

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, April 23, 2001

The Senate convened at 8:00 a.m., with President Dalrymple presiding.

The prayer was offered by Senator Thane.

The roll was called and all members were present except Senators Kelsh, Kroeplin, and Tallackson.

A quorum was declared by the President.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. HOLMBERG MOVED** that the conference committee report on Engrossed SB 2017 as printed on SJ pages 1442-1444 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2017, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota; to create and enact a new section to chapter 52-08 of the North Dakota Century Code, relating to job task analysis services; to amend and reenact subdivision a of subsection 3 of section 52-04-05 and section 52-04-22 of the North Dakota Century Code and section 4 of chapter 433 of the 1999 Session Laws, relating to unemployment compensation employer rates, the federal advance interest repayment fund, and the unemployment compensation incentive fund; to provide a continuing appropriation; to provide for retroactive application; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Kelsh; Tallackson

Reengrossed SB 2017 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. COOK MOVED** that the conference committee report on Engrossed SB 2166 as printed on SJ pages 1444-1447 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2166, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2166:** A BILL for an Act to create and enact section 15.1-06-08.1 of the North Dakota Century Code, relating to the waiver of statutes; and to amend and reenact sections 15.1-06-05 and 15.1-06-08 of the North Dakota Century Code, relating to the reconfiguration of instructional days and the waiver of accreditation rules.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Heitkamp; Mathern, T.

**ABSENT AND NOT VOTING:** Kelsh; Tallackson

Reengrossed SB 2166 passed and the title was agreed to.

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

**SEN. WANZEK MOVED** that the conference committee report on Engrossed SB 2167 as printed on SJ pages 1447-1453 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2167, as amended, was placed on the Eleventh order.

#### **SECOND READING OF SENATE BILL**

**SB 2167:** A BILL for an Act to amend and reenact sections 4-35-05, 4-35-06, 4-35-08, 4-35-09, 4-35-13, 4-35-15, 4-35-19, and subsection 4 of section 4-35.1-01 of the North Dakota Century Code, relating to pesticide applicators.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Tallackson

Reengrossed SB 2167 passed and the title was agreed to.

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

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed SB 2276 as printed on SJ pages 1453-1454 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2276, as amended, was placed on the Eleventh order.

#### **SECOND READING OF SENATE BILL**

**SB 2276:** A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to a dentists' loan repayment program; to provide a continuing appropriation; to provide an appropriation; and to declare an emergency.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Tallackson

Reengrossed SB 2276 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. NETHING MOVED** that the conference committee report on Engrossed SB 2012 as printed on SJ pages 1439-1442 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2012, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2012:** A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation; to provide for a legislative council study; to provide a contingent appropriation; to amend and reenact section 39-06-19, subsection 1 of section 39-06.2-09, and section 39-09-02 of the North Dakota Century Code, relating to highways and operators' licenses; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Dever; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mathern, D.; Mutch; Nething; Nichols; Robinson; Schobinger; Solberg; Stenehjerm; Thane; Tomac; Traynor; Trenbeath; Wardner

**NAYS:** Bercier; Christenson; Erbele; Lindaas; Mathern, T.; Nelson, C.; Nelson, G.; O'Connell; Polovitz; Tollefson; Urlacher; Wanzek; Watne

**ABSENT AND NOT VOTING:** Tallackson

Reengrossed SB 2012 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. WARDNER MOVED** that the conference committee report on Engrossed HB 1413 as printed on SJ pages 1454-1455 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1413, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1413:** A BILL for an Act to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to credits allowed on the short-form income tax return; to amend and reenact subsection 4 of section 57-38.5-01 and sections 57-38.5-02, 57-38.5-03, and 57-38.5-05 of the North Dakota Century Code, relating to the seed capital investment tax credit; to provide for a report on seed capital investment tax credits; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Kelsh; Lindaas; O'Connell; Tomac

**ABSENT AND NOT VOTING:** Tallackson

Engrossed HB 1413, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. SOLBERG MOVED** that the conference committee report on Engrossed HB 1009 as printed on SJ pages 1391-1394 be adopted.

**REQUEST**

**SEN. TOMAC REQUESTED** that the President rule on the germaneness of the Conference Committee amendments to Engrossed HB 1009 based on Rule 402 of **Mason's Legislative Manual**, which request was granted.

**RULING BY PRESIDENT DALRYMPLE**

**THE PRESIDENT RULED** that the Conference Committee amendments to Engrossed HB 1009 were germane based on subsection 3 of section 402 of **Mason's Legislative Manual**.

