterprise resource		(5,467,707)				
planning system						
Prairie Public Broadcasting						
IT innovation fund		(200,000)				
Contingent GIS appropriation	<u>750,000</u>	<u>750,000</u>				
Total all funds	\$750,000	(\$8,302,913)				
Less estimated income		<u>698,793</u>				
General fund	\$750,000	(\$9,001,706)				
FTE	0.00	(8.00)				

- 1 This amendment reduces funding from the general fund for the Center for Innovation in Instruction by \$334,249, from \$934,583 to \$600,334.
- 2 This amendment reduces funding from the general fund for the SENDIT network by \$800,000, from \$1,973,669 to \$1,173,669.
- 3 This amendment removes funding from the general fund of \$590,300 for information technical education program development.
- 4 This amendment removes funding from the general fund of \$200,000 for an information technology innovation fund.
- 5 This amendment provides a change in funding relating to the costs associated with connecting the statewide wide area network to school districts that contain a high school. Each school district that contains a high school will be required to provide the Information Technology Department \$2,500 per year for connection to the statewide wide area network. This will result in approximately \$1,045,000 in special funds revenues and therefore the general fund appropriation for the wide area network is reduced by \$1,045,000.
- 6 This amendment removes funding of \$321,784 from the general fund and two FTE positions associated with the implementation of the statewide wide area network.
- 7 This amendment reduces \$167,088 of funding from the general fund and removes one FTE associated with the e-government initiative.
- 8 This amendment removes funding of \$1,071,785 from the general fund and two FTE positions for the geographic information system (GIS).
- 9 This amendment reduces funding for the enterprise resource planning (ERP) project by \$6,971,373 of which \$6,482,500 is from the general fund and removes three FTE positions relating to the project. This amendment also adds a section of legislative intent that during the 2001-03 biennium, the Information Technology Department study the ERP concept and present recommendations to the 2003 Legislative Assembly.
- 10 This amendment provides funding of \$1,503,666 from the general fund for a higher education financial aid system.
- 11 This amendment adds a section to the bill that provides a contingent appropriation of \$750,000 from the general fund to the department for the GIS initiative if the department submits a proposal regarding implementing a GIS initiative to the Budget Section and receives Budget Section approval. The total general fund changes of (\$14,001,706) include the contingent appropriation.

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

SB 2095, as engrossed: Your conference committee (Sens. Fischer, Kilzer, T. Mathern and Reps. Weisz, Galvin, Sandvig) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 937, adopt amendments as follows, and place SB 2095 on the Seventh order:

That the House recede from its amendments as printed on page 937 of the Senate Journal and pages 1002 and 1003 of the House Journal and that Engrossed Senate Bill No. 2095 be amended as follows:

Page 1, line 8, after "applicants" insert ", where adjusted gross income or loss means the adjusted gross income or loss as computed for an individual for federal income tax purposes under the Internal Revenue Code," and remove "lower of the previous one year or the"

Page 1, line 9, overstrike "average of the previous three years of adjusted gross income," and remove "or the lower"

Page 1, remove lines 10 and 11

Page 1, line 12, remove "gross income" and overstrike "means the adjusted gross income as computed for an individual for"

Page 1, line 13, overstrike "federal income tax purposes under the Internal Revenue Code" and insert immediately thereafter "lower of either:

- a. The previous one year of adjusted gross income or loss, less any earned or unearned income on the tax return, plus any current earned or unearned income; or
- b. The average of the previous three years of adjusted gross income or loss, less the average of earned or unearned income for each of the previous three years, plus any current earned or unearned income"

Renumber accordingly

Engrossed SB 2095 was placed on the Seventh order of business on the calendar.

MOTION

REP. BELTER MOVED that SB 2022 and SB 2095 be laid over one legislative day, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2034, as engrossed: Your conference committee (Sens. Traynor, Watne, C. Nelson and Reps. Maragos, Wrangham, Delmore) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1029-1030 and place SB 2034 on the Seventh order.

Engrossed SB 2034 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. MARAGOS MOVED that the conference committee report on Engrossed SB 2034 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SB 2082: Your conference committee (Sens. Kilzer, Dever, C. Nelson and Reps. Klemin, Haas, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 814, adopt amendments as follows, and place SB 2082 on the Seventh order:

That the House recede from its amendments as printed on page 814 of the Senate Journal and page 873 of the House Journal and that Senate Bill No. 2082 be amended as follows:

Page 7, line 17, after "board" insert "on a third-party blind list basis"

Page 7, after line 18, insert:

"8. The member's spouse or former spouse, that individual's legal representative, and the judge presiding over the member's dissolution proceeding for purposes of aiding the parties in drafting a qualified domestic relations order under section 54-52-17.6. The information disclosed under this subsection must be limited to information necessary for drafting the order."

Renumber accordingly

SB 2082 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KLEMIN MOVED that the conference committee report on SB 2082 be adopted, which motion prevailed on a voice vote.

SB 2082, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2082: A BILL for an Act to create and enact a new subsection to section 54-52-17.4 of the North Dakota Century Code, relating to purchase of service credit under the public employees retirement system; to amend and reenact subsection 11 of section 54-52-04, subsection 4 of section 54-52-17, subsection 6 of section 54-52-17, subsection 4 of section 54-52-17.4, and sections 54-52-17.5, 54-52-17.10, 54-52-26, 54-52.2-03, and 54-52.2-04 of the North Dakota Century Code, relating to funding of administrative expenses of the deferred compensation plan, computation of benefits, determination of normal retirement date, beneficiary designations, cost of credit purchases, postretirement adjustments, prior service retiree adjustments, confidentiality of records, and deferred compensation under the public employees retirement system; to repeal section 54-52-17.9 of the North Dakota Century Code, relating to prior service retiree adjustments under the public employees retirement system; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulletson; Gunter; Haas; Hanson; Hawken; Herbel; Hunsakor; Jensen; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Huether; Johnson, N.; Kempenich; Lloyd; Price; Thorpe; Weisz

Engrossed SB 2082 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2118, as engrossed: Your conference committee (Sens. Dever, Lyson, C. Nelson and Reps. Wrangham, Kretschmar, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 833, adopt amendments as follows, and place SB 2118 on the Seventh order:

That the House recede from its amendments as printed on page 833 of the Senate Journal and page 892 of the House Journal and that Engrossed Senate Bill No. 2118 be amended as follows:

Page 1, line 6, remove the overstrike over "~~A person who is convicted of a felony and sentenced to imprisonment for not more~~"

Page 1, line 7, remove the overstrike over "~~than one year is deemed to have been convicted of a misdemeanor~~"

Page 1, line 9, after "~~sentence~~" insert ". However, if an order is entered revoking a probation imposed as a part of the sentence, the person is deemed to have been convicted of a felony", remove the overstrike over the period, and remove "Upon successful completion of the term of"

Page 1, remove lines 10 through 23

Page 2, line 1, remove "that probation."

Page 2, line 2, after "subdivision" insert "a." and after "b" insert an underscored comma

Renumber accordingly

Engrossed SB 2118 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KRETSCHMAR MOVED that the conference committee report on Engrossed SB 2118 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2118, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2118: A BILL for an Act to amend and reenact subsection 9 of section 12.1-32-02 of the North Dakota Century Code, relating to sentencing alternatives.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 1 NAY, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulletson; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Jensen; Johnson, D.; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Keiser

ABSENT AND NOT VOTING: Huether; Johnson, N.; Kempenich; Lloyd; Price; Thorpe; Weisz

Engrossed SB 2118 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2201: Your conference committee (Sens. Traynor, Trenbeath, Watne and Reps. Rennerfeldt, Brekke, Winrich) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 885 and place SB 2201 on the Seventh order.

SB 2201 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. RENNERFELDT MOVED that the conference committee report on SB 2201 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SB 2265, as engrossed: Your conference committee (Sens. Trenbeath, Lyson, C. Nelson and Reps. Kretschmar, Mahoney, Brekke) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 854, adopt amendments as follows, and place SB 2265 on the Seventh order:

That the House recede from its amendments as printed on page 854 of the Senate Journal and page 913 of the House Journal and that Engrossed Senate Bill No. 2265 be amended as follows:

Page 1, line 19, remove the overstrike over "~~the lesser of~~", after "~~one~~" insert "two", and remove the overstrike over "~~hundred dollars or~~"

Page 1, line 20, remove "up to"

Page 2, line 6, remove the overstrike over "~~the lesser of~~", after "~~one~~" insert "two", remove the overstrike over "~~hundred dollars or~~", and remove "up to"

Renumber accordingly

Engrossed SB 2265 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KRETSCHMAR MOVED that the conference committee report on SB 2265 be adopted, which motion prevailed on a voice vote.

SB 2265, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to amend and reenact subsection 2 of section 6-08-16 and subsection 4 of section 6-08-16.2 of the North Dakota Century Code, relating to the civil penalty for issuing a bad check or draft.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 74 YEAS, 17 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Eckre; Ekstrom; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Hunsakor; Jensen; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Mahoney; Maragos; Martinson; Meier; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Porter; Renner; Rennerfeldt; Ruby; Schmidt; Severson; Skarphol; Svedjan; Thoreson, B.; Tieman; Timm; Wald; Weiler; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

NAYS: Aarsvold; Boucher; Byerly; Delzer; Drovdal; Fairfield; Froelich; Froseth; Kerzman; Lemieux; Metcalf; Pollert; Sandvig; Solberg; Thoreson, L.; Warner; Winrich

ABSENT AND NOT VOTING: Huether; Johnson, N.; Kempenich; Lloyd; Price; Thorpe; Weisz

Engrossed SB 2265 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2365, as engrossed: Your conference committee (Sens. Trenbeath, Dever, C. Nelson and Reps. Disrud, Brekke, Fairfield) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 854, adopt amendments as follows, and place SB 2365 on the Seventh order:

That the House recede from its amendments as printed on page 854 of the Senate Journal and page 932 of the House Journal and that Engrossed Senate Bill No. 2365 be amended as follows:

Page 1, line 9, replace ", an assistance dog is" with ":

1. "Assistance dog" includes

Page 1, line 10, after the underscored period insert "The term includes guide dogs that guide individuals who are legally blind, hearing dogs that alert individuals who are hard of hearing to specific sounds, and service dogs for individuals with disabilities other than blindness or deafness. The term does not include a dog that is not trained to mitigate an individual's disability, but the presence of which is to provide for the comfort, protection, or personal defense of an individual.

2. "Service dogs" includes dogs trained to perform a variety of physical tasks, including pulling a wheelchair, lending balance support, retrieving dropped objects, and providing assistance in a medical crisis."

Page 2, line 7, after the second "a" insert "nationally recognized"

Page 2, line 8, remove "holding membership in assistance dogs international"

Page 2, line 31, overstrike "contributory negligence" and insert immediately thereafter "fault"

ReNUMBER accordingly

Engrossed SB 2365 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DISRUD MOVED that the conference committee report on SB 2365 be adopted, which motion prevailed on a voice vote.