**REQUEST**

**SEN. HEITKAMP** challenged the President's ruling and requested a vote on the ruling, which request was granted.

The question being, "does the Senate uphold the ruling of the President that the Conference Committee amendments to Engrossed HB 1009 are germane," the Senate upheld the President's ruling on a voice vote.

The question being the adoption of the conference committee report on Engrossed HB 1009, the report was adopted on a voice vote.

Engrossed HB 1009, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1009:** A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to provide project safe send user fees; and to amend and reenact sections 4-01-21, 19-18-02.1, and 19-18-04 of the North Dakota Century Code and to amend and reenact the new section to chapter 4-35 of the North Dakota Century Code as created by section 3 of House Bill No. 1328, as approved by the fifty-seventh legislative assembly, relating to the salary of the agriculture commissioner, the membership of the crop protection product harmonization and registration board, uses of the environment and rangeland protection fund, and pesticide registration fees.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Robinson; Schobinger; Solberg; Stenehjerm; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; Christenson; Kroepelin; Mathern, D.; Mathern, T.; O'Connell; Polovitz

**ABSENT AND NOT VOTING:** Tallackson

Engrossed HB 1009, as amended, passed and the title was agreed to.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2017, SB 2276, SB 2012.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2166, SB 2167.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1413, HB 1009.

**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 2380.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1415.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2023.

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1003, HB 1407, HB 1460.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Dalrymple presiding.

**REPORT OF STANDING COMMITTEE**

**HB 1326, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1326 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 15-36-11.1 and"

Page 1, line 2, after "15.1-13-02" insert ", subsection 3 of section 15.1-13-17,"

Page 1, line 4, after "board" insert "and the assessment of fines"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** If House Bill No. 1045 does not become effective, section 15-36-11.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-36-11.1. Exception to certificate requirement.** An individual without a valid certificate who is teaching under contract with a school may teach and be employed to teach if approved by the education standards and practices board. The education standards and practices board shall establish by rule the terms and conditions of approval. The terms and conditions may include the payment of fines a fine to the board in an amount not exceeding two hundred fifty dollars per incident, enrollment in and completion of continuing education courses, and a deadline for filing a completed application. Approval to teach and be employed to teach without a valid North Dakota certificate may only be granted if the individual has previously held a valid North Dakota certificate, currently holds a valid teaching certificate or license in another jurisdiction, or has filed a completed application with the board."

Page 1, line 11, overstrike "nine" and insert immediately thereafter "ten"

Page 1, line 12, remove the overstrike over "~~four classroom teachers from public schools, one classroom~~"

Page 1, line 13, remove the overstrike over "~~teacher from a private school,~~", after "one" insert "two", remove the overstrike over "~~school board~~", after "member" insert "members", and remove the overstrike over "~~, two school~~"

Page 1, line 14, remove the overstrike over "~~administrators,~~" and remove the underscored colon

Page 1, remove lines 15 through 19

Page 1, line 20, remove "high school in this state;" and remove the overstrike over "~~one~~"

Page 1, line 21, remove "d. One"

Page 2, line 1, overstrike "five" and insert immediately thereafter "six"

Page 2, line 2, remove the overstrike over "~~-. The administrator's professional~~"

Page 2, remove the overstrike over line 3

Page 2, line 4, remove the overstrike over "~~education standards and practices board, the,~~", after "~~one~~" insert "two", remove the overstrike over "~~school board~~", after "member" insert "members", and remove the overstrike over "~~who~~"

Page 2, line 5, after "~~member~~" insert "are members" and remove the overstrike over "~~of the education standards and practices board, and two teacher~~"

Page 2, line 6, remove the overstrike over "~~members who are members of and are~~"

Page 3, line 6, remove the overstrike over "~~Four~~", remove "Five", remove the overstrike over "~~are public school classroom teachers~~", and remove "hold teaching"

Page 3, remove line 7

Page 3, line 8, remove "whom must be employed by a nonpublic school"

Page 3, line 9, remove the overstrike over "~~One individual who is a nonpublic school classroom teacher~~" and remove "Two individuals"

Page 3, line 10, remove "who serve as school board members"

Page 3, line 11, overstrike "One individual" and insert immediately thereafter "Two individuals", overstrike "is", after "a" insert "are", remove the overstrike over "~~school board~~", after "~~member~~" insert "members", and remove the overstrike over the semicolon

Page 3, line 12, remove the overstrike over "~~d. Two individuals who are administrators~~" and remove "the parent of a student enrolled in an"

Page 3, line 13, remove "elementary or high school in this state"

Page 3, line 14, remove the overstrike over "~~e.~~" and remove "d."