SB 2365, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2365: A BILL for an Act to create and enact two new sections to chapter 25-13 of the North Dakota Century Code, relating to assistance dogs; to amend and reenact sections 25-13-02, 25-13-03, 25-13-04, 39-10-33.3, and subsection 22 of section 40-05-02 of the North Dakota Century Code, relating to the rights of individuals with disabilities who are accompanied by assistance dogs and the licensing of assistance dogs; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 1 NAY, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Jensen; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Porter

ABSENT AND NOT VOTING: Gulleeson; Huether; Johnson, N.; Kempenich; Lloyd; Price; Thorpe; Weisz

Engrossed SB 2365 passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

SB 2043, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2043 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1028 and 1029 of the House Journal, Engrossed Senate Bill No. 2043 is amended as follows

Page 1, line 1, after "to" insert "create and enact a new section to chapter 54-59 of the North Dakota Century Code, relating to the preparation of an information technology department annual report; to"

Page 1, line 4, after "department" insert "; to provide a statement of legislative intent; and to provide for a performance audit of the information technology department"

Page 2, line 19, after the period insert "An agreement to finance the purchase of software or equipment may not exceed a period of three years. The department shall submit any proposed agreement to finance the purchase of software or equipment under this subsection to the budget section of the legislative council before executing the agreement. If the budget section does not approve execution of the agreement, the department may not proceed with the proposed financing arrangement. The department may finance the purchase of software or equipment only to the extent the purchase amount does not exceed the amount appropriated to the department during that biennium for equipment."

Page 4, line 1, replace "Section" with "If Senate Bill No. 2251 does not become effective, section"

Page 4, overstrike line 12

Page 4, line 13, overstrike "representing a", remove "workforce training advisory board", and overstrike the comma

Page 4, line 14, remove "one member", overstrike "representing", and remove "city or county"

Page 4, line 15, remove "government; one member representing the greater North Dakota association" and overstrike ", one member"

Page 4, overstrike line 16

Page 4, line 17, overstrike "commission to operate in this state,"

Page 4, line 18, remove "one member representing"

Page 4, line 19, remove "Indian tribes, and one member representing the hospital telemedicine industry" and overstrike the period

Page 5, after line 3, insert:

"SECTION 5. AMENDMENT. If Senate Bill No. 2251 becomes effective, section 54-59-07 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-59-07. ~~Statewide wide area network~~State information technology advisory committee. The ~~statewide wide area network~~ state information technology advisory committee consists of the chief information officer or the officer's designee, who is a nonvoting member; the ~~state court administrator~~ director of the department of economic development and finance or the ~~administrator's~~ director's designee, ~~with the approval of the chief justice of the supreme court~~; the commissioner of higher education or the commissioner's designee; the chairman of the information technology council of North Dakota or a designee; the director of the North Dakota workforce development council or a designee; the chairman of the educational technology council or a designee; and ~~nine~~eight members appointed by the governor. ~~The governor shall appoint two members representing state agencies, one member representing a county, one~~

~~member representing a city, two members representing elementary and secondary education, one member representing noncommercial public television stations licensed by the federal communications commission to operate in this state, and two members from private industry who are knowledgeable in the deployment of major technology projects. The governor's appointees from private industry serve two-year terms, and other appointees of the governor serve at the pleasure of the governor. The governor shall designate the chairman of the committee. The department shall provide staff services to the committee. Except for the commissioner of higher education and the representatives of state agencies who receive compensation for their duties as state officers or employees, members of the committee are entitled to be compensated for time spent in attendance at meetings of the committee and for other travel as approved by the chairman of the committee at the rate of sixty-two dollars and fifty cents per day and are entitled to reimbursement for their actual and necessary expenses incurred in the same manner as other state officials. The compensation and expenses are to be paid from appropriations for the department. The committee shall advise the department with respect to planning and implementation of wide area network services provided by the department regarding statewide information technology planning, including providing electronic government services for citizens and businesses, developing technology infrastructure to support economic development and workforce training, and developing other statewide information technology initiatives and policy."~~

Page 6, after line 15, insert:

"SECTION 8. A new section to chapter 54-59 of the North Dakota Century Code is created and enacted as follows

Information technology department annual report. The department shall prepare an annual report to be presented to the information technology committee and the legislative audit and fiscal review committee. The annual report must contain:

1. A list of projects started, ongoing, and completed during the year including related budgeted and actual costs and estimated implementation date for each project.
2. Information regarding evaluations of cost-benefit analyses for completed projects.
3. The percentage of projects completed within budget.
4. The percentage of projects completed by the estimated implementation date.
5. Information regarding the department's management tools used to monitor projects.
6. Information regarding administrative costs including administrative costs as a percentage of total department expenditures.
7. A comparison of the department's rates charged for services compared to rates charged for comparable services in other states and in the private sector.
8. Information regarding the department's project management system including whether a project manager is assigned to each project.
9. Information regarding the information technology plans including the department's plan review process, the number of plans reviewed, and the number of plans approved.
10. The number of information technology training hours completed by each department employee.
11. Information regarding customer satisfaction with the services provided by the department.
12. A detailed description of the department's statewide information technology plan.

SECTION 9. LEGISLATIVE INTENT - PERFORMANCE MEASURES. It is the intent of the legislative assembly that the information technology department develop

performance measures to assist the legislative assembly in determining the effectiveness and efficiency of the department's operations during the biennium beginning July 1, 2001, and ending June 30, 2003. Each performance measure must include a benchmark for targeted department performance based on national, other states, or private sector performance. The department shall report to the information technology committee and the legislative audit and fiscal review committee during the 2001-02 interim on the performance measures developed.

SECTION 10. PERFORMANCE AUDIT. The state auditor's office shall consider conducting a performance audit of the information technology department during the 2003-05 biennium. The review, if conducted, must include a review and evaluation of the performance measures developed by the information technology department during the 2001-03 biennium."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 112 - Information Technology Department - House Action

This amendment makes the following changes:

- Change the membership of the State Information Technology Advisory Committee.
- Requires the department to prepare an annual report and present it to the Legislative Council's Information Technology Committee and the Legislative Audit and Fiscal Review Committee.
- Provides legislative intent that the Information Technology Department develop performance measures.
- Provides that the State Auditor's office consider conducting a performance audit of the Information Technology Department during the 2003-05 biennium.

SECOND READING OF SENATE BILL

SB 2043: A BILL for an Act to create and enact a new section to chapter 54-59 of the North Dakota Century Code, relating to the preparation of an information technology department annual report; to amend and reenact section 54-35-15.2, subsection 4 of section 54-59-05, and sections 54-59-06, 54-59-07, 54-59-11, and 54-59-16 of the North Dakota Century Code, relating to powers, duties, and responsibilities of the information technology committee and the information technology department; to provide a statement of legislative intent; and to provide for a performance audit of the information technology department.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 75 YEAS, 16 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Disrud; Dosch; Drovda; Eckre; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Jensen; Johnson, D.; Kasper; Keiser; Kelsch, R.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Nelson; Nicholas; Niemeier; Nottestad; Pietsch; Pollert; Porter; Renner; Rennerfeldt; Ruby; Sandvig; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Boucher; Cleary; Delmore; Ekstrom; Fairfield; Glassheim; Gulleson; Kelsh, S.; Kretschmar; Lemieux; Mahoney; Mueller; Onstad; Schmidt; Solberg; Warner

ABSENT AND NOT VOTING: Huether; Johnson, N.; Kempenich; Lloyd; Price; Thorpe; Weisz

Engrossed SB 2043 passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

SB 2285, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2285 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 4, after "appropriation" insert "; to provide an effective date; and to provide an expiration date"

Page 1, line 12, after the period insert "Upon approval of state assumption of the section 404 program by the environmental protection agency, the state water commission is authorized five additional full-time equivalent positions to implement this Act."

Page 1, after line 12, insert:

"SECTION 3. EFFECTIVE DATE. This Act becomes effective on the date the state engineer certifies to the governor that a program has been designed to effectively assume responsibility for the section 404 program of the Clean Water Act and the state water commission is ready to assume those responsibilities. The governor shall notify the secretary of state and the legislative council of the effective date of this Act.

SECTION 4. EXPIRATION DATE. This Act is effective through June 30, 2005, and after that date is ineffective."

Renumber accordingly

SECOND READING OF SENATE BILL

SB 2285: A BILL for an Act to repeal section 12 of chapter 594 of the 1993 Session Laws, as amended by section 1 of chapter 589 of the 1995 Session Laws, relating to the effective date of the assumption of the section 404 program of the Clean Water Act by the state; to provide an appropriation; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 74 YEAS, 17 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Grande; Grosz; Grumbo; Gulletson; Gunter; Haas; Hawken; Herbel; Hunsakor; Johnson, D.; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lemieux; Mahoney; Meier; Monson; Nelson; Nicholas; Niemeier; Nottestad; Pietsch; Pollert; Renner; Rennerfeldt; Ruby; Schmidt; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Wikenheiser; Wrangham; Speaker Bernstein

NAYS: Devlin; Glassheim; Hanson; Jensen; Keiser; Kroeber; Maragos; Martinson; Metcalf; Mueller; Onstad; Porter; Sandvig; Severson; Warner; Wentz; Winrich

ABSENT AND NOT VOTING: Huether; Johnson, N.; Kempenich; Lloyd; Price; Thorpe; Weisz

Engrossed SB 2285 passed and the title was agreed to.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3071.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2034, SB 2082, SB 2118, SB 2201, SB 2265, SB 2365.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1058, HB 1269.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: and SB 2043, SB 2285.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1109 and HB 1273.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1441 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1441: Reps. Price; Kliniske; Niemeier

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1003, HB 1004, HB 1023, HB 1200, and HB 1328 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1003: Reps. Koppelman; Carlisle; Glassheim
HB 1004: Reps. Skarphol; B. Thoreson; Glassheim
HB 1023: Reps. Wald; Monson; Aarsvold
HB 1200: Reps. Timm; Nicholas; Warner
HB 1328: Reps. Nicholas; Brandenburg; Froelich

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2012, SB 2015, SB 2019, SB 2229, and SB 2276 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2012: Sens. Nething; Kringstad; Tallackson
SB 2015: Sens. Holmberg; Schobinger; Heitkamp
SB 2019: Sens. Grindberg; Andrist; Heitkamp
SB 2229: Sens. Andrist; Thane; Tomac
SB 2276: Sens. Andrist; Grindberg; Robinson

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee reports and subsequently passed: SB 2034, SB 2082, SB 2095, SB 2118, SB 2201, SB 2265, and SB 2365.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has appointed Sen. Flakoll to replace Sen. Freborg on the Conference Committee on SB 2166.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1007: Sens. Grindberg; Andrist; Lindaas
HB 1020: Sens. Andrist; Grindberg; Lindaas
HB 1025: Sens. Schobinger; Kringstad; Tallackson
HB 1386: Sens. Cook; Flakoll; D. Mathern

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2007: Reps. Delzer; Kempenich; Kerzman
SB 2013: Reps. Carlisle; Koppelman; Huether
SB 2017: Reps. Wald; Monson; Gulleson
SB 2183: Reps. Nelson; D. Johnson; Mueller
SB 2244: Reps. Grosz; Kretschmar; Delmore

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2251: Reps. Haas; Nelson; Grumbo
SB 2287: Reps. Keiser; Galvin; Winrich

SB 2291: Reps. Brusegaard; Hawken; Hunskor
SB 2449: Reps. Nelson; Porter; Solberg

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1416: Reps. Kretschmar; Grande; Mahoney

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee reports and subsequently passed: HB 1119, HB 1184, and HB 1267.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report on HB 1245.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1395.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1399.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1399

Page 1, line 1, replace "section" with "sections" and after "57-38-30.3" insert "and 57-38-31.1"

Page 1, line 2, after "return" insert "and the filing of composite returns; to repeal section 57-38-34.1 of the North Dakota Century Code, relating to an optional card income tax return"

Page 1, line 17, remove "adjusted gross income and a federal"

Page 1, line 21, overstrike "This tax is", remove "two and seven-tenths", and overstrike "percent of the individual's, estate's, or"