Page 3, after line 16, insert:

**"SECTION 4. AMENDMENT.** Subsection 3 of section 15.1-13-17 of the North Dakota Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

3. The board shall adopt rules establishing the terms and conditions under which an individual may be approved to teach, as provided for in this section. The terms and conditions may include the payment of a fine to the board in an amount not exceeding two hundred fifty dollars per incident, enrollment in and completion of continuing education courses, and submission of a completed application for licensure by a date certain."

Page 3, line 20, remove the overstrike over "~~must consist of the two~~" and remove "consists of five"

Page 3, line 21, remove the overstrike over "~~administrators, the~~" and insert immediately thereafter "two", remove the overstrike over the first "~~board~~", after "a" insert "members who are", remove the overstrike over "~~school board~~", after "~~member~~" insert "members", and remove the overstrike over "~~, and two board~~"

Page 3, remove the overstrike over line 22

Page 3, line 23, remove "selected"

ReNUMBER accordingly

#### CONSIDERATION OF AMENDMENTS

**HB 1326, as engrossed: SEN. FLAKOLL (Education Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1326:** A BILL for an Act to amend and reenact sections 15-36-11.1 and 15-38-17 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-13-02, subsection 3 of section 15.1-13-17, and subsection 2 of section 15.1-13-29 of the North Dakota Century Code, relating to the membership of the education standards and practices board and the assessment of fines; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 26 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Klein; Kringstad; Lee; Lyson; Mutch; Nething; Schobinger; Solberg; Stenehjelm; Tollefson; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; Christenson; Every; Heitkamp; Holmberg; Kelsh; Kilzer; Krauter; Krebsbach; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Thane; Tomac; Traynor

**ABSENT AND NOT VOTING:** Nelson, G.; Tallackson

Engrossed HB 1326, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2088:** Your conference committee (Sens. Stenehjelm, Trenbeath, O'Connell and Reps. Weisz, Price, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1003-1004, adopt amendments as follows, and place SB 2088 on the Seventh order:

That the House recede from its amendments printed on pages 1003 and 1004 of the Senate Journal and pages 1076 and 1077 of the House Journal and that Senate Bill No. 2088 be amended as follows:

Page 1, line 3, replace "sections" with "section" and after the first comma insert "subsection 8 of section 39-06.1-06, sections"

Page 1, line 5, after "Code" insert "and subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly", after "offenses" insert "and weight limitations", remove "and", and after "penalties" insert "; to provide an expiration date; and to declare an emergency"

Page 2, after line 4, insert:

**"SECTION 2. AMENDMENT.** Subsection 8 of section 39-06.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 10 plus \$1/each mph over limit
6 - 10	\$ 15 plus \$2/each mph over 5 mph over limit
11 - 15	\$ 25 plus \$3/each mph over 10 mph over limit
<u>16 - 20</u>	<u>\$ 40 plus \$3/each mph over 15 mph over limit</u>
<del>46</del> <u>21</u> - 25	<del>\$ 40</del> <u>55</u> plus \$3/each mph over <del>45</del> <u>20</u> mph over limit
26 - 35	\$ 70 plus \$3/each mph over 25 mph over limit
36 + <del>- 45</del>	<del>\$400</del> <u>120</u> plus \$5/each mph over 35 mph over limit
<u>46 +</u>	<u>\$170 plus \$5/each mph over 45 mph over limit"</u>

Page 8, line 30, overstrike "Except as provided in"

Page 8, line 31, overstrike "paragraphs 31 and 34"

Page 9, line 1, overstrike ", operating" and insert immediately thereafter "Operating"

Page 9, overstrike lines 5 through 15

Page 9, line 16, overstrike "1 point" and insert immediately thereafter "0 points"

Page 9, line 17, overstrike "2 points" and insert immediately thereafter "1 point"

Page 9, line 19, overstrike "4" and insert immediately thereafter "5"

Page 9, line 20, overstrike "6" and insert immediately thereafter "9"

Page 9, line 21, overstrike "8" and insert immediately thereafter "12"

Page 9, line 22, overstrike "12" and insert immediately thereafter "15"