Page 1, line 22, overstrike "trust's adjusted federal", remove "taxable", overstrike "income", remove "that is taxable to this state", and overstrike "for"

Page 1, line 23, overstrike "the taxable year" and replace "if the individual's, estate's, or trust's federal adjusted gross income" with:

- "a. The tax for an individual, estate, or trust is computed at the following rates:
 - (1) On North Dakota taxable income not in excess of forty thousand dollars, a tax of two and eight-tenths percent.
 - (2) On North Dakota taxable income in excess of forty thousand dollars, a tax of four and nine-tenths percent.
- b. The tax for married individuals filing a joint return is computed at the following rates:
 - (1) On North Dakota taxable income not in excess of eighty thousand dollars, a tax of two and eight-tenths percent.
 - (2) On North Dakota taxable income in excess of eighty thousand dollars, a tax of four and nine-tenths percent"

Page 1, remove line 24

Page 2, remove lines 1 through 6

Page 2, line 7, remove "wife filing a joint state income tax return"

Page 2, line 8, overstrike "The adjusted federal", remove "taxable", overstrike "income", remove "for purposes of this section", and overstrike "for a"

Page 2, line 9, overstrike "resident", remove "or nonresident", and overstrike "individual, estate, and trust must be determined by"

Page 2, line 11, remove "deducting the taxpayer's taxable", overstrike "income", remove "that is not", and overstrike "taxable to"

Page 2, line 12, overstrike "this state", remove "from", overstrike "the total", and remove "federal"

Page 2, line 13, remove "taxable" and overstrike "income as reported on the federal income tax return. To the extent they"

Page 2, line 14, overstrike "are included in the taxpayer's federal", remove "taxable", and overstrike "income, the following"

Page 2, line 15, overstrike "amounts must", remove "also", overstrike "be", and replace "deducted" with "For purposes of this section, "North Dakota taxable income" means the federal taxable income of an individual, estate, and trust as computed under the Internal Revenue Code of 1986, as amended, adjusted as follows"

Page 2, line 16, overstrike "Interest" and insert immediately thereafter "Reduced by interest"

Page 2, line 19, overstrike "The" and insert immediately thereafter "Reduced by the"

Page 2, line 25, overstrike "An" and insert immediately thereafter "Reduced by the"

Page 2, after line 27, insert:

- "d. Reduced by thirty percent of the excess of the taxpayer's net long-term capital gain for the taxable year over the net short-term capital loss for that year, as computed for purposes of the Internal Revenue Code of 1986, as amended.
- e. Increased by the amount of any interest and dividends from foreign securities and from securities of states and political subdivisions exempt from federal income tax, except that interest upon obligations of the state of North Dakota or any of its political subdivisions may not be included.
- f. Increased by the amount of a lump sum distribution for which income averaging was elected under section 402 of the Internal Revenue Code of 1986 [26 U.S.C. 402], as amended. This adjustment does not apply if the taxpayer receives the lump sum distribution while a nonresident of this state and the distribution is exempt from taxation by this state under federal law.
- g. Increased by an amount equal to the losses that are passed through to a taxpayer in connection with an allocation and apportionment to North Dakota under chapter 57-35.3.
- h. For nonresidents, reduced by the taxable income that is not taxable to this state."

Page 4, line 21, after the overstruck period insert "Each adjustment in subsection 3, except subdivision h, may be allowed only to the extent the adjustment is attributable to income allocated and apportioned to this state."

Page 4, line 22, after the overstruck period insert "5." and overstrike "A husband and wife" and insert immediately thereafter "Married individuals"

Page 4, line 27, replace "5" with "6"

Page 5, line 4, overstrike "entire" and insert immediately thereafter "federal"

Page 5, line 6, replace "6" with "7"

Page 5, line 19, replace "7" with "8"

Page 5, line 25, replace "8" with "9"

Page 5, line 27, replace "9" with "10"

Page 5, replace lines 29 and 30 with:

- "11. A qualifying taxpayer is entitled to a tax credit of up to twenty-five percent of the tax liability computed under subsection 2, not to exceed two hundred thirty dollars or one hundred fifteen dollars for married individuals filing separate state income tax returns. For purposes of this subsection, a "qualifying taxpayer" means a taxpayer who, during the taxable year:
- a. Paid property taxes under chapter 57-02 on property in this state;
 - b. Leased and paid rent for real property in this state; or
 - c. Paid mobile home tax under chapter 57-55 and lot rent for a mobile home in this state.
12. a. A taxpayer is entitled to a credit against the tax imposed by this section for any unused federal credit for prior year minimum tax. "Unused federal credit for prior year minimum tax" means the amount of the federal credit for prior year minimum tax attributable to federal alternative minimum tax included in the taxpayer's federal income tax liability for purposes of this section for taxable years beginning before January 1, 2001, reduced by the total amount of the federal credit for prior year minimum tax claimed on the taxpayer's federal income tax return for all taxable years beginning after December 31, 2000.
- b. The credit is equal to fourteen percent of the portion of the unused federal credit for prior year minimum tax claimed on the taxpayer's federal income tax return and may not exceed the taxpayer's tax liability for the taxable year. For a nonresident taxpayer, the credit is limited to the ratio that the nonresident taxpayer's North Dakota adjusted gross income bears to the nonresident's federal adjusted gross income.
 - c. The credit under this subsection is not allowed for taxable years beginning after December 31, 2004.
13. a. At the election of an individual taxpayer engaged in a farming business, the tax imposed by subsection 2 of this section for the taxable year must be equal to the sum of the following:
- (1) The tax computed under subsection 2 on North Dakota taxable income reduced by elected farm income.
 - (2) The increase in tax imposed by subsection 2 which would result if North Dakota taxable income for each of the three prior taxable years were increased by an amount equal to one-third of the elected farm income. For purposes of applying this paragraph to taxable years beginning before January 1, 2001, the increase in tax must be determined by recomputing the tax in the manner prescribed by the tax commissioner.
- b. "Elected farm income" means that portion of North Dakota taxable income for the taxable year that is elected farm income as defined in section 1301 of the Internal Revenue Code [26 U.S.C. 1301].
 - c. The reduction in North Dakota taxable income under this subsection must be taken into account for purposes of making an election under this subsection for any subsequent taxable year.
 - d. The tax commissioner may prescribe rules, procedures, or guidelines necessary to administer this subsection.
14. The tax commissioner may prescribe tax tables to be used in lieu of computing the tax according to subsection 2 if the amounts of the computed tax are based on the tax rates set forth in subsection 2. If prescribed by the tax commissioner, the tables must be followed by every individual, estate, or trust electing to determine a tax under this section.