Page 9, line 23, overstrike "(32)" and insert immediately thereafter "(31)"

Page 9, line 25, overstrike "(33)" and insert immediately thereafter "(32)"

Page 9, overstrike lines 27 through 31

Page 10 overstrike lines 1 through 10

Page 10, line 11, overstrike "(35)" and insert immediately thereafter "(33)"

Page 10, line 14, replace "(36)" with "(34)"

Page 10, line 18, replace "(37)" with "(35)"

Page 14, after line 29, insert:

**"SECTION 9. AMENDMENT.** Subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled fertilizer spreader if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed eighty thousand pounds [38287.39 kilograms]. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled agricultural chemical applicator if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed forty-five thousand pounds [20411.66 kilograms]. The highway patrol shall issue a seasonal permit for the commercial movement of vehicles exempted by this subsection. The seasonal permit issued under this subsection or under subdivision d of subsection 1 of section 39-12-04 entitles an individual with the permit to operate a vehicle as allowed by either of these provisions. A seasonal permit issued under this subsection is subject to the requirements of subdivision d of subsection 1 of section 39-12-04, ~~except a vehicle exempted by this subsection which is an implement of husbandry is not required to have proof of financial responsibility and does not have to be operated by a commercial entity.~~

Page 15, after line 31, insert:

**"SECTION 12. EXPIRATION DATE.** Section 9 of this Act is effective through July 31, 2003, and after that date is ineffective.

**SECTION 13. EMERGENCY.** This Act is declared to be an emergency measure."

ReNUMBER accordingly

SB 2088 was placed on the Seventh order of business on the calendar.

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

**SEN. STENEHJEM MOVED** that the conference committee report on SB 2088 be adopted, which motion prevailed on a voice vote.

SB 2088, as amended, was placed on the Eleventh order.

#### **SECOND READING OF SENATE BILL**

**SB 2088:** A BILL for an Act to create and enact two new subsections to section 39-06.1-06 of the North Dakota Century Code, relating to fees for traffic offenses; to amend and reenact section 39-06.1-05, subsection 8 of section 39-06.1-06, sections 39-06.1-07, 39-06.1-09, and 39-06.1-10, subdivision g of subsection 2 of section 39-07-09, and subsections 1 and 2 of section 39-21-46 of the North Dakota Century Code and



subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly, relating to traffic offenses and weight limitations; to provide penalties; to provide an expiration date; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, G.; Tallackson

Engrossed SB 2088 passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

**SB 2183:** Your conference committee (Sens. Freborg, Wanzek, Christenson and Reps. Nelson, D. Johnson, Mueller) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 966-967, adopt amendments as follows, and place SB 2183 on the Seventh order:

That the House recede from its amendments as printed on pages 966 and 967 of the Senate Journal and pages 1052 and 1053 of the House Journal and that Senate Bill No. 2183 be amended as follows:

Page 1, line 15, after "education" insert "or has not been employed as a classroom teacher or as an administrator during the preceding three years"

Renumber accordingly

SB 2183 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. FREBORG MOVED** that the conference committee report on SB 2183 be adopted, which motion prevailed on a voice vote.

SB 2183, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2183:** A BILL for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the payment of teacher signing bonuses by school boards.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Mutch; Nething; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Watne

**NAYS:** Bercier; Christenson; Espegard; Kelsh; Krauter; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tomac; Wardner

**ABSENT AND NOT VOTING:** Nelson, G.; Tallackson

Engrossed SB 2183 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2354, as engrossed:** Your conference committee (Sens. Lee, Fischer, Polovitz and Reps. Porter, Kliniske, Metcalf) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1326 and place SB 2354 on the Seventh order.

Engrossed SB 2354 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LEE MOVED** that the conference committee report on Engrossed SB 2354 be adopted.

**REQUEST**

**SEN. HEITKAMP REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on Engrossed SB 2354, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on Engrossed SB 2354, the roll was called and there were 22 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nething; Polovitz; Schobinger; Solberg; Stenehjem; Thane; Wanzek

**NAYS:** Bercier; Christenson; Dever; Erbele; Every; Heitkamp; Kelsh; Kilzer; Klein; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Robinson; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, G.; Tallackson

The conference committee report on Engrossed SB 2354 was rejected.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2002, as engrossed:** Your conference committee (Sens. Nething, Solberg, Tallackson and Reps. Timm, Byerly, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1071-1073, adopt amendments as follows, and place SB 2002 on the Seventh order:

That the House recede from its amendments as printed on pages 1071-1073 of the Senate Journal and pages 1171-1173 of the House Journal and that Engrossed Senate Bill No. 2002 be amended as follows:

Page 1, line 4, after "Code" insert "; to provide a statement of legislative intent"

Page 1, line 15, replace "5,637,102" with "5,657,954"

Page 1, line 16, replace "1,645,411" with "1,583,678"

Page 1, line 19, replace "7,644,832" with "7,603,951"

Page 1, line 22, replace "24,953,025" with "25,056,564"

Page 1, line 23, replace "10,216,933" with "10,004,669"

Page 2, line 4, replace "37,043,489" with "36,934,764"

Page 2, line 6, replace "35,849,418" with "35,740,693"

Page 2, line 17, replace "382,650" with "382,650"

Page 2, after line 17, insert:  
"Collection of restitution

50,000"

Page 2, line 18, replace "10,854,353" with "10,904,353"

Page 2, line 20, replace "10,104,353" with "10,154,353"

Page 2, line 21, replace "53,853,115" with "53,753,509"

Page 2, line 23, replace "56,070,936" with "55,971,330"

Page 3, after line 12, insert:

**"SECTION 6. LEGISLATIVE INTENT - RESTITUTION COLLECTION AND ENFORCEMENT.** It is the intent of the legislative assembly that the county and state offices performing restitution collection and enforcement activities as of April 1, 2001, continue to perform those activities until June 30, 2003."

Page 3, line 20, replace "ninety-one" with "ninety-two", after "eight" insert "two", remove the overstrike over "hundred", and replace "thirty-nine" with "eighty-nine"

Page 3, line 21, replace "ninety-six" with "ninety-nine" and replace "six" with "one"

Page 3, line 29, after "three" insert "seven", remove the overstrike over "hundred", and replace "fifteen" with "sixty-five"

Page 3, line 30, replace "eighty-nine" with "ninety" and replace "one" with "six"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2002 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Supreme Court						
Total all funds	\$7,667,669	\$7,644,832	(\$40,881)	\$7,603,951	\$7,628,463	(\$24,512)
Less estimated income						
General fund	\$7,667,669	\$7,644,832	(\$40,881)	\$7,603,951	\$7,628,463	(\$24,512)
District Courts						
Total all funds	\$37,234,414	\$37,043,489	(\$108,725)	\$36,934,764	\$37,059,858	(\$125,094)
Less estimated income	1,194,071	1,194,071		1,194,071	1,194,071	
General fund	\$36,040,343	\$35,849,418	(\$108,725)	\$35,740,693	\$35,865,787	(\$125,094)
Judicial Conduct Commission						
Total all funds	\$528,262	\$528,262	\$0	\$528,262	\$528,262	\$0
Less estimated income	273,750	273,750		273,750	273,750	
General fund	\$254,512	\$254,512	\$0	\$254,512	\$254,512	\$0
Clerk of District Court						
Total all funds	\$11,493,326	\$10,854,353	\$50,000	\$10,904,353	\$10,854,353	\$50,000
Less estimated income	750,000	750,000		750,000	750,000	
General fund	\$10,743,326	\$10,104,353	\$50,000	\$10,154,353	\$10,104,353	\$50,000
Bill Total						
Total all funds	\$56,923,671	\$56,070,936	(\$99,606)	\$55,971,330	\$56,070,936	(\$99,606)
Less estimated income	2,217,821	2,217,821		2,217,821	2,217,821	
General fund	\$54,705,850	\$53,853,115	(\$99,606)	\$53,753,509	\$53,853,115	(\$99,606)

#### Senate Bill No. 2002 - Supreme Court - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$5,659,939	\$5,637,102	\$20,852	\$5,657,954	\$5,682,466	(\$24,512)
Operating expenses	1,645,411	1,645,411	(61,733)	1,583,678	1,583,678	
Equipment	153,250	153,250		153,250	153,250	
Judges' retirement	209,069	209,069		209,069	209,069	
Total all funds	\$7,667,669	\$7,644,832	(\$40,881)	\$7,603,951	\$7,628,463	(\$24,512)
Less estimated income						
General fund	\$7,667,669	\$7,644,832	(\$40,881)	\$7,603,951	\$7,628,463	(\$24,512)
FTE	44.50	44.50	0.00	44.50	44.50	0.00