SECTION 2. AMENDMENT. Section 57-38-31.1 of the North Dakota Century Code is amended and reenacted as follows:

57-38-31.1. Composite returns. Partnerships and subchapter S corporations may file a composite return on behalf of nonresidential individual partners or shareholders in the manner prescribed by the tax commissioner. Any amount of tax paid by the partnership or subchapter S corporation on the composite return on behalf of a nonresident partner or shareholder constitutes a credit on the North Dakota return of the nonresident individual on whose behalf the tax was paid by the partnership or subchapter S corporation. Any return filed by a partnership or subchapter S corporation under this section is considered as the return of the nonresident individual partner or shareholder on whose behalf the return is filed. The tax under this section must be computed by multiplying the aggregate of the shares of North Dakota taxable income reportable to North Dakota by the partners or shareholders included in the composite return by the highest federal tax rate for individuals times the tax rate imposed under section 57-38-30.3 four and nine-tenths percent.

SECTION 3. REPEAL. Section 57-38-34.1 of the North Dakota Century Code is repealed."

Page 6, remove lines 1 through 9

Renumber accordingly.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2033, SB 2191, SB 2222, and SB 2415.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee reports and subsequently passed: SB 2204, SB 2345, SB 2389, and SCR 4020.

REPORT OF STANDING COMMITTEE

SB 2021, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2021 was placed on the Sixth order on the calendar.

Page 1, line 4, replace the second "section" with "sections", after "4-05.1-16" insert ", 4-05.1-17, 4-05.1-19," and remove "subsection 1 of section"

Page 1, line 5, remove "changing", remove "voting", and after "membership" insert "and duties"

Page 1, line 6, after "education" insert ", the compensation of board members," and replace "use of" with "the" and remove "annual"

Page 1, line 7, remove "proceeds"

Page 2, line 15, replace "55,178,597" with "54,818,597"

Page 2, line 17, replace "28,365,985" with "28,005,985"

Page 2, line 20, replace "3,811,153" with "3,782,653"

Page 2, line 26, replace "2,959,679" with "3,259,679"

Page 2, line 27, replace "14,666,145" with "14,937,645"

Page 2, line 28, replace "6,848,485" with "6,903,485"

Page 2, line 29, replace "7,817,660" with "8,034,160"

Page 3, line 3, replace "51,742,895" with "51,599,395"

Page 3, line 4, replace "62,334,583" with "62,389,583"

Page 3, line 5, replace "114,077,478" with "113,988,978"

Page 3, line 12, remove "the state board of higher"

Page 3, line 13, remove the first "education," and remove the second comma

Page 3, line 23, replace "\$650,000" with "\$500,000"

Page 3, after line 25, insert:

"SECTION 6. LEGISLATIVE INTENT - CARRINGTON RESEARCH CENTER.

It is the intent of the legislative assembly that the agricultural experiment station develop a modern feedmill and feedlot at the Carrington research extension center that will address genetic, management, marketing, coproduct, and environmental research needs of beef producers.

SECTION 7. LEGISLATIVE INTENT - MALT BARLEYS. It is the intent of the fifty-seventh legislative assembly that the agricultural experiment station allocate from the main research center \$288,000 of funding for the purpose of developing western North Dakota malt barleys for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 8. LEGISLATIVE INTENT - BEEFLINE INITIATIVE. It is the intent of the fifty-seventh legislative assembly that the agricultural experiment station allocate at least \$445,000 of funding for the beefline initiative for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 9. LEGISLATIVE INTENT - NEW BARLEY VARIETIES. It is the intent of the fifty-seventh legislative assembly that the agricultural experiment station allocate at least \$228,000 of funding for the purpose of conducting research to develop new feed barley varieties for the biennium beginning July 1, 2001, and ending June 30, 2003."

Page 4, line 24, replace ", who serves in an ex officio" with "or the president's designee"

Page 4, line 25, remove "nonvoting capacity"

Page 4, line 27, remove ", who serves in an"

Page 4, line 28, remove "ex officio nonvoting capacity"

Page 5, line 9, remove ", who"

Page 5, line 10, remove "serves in an ex officio nonvoting capacity"

Page 6, after line 8, insert:

"SECTION 13. AMENDMENT. Section 4-05.1-17 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-05.1-17. Compensation of board members - Expenses. Each appointed member of the state board of agricultural research and education is entitled to receive ~~sixty-two~~ seventy-five dollars and ~~fifty cents~~ per day as compensation for the time actually spent devoted to the duties of office and is entitled to receive necessary expenses in the same manner and amounts as state officials for attending meetings and performing other functions of office.

SECTION 14. AMENDMENT. Section 4-05.1-19 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-05.1-19. State board of agricultural research and education - Duties. Within the policies of the state board of higher education, the state board of agricultural research and education is responsible for ~~the budgeting, supervision, and policymaking responsibilities associated with the supervision of the~~ agricultural experiment station and the North Dakota state university extension service. The board of agricultural research and education ~~board~~ shall:

1. Determine the causes of any adverse economic impacts on crops and livestock produced in this state;
2. Develop ongoing strategies for the provision of research solutions and resources to negate adverse economic impacts on crops and livestock produced in this state;
3. ~~Make available financial resources, including grants and salaries, and make available equipment and facilities to implement~~ Develop ongoing

strategies for the dissemination of research information through the extension service;

4. Implement the strategies developed under~~subsection~~ subsections 2 and 3,
subject to approval by the state board of higher education;
4. 5. ~~Develop an annual budget for the operation of,~~ with the agricultural
experiment station and the North Dakota state university extension service,
an annual budget for the operations of these entities;
5. 6. Develop, with the agricultural experiment station and the North Dakota
state university extension service, a biennial budget request and submit
that request to the president of North Dakota state university and the state
board of higher education ~~on or before March first of each even numbered~~
year;
6. 7. Maximize the use of existing financial resources, equipment, and facilities
to generate the greatest economic benefit from research and extension
efforts and to promote efficiency;
7. 8. Annually evaluate the results of research and extension activities and
expenditures and report the findings to the legislative council and the state
board of higher education;
8. 9. Advise the ~~administration~~ president of North Dakota state university
regarding the recruitment and, selection, and performance of the vice
president of agricultural affairs, the extension service director, and the
station director; and
9. 10. ~~Develop ongoing strategies for the dissemination of research information~~
~~and the best practices for management of the extension service~~ Present a
status report to the budget section of the legislative council."

Page 6, line 9, replace "Subsection 1 of section" with "Section"

Page 6, replace lines 11 through 26 with:

**"4-05.1-21. State board of agricultural research and education -
Apportionment of research funds.**

1. The state board of agricultural research and education may use up to ten
percent of the proceeds of the agricultural research fund, not to exceed fifty
thousand dollars, for administrative expenses and annually shall apportion
the remaining proceeds of the agricultural research fund as follows:
 - a. Seventy percent to research activities affecting North Dakota
agricultural commodities that account for at least two percent of the
gross sales of all agricultural commodities grown or produced in the
state. The percentage of the dollars available for each agricultural
commodity under this section may not exceed the percentage that the
gross sales of the agricultural commodity bear to the North Dakota
gross sales of all agricultural commodities grown or produced during
the previous year, as determined by the agricultural statistics service;
 - b. Eighteen percent to research activities affecting North Dakota animal
agriculture; and
 - c. Twelve percent to research activities affecting new and emerging
crops in North Dakota.
2. The state board of agricultural research and education shall solicit
proposals for research from the public and private sectors and shall appoint
committees to review the proposals and award the agricultural research
grants on a competitive basis. Each committee must consist of a majority
of agricultural producers selected in consultation with the agricultural
commodity groups representing commodities that are the subjects of the
proposed research and may include researchers and other individuals
knowledgeable about the proposed area of research. Whenever possible,
the committees shall require that a grant recipient commit matching funds.

3. The state board of agricultural research and education shall develop policies regarding the award of research grants, including requirements for matching funds, cooperation with other in-state and out-of-state researchers, and coordination with other in-state and out-of-state proposed or ongoing research projects.

SECTION 16. TRANSFER AUTHORITY. Upon approval from the state board of agricultural research and education, the director of the North Dakota agricultural experiment station may transfer appropriation authority within subdivisions 1, 4, and 5 of section 1 of this Act of up to \$90,000 of estimated income for beef quality assurance and up to \$60,000 of estimated income for applied research initiatives, for the biennium beginning July 1, 2001, and ending June 30, 2003."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2021 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Transportation Institute				
Total all funds	\$7,888,427	\$7,888,427	\$0	\$7,888,427
Less estimated income	<u>7,383,348</u>	<u>7,383,348</u>		<u>7,383,348</u>
General fund	\$505,079	\$505,079	\$0	\$505,079
Branch Research Centers				
Total all funds	\$13,772,645	\$14,666,145	\$271,500	\$14,937,645
Less estimated income	<u>5,873,485</u>	<u>6,848,485</u>	<u>55,000</u>	<u>6,903,485</u>
General fund	\$7,899,160	\$7,817,660	\$216,500	\$8,034,160
NDSU Extension Service				
Total all funds	\$33,678,046	\$33,628,046	\$0	\$33,628,046
Less estimated income	<u>19,298,301</u>	<u>19,298,301</u>		<u>19,298,301</u>
General fund	\$14,379,745	\$14,329,745	\$0	\$14,329,745
Northern Crops Institute				
Total all funds	\$1,457,123	\$1,457,123	\$0	\$1,457,123
Less estimated income	<u>732,697</u>	<u>732,697</u>		<u>732,697</u>
General fund	\$724,426	\$724,426	\$0	\$724,426
Main Research Station				
Total all funds	\$55,228,597	\$55,178,597	(\$360,000)	\$54,818,597
Less estimated income	<u>26,812,612</u>	<u>26,812,612</u>		<u>26,812,612</u>
General fund	\$28,415,985	\$28,365,985	(\$360,000)	\$28,005,985
Agronomy Seed Farm				
Total all funds	\$1,259,140	\$1,259,140	\$0	\$1,259,140
Less estimated income	<u>1,259,140</u>	<u>1,259,140</u>		<u>1,259,140</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$113,283,978	\$114,077,478	(\$88,500)	\$113,988,978
Less estimated income	<u>61,359,583</u>	<u>62,334,583</u>	<u>55,000</u>	<u>62,389,583</u>
General fund	\$51,924,395	\$51,742,895	(\$143,500)	\$51,599,395

Senate Bill No. 2021 - Transportation Institute - House Action

The House did not change the Senate version of the bill.