#### Dept. 181 - Supreme Court - Detail of Conference Committee Changes

	INCREASE FUNDING FOR JUDGES' SALARY INCREASES <sup>1</sup>	DECREASE FUNDING FOR OPERATING EXPENSES	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$20,852		\$20,852
Operating expenses		(\$61,733)	(61,733)
Equipment			
Judges' retirement			
Total all funds	\$20,852	(\$61,733)	(\$40,881)
Less estimated income			

General fund	\$20,852	(\$61,733)	(\$40,881)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment provides additional funding for Supreme Court justices' salaries \$1,250 per year which results in salary increases of approximately eight percent for the first year of the biennium and seven percent for the second year of the biennium. The Senate proposed salary increases of six and one-half percent for each year of the biennium, and the House proposed salary increases of nine percent for the first year of the biennium and approximately eight percent for the second year of the biennium.

### Senate Bill No. 2002 - District Courts - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$25,143,950	\$24,953,025	\$103,539	\$25,056,564	\$25,181,658	(\$125,094)
Operating expenses	10,216,933	10,216,933	(212,264)	10,004,669	10,004,669	
Equipment	875,150	875,150		875,150	875,150	
Judges' retirement	878,381	878,381		878,381	878,381	
UND - Central legal research	80,000	80,000		80,000	80,000	
Alternative dispute resolution	40,000	40,000		40,000	40,000	
Total all funds	\$37,234,414	\$37,043,489	(\$108,725)	\$36,934,764	\$37,059,858	(\$125,094)
Less estimated income	<u>1,194,071</u>	<u>1,194,071</u>		<u>1,194,071</u>	<u>1,194,071</u>	
General fund	\$36,040,343	\$35,849,418	(\$108,725)	\$35,740,693	\$35,865,787	(\$125,094)
FTE	191.50	191.50	0.00	191.50	191.50	0.00

### Dept. 182 - District Courts - Detail of Conference Committee Changes

	INCREASE FUNDING FOR JUDGES' SALARY INCREASES <sup>1</sup>	DECREASE FUNDING FOR OPERATING EXPENSES	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$103,539		\$103,539
Operating expenses		(\$212,264)	(212,264)
Equipment			
Judges' retirement			
UND - Central legal research			
Alternative dispute resolution			
Total all funds	\$103,539	(\$212,264)	(\$108,725)
Less estimated income			
General fund	\$103,539	(\$212,264)	(\$108,725)
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment provides additional funding for district court judges of \$750 per year which results in salary increases of approximately seven percent for the first year and the second year of the biennium. The Senate proposed salary increases of six and one-half percent for each year of the biennium, and the House proposed salary increases of approximately eight percent for each year of the biennium.

### Senate Bill No. 2002 - Clerk of District Court - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$7,132,966	\$7,132,966		\$7,132,966	\$7,132,966	
Operating expenses	3,338,737	3,338,737		3,338,737	3,338,737	
Equipment	382,650	382,650		382,650	382,650	
Collection of restitution	<u>638,973</u>		<u>\$50,000</u>	<u>50,000</u>		<u>\$50,000</u>
Total all funds	\$11,493,326	\$10,854,353	\$50,000	\$10,904,353	\$10,854,353	\$50,000
Less estimated income	<u>750,000</u>	<u>750,000</u>		<u>750,000</u>	<u>750,000</u>	
General fund	\$10,743,326	\$10,104,353	\$50,000	\$10,154,353	\$10,104,353	\$50,000
FTE	103.00	96.00	0.00	96.00	96.00	0.00

### Dept. 184 - Clerk of District Court - Detail of Conference Committee Changes

	PROVIDE FUNDING FOR COLLECTION AND ENFORCEMENT OF RESTITUTION <sup>1</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Collection of restitution	<u>\$50,000</u>	<u>\$50,000</u>
Total all funds	\$50,000	\$50,000
Less estimated income		

General fund	\$50,000	\$50,000
FTE	0.00	0.00

<sup>1</sup> This amendment adds a section of legislative intent regarding the collection and enforcement of restitution and provides related funding from the general fund of \$50,000.