Senate Bill No. 2021 - Branch Research Centers - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Dickinson Research Center	\$3,132,653	\$3,811,153	(\$28,500)	\$3,782,653
Central Grasslands Research Center	1,413,982	1,413,982		1,413,982
Hettinger Research Center	1,559,583	1,559,583		1,559,583
Langdon Research Center	1,781,894	1,916,894		1,916,894
North Central Research Center	1,511,068	1,511,068		1,511,068
Williston Research Center	1,413,786	1,493,786		1,493,786
Carrington Research Center	<u>2,959,679</u>	<u>2,959,679</u>	<u>300,000</u>	<u>3,259,679</u>
Total all funds	\$13,772,645	\$14,666,145	\$271,500	\$14,937,645
Less estimated income	<u>5,873,485</u>	<u>6,848,485</u>	<u>55,000</u>	<u>6,903,485</u>
General fund	\$7,899,160	\$7,817,660	\$216,500	\$8,034,160
FTE	76.36	76.36	0.00	76.36

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

	RESTORE FUNDING ¹	CHANGE FUNDING FOR LEARNING CENTER ²	REDUCE FUNDING FOR BEEFLINE ³	PROVIDE FUNDING FOR MODERN FEEDMILL AND FEEDLOT ⁴	PROVIDE ADDITIONAL FUNDING FOR BEEFLINE AND FEED BARLEY RESEARCH ⁵	TOTAL HOUSE CHANGES
Dickinson Research Center	\$66,500		(\$300,000)		\$205,000	(\$28,500)
Central Grasslands Research Center						
Hettinger Research Center						
Langdon Research Center						
North Central Research Center						
Williston Research Center						
Carrington Research Center				<u>\$300,000</u>		<u>300,000</u>
Total all funds	\$66,500	\$0	(\$300,000)	\$300,000	\$205,000	\$271,500
Less estimated income		<u>(150,000)</u>	<u>(300,000)</u>	<u>300,000</u>	<u>205,000</u>	<u>55,000</u>
General fund	\$66,500	\$150,000	\$0	\$0	\$0	\$216,500
FTE	0.00	0.00	0.00	0.00	0.00	0.00

¹ Restores funding to the Dickinson Research Center which was removed by the Senate.

² Changes funding of \$150,000 from special funds to the general fund for the Langdon Learning Center project. The total authorization for the project is \$810,000, \$300,000 of which is from the general fund and \$510,000 of special funds. The section requiring \$650,000 in cash or pledges before construction can begin is lowered to \$500,000.

³ Funding added in the Senate to the Dickinson Research Center for the beefline initiative is reduced by \$300,000, from \$745,000 to \$445,000. Funding is from Dickinson oil revenues.

⁴ Provides funding from Dickinson oil revenues for the development of a modern feedmill and feedlot to be established at the Carrington Research Center.

⁵ Provides funding from additional Dickinson oil revenues, if available, for the beefline initiative and feed barley research. Total funding included in this amendment from Dickinson oil revenues is \$950,000 which is provided for the beefline initiative, the Carrington feedmill and feedlot, and for feed barley research.

Senate Bill No. 2021 - NDSU Extension Service - House Action

The House did not change the Senate version of the bill.

Senate Bill No. 2021 - Northern Crops Institute - House Action

The House did not change the Senate version of the bill.

Senate Bill No. 2021 - Main Research Station - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$40,952,648			
Operating expenses	10,027,903			
Equipment	1,532,746			
Capital improvements	415,300			
Agricultural research grants	2,000,000			
Animal replacement	300,000			
Main Research Station		<u>\$55,178,597</u>	<u>(\$360,000)</u>	<u>\$54,818,597</u>
Total all funds	\$55,228,597	\$55,178,597	(\$360,000)	\$54,818,597
Less estimated income	<u>26,812,612</u>	<u>26,812,612</u>		<u>26,812,612</u>
General fund	\$28,415,985	\$28,365,985	(\$360,000)	\$28,005,985
FTE	351.28	351.28	(1.80)	349.48

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

	REDUCE OPERATING LINE ITEM	REMOVE VACANT POSITIONS ¹	TOTAL HOUSE CHANGES
Salaries and wages			
Operating expenses			
Equipment			
Capital improvements			
Agricultural research grants			
Animal replacement			
Main Research Station	<u>(\$360,000)</u>		<u>(\$360,000)</u>
Total all funds	(\$360,000)	\$0	(\$360,000)
Less estimated income			

General fund	(\$360,000)	\$0	(\$360,000)
FTE	0.00	(1.80)	(1.80)

¹ The following vacant FTE positions are removed, but the funding for the positions remains and may be reallocated for other purposes.

	FTE
Assistant professor	(.45)
Information processing position	(.95)
Information systems position	(.25)
Public information position	(.15)
Total FTEs reduced	(1.80)

Senate Bill No. 2021 - Agronomy Seed Farm - House Action

The House did not change the Senate version of the bill.

Senate Bill No. 2021 - Other Changes - House Action

The State Board of Higher Education is removed from the transfer authority approval process in Section 3.

Section 6 provides intent for the establishment of a modern feedmill and feedlot at the Carrington Research Extension Center.

Section 7 provides intent that \$288,000 be allocated from the Main Research Center for developing western North Dakota malt barleys.

Section 8 provides intent that at least \$445,000 be allocated for the beefline initiative.

Section 9 provides intent that at least \$228,000 be allocated for the development of new feed barley varieties.

This amendment amends Section 12 to reinstate the president of North Dakota State University, the administrator of the Agricultural Experiment Station, and the director of the North Dakota State University Extension Service as voting members of the State Board of Agricultural Research and Education.

Section 13 changes the per diem of the members of the State Board of Agricultural Research and Education from \$62.50 to \$75.00.

The duties of the State Board of Agricultural Research and Education are redefined in Section 14 to include a status report to the Budget Section.

The administrative expenses of the State Board of Agricultural Research and Education are limited to 10 percent of the proceeds of the agricultural research fund, not to exceed \$50,000.

Transfer authority among the Extension Service, Main Research Center, and research centers of up to \$150,000 is authorized in Section 16 for funding of beef quality assurance (\$90,000) and applied research initiatives (\$60,000).

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, April 9, 2001, which motion prevailed.

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

MARK L. JOHNSON, Chief Clerk