### Senate Bill No. 2002 - Other Changes - Conference Committee Action

The following schedule provides information regarding Supreme Court and district court judges' salaries including current salaries, salaries proposed in the judicial branch budget request, salaries proposed in Engrossed Senate Bill No. 2002, salaries proposed in House amendments to Engrossed Senate Bill No. 2002, and salaries proposed in this amendment:

	SUPREME COURT CHIEF JUSTICE	OTHER SUPREME COURT JUSTICES	DISTRICT COURT PRESIDING JUDGES	OTHER DISTRICT COURT JUDGES
Statutory annual salary authorized by the 1999 Legislative Assembly July 1, 2000	\$87,895	\$85,483	\$80,755	\$78,887
Proposed annual salary included in the 2001-03 judicial branch budget request				
July 1, 2001	\$97,570	\$94,727	\$90,043	\$87,422
July 1, 2002	\$99,521	\$96,622	\$91,843	\$89,171
Proposed annual salary included in Engrossed Senate Bill No. 2002				
July 1, 2001	\$93,608	\$91,039	\$86,004	\$84,015
July 1, 2002	\$99,521	\$96,622	\$91,843	\$89,171
Proposed annual salary included in the House amendments to Engrossed Senate Bill No. 2002				
July 1, 2001	\$96,108	\$93,539	\$87,504	\$85,515
July 1, 2002	\$104,521	\$101,622	\$94,843	\$92,171
Proposed annual salary included in Conference Committee amendment				
July 1, 2001	\$94,858	\$92,289	\$86,754	\$84,765
July 1, 2002	\$102,021	\$99,122	\$93,343	\$90,671

Engrossed SB 2002 was placed on the Seventh order of business on the calendar.

### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. NETHING MOVED** that the conference committee report on Engrossed SB 2002 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2002, as amended, was placed on the Eleventh order.

### SECOND READING OF SENATE BILL

**SB 2002:** A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide a statement of legislative intent; and to provide for a legislative council study.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; Bowman; Krauter; Mathern, D.

**ABSENT AND NOT VOTING:** Nelson, G.; Tallackson

Reengrossed SB 2002 passed and the title was agreed to.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2088.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2002, SB 2183.

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

**MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2012, SB 2017, SB 2276.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2009, SB 2015, SB 2347.

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

**MR. SPEAKER:** The President has signed: HB 1001, HB 1003, HB 1004, HB 1005, HB 1007, HB 1338, HB 1407, HB 1441, HB 1444, HB 1460.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for approval on April 23, 2001: SB 2023.

**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 2166, SB 2167.

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

**MR. PRESIDENT:** The House has not adopted the conference committee report on HB 1045.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 5:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Dalrymple presiding.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. LEE MOVED** that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on Engrossed SB 2354, which motion prevailed.

**THE PRESIDENT APPOINTED** as a new Conference Committee on Engrossed SB 2354: Sens. Lee, Fischer, Polovitz.

**MOTION**

**SEN. CHRISTMANN MOVED** that the President appoint Senator Lee to replace Senator Erbele on the Senate Conference Committee on SB 2361, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2022, as engrossed:** Your conference committee (Sens. Solberg, Schobinger, Robinson and Reps. Byerly, Skarphol, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1256-1258, adopt amendments as follows, and place SB 2022 on the Seventh order:

That the House recede from its amendments as printed on pages 1256-1258 of the Senate Journal and pages 1350-1352 of the House Journal and that Engrossed Senate Bill No. 2022 be amended as follows:

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 "800,334"

Page 1, line 14, replace "2,200,000" with "1,200,000"

Page 1, line 15, replace "1,973,669" with "1,673,669"

Page 1, remove line 16

Page 1, line 18, replace "11,971,373" with "7,500,000"

Page 1, after line 18, insert:

"Geographic information system

750,000"

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 "89,618,724"

Page 1, line 22, replace "71,185,087" with "70,838,880"

Page 1, line 23, replace "25,718,432" with "18,779,844"

Page 2, line 1, after "TRANSFERS" insert "- LIMITATIONS"

Page 2, line 4, after the period insert "Transfers that increase line items in excess of the amount included in the executive recommendation presented on January 7, 2001, may only be made after emergency commission and budget section approval. The chief information officer shall inform the budget section of transfers made pursuant to this section."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2022 - Information Technology Department - Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Salaries and wages	\$25,985,352	\$25,985,352	(\$408,821)	\$25,576,531	\$25,576,531	
Operating expenses	36,076,824	36,076,824	(415,052)	35,661,772	35,661,772	
Equipment	5,595,000	5,595,000	(515,000)	5,080,000	5,080,000	
Center for Innovation and Instruction	934,583	934,583	(134,249)	800,334	600,334	200,000
Education Technology	3,500,000	2,200,000	(1,000,000)	1,200,000	2,200,000	(1,000,000)
Commission grants						
SENDIT network	1,973,669	1,973,669	(300,000)	1,673,669	1,173,669	500,000
IT technical education program development	590,300	590,300	(590,300)			
Wide area network	9,968,905	9,968,905		9,968,905	9,647,121	321,784
Enterprise resource planning system	20,488,873	11,971,373	(4,471,373)	7,500,000	1,503,666	5,996,334
Prairie Public Broadcasting	1,407,513	1,407,513		1,407,513	1,407,513	
IT innovation fund	500,000	200,000	(200,000)			
Contingent GIS appropriation					750,000	
Geographic information system			750,000	750,000		(750,000)
Total all funds	\$107,021,019	\$96,903,519	(\$7,284,795)	\$89,618,724	\$83,600,606	\$6,018,118
Less estimated income	<u>71,185,087</u>	<u>71,185,087</u>	<u>(346,207)</u>	<u>70,838,880</u>	<u>71,883,880</u>	<u>(1,045,000)</u>
General fund	\$35,835,932	\$25,718,432	(\$6,938,588)	\$18,779,844	\$11,716,726	\$7,063,118
FTE	212.00	212.00	(5.00)	207.00	204.00	3.00

#### Dept. 112 - Information Technology Department - Detail of Conference Committee Changes

	ADJUST FUNDING FOR RECOMMENDED SALARY INCREASES	DECREASE FUNDING FOR E-GOVERNMENT INITIATIVE <sup>1</sup>	DECREASE FUNDING FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) INITIATIVE <sup>2</sup>	DECREASE FUNDING FOR RESEARCH AND PLANNING POSITION <sup>3</sup>	REDUCE FUNDING FOR EDUCATION TECHNOLOGY COMMISSION GRANTS <sup>4</sup>	DECREASE FUNDING FOR THE ENTERPRISE RESOURCE PLANNING SYSTEM <sup>5</sup>
Salaries and wages		(\$140,404)	(\$268,417)			
Operating expenses		(21,684)	(293,368)			
Equipment		(5,000)	(510,000)	(\$100,000)		
Center for Innovation and Instruction						
Education Technology					(\$1,000,000)	
Commission grants						
SENDIT network						
IT technical education program development						
Wide area network						
Enterprise resource planning system						(\$4,471,373)
Prairie Public Broadcasting						
IT innovation fund						
Contingent GIS appropriation						
Geographic information system			750,000			
Total all funds	\$0	(\$167,088)	(\$321,785)	(\$100,000)	(\$1,000,000)	(\$4,471,373)
Less estimated income	<u>142,666</u>					<u>(488,873)</u>

General fund	(\$142,666)	(\$167,088)	(\$321,785)	(\$100,000)	(\$1,000,000)	(\$3,982,500)
FTE	0.00	(1.00)	(1.00)	0.00	0.00	(3.00)
	REDUCE FUNDING FOR THE CENTER FOR INNOVATION AND INSTRUCTION <sup>6</sup>	REDUCE FUNDING FOR SENDIT NETWORK <sup>7</sup>	REMOVE FUNDING FOR IT TECHNICAL EDUCATION PROGRAM DEVELOPMENT <sup>8</sup>	REMOVE FUNDING FOR IT INNOVATION FUND	TOTAL CONFERENCE COMMITTEE CHANGES	
Salaries and wages					(\$408,821)	
Operating expenses					(415,052)	
Equipment					(515,000)	
Center for Innovation and Instruction	(\$134,249)				(134,249)	
Education Technology Commission grants					(1,000,000)	
SENDIT network		(\$300,000)			(300,000)	
IT technical education program development			(\$590,300)		(590,300)	
Wide area network						
Enterprise resource planning system					(4,471,373)	
Prairie Public Broadcasting						
IT innovation fund				(\$200,000) <sup>9</sup>	(200,000)	
Contingent GIS appropriation						
Geographic information system					750,000	
Total all funds	(\$134,249)	(\$300,000)	(\$590,300)	(\$200,000)	(\$7,284,795)	
Less estimated income					(346,207)	
General fund	(\$134,249)	(\$300,000)	(\$590,300)	(\$200,000)	(\$6,938,588)	
FTE	0.00	0.00	0.00	0.00	(5.00)	

<sup>1</sup> This amendment removes one FTE position and related position funding of \$167,088 from the general fund associated with the department's e-government initiative.

<sup>2</sup> This amendment removes funding from the general fund and two associated FTE positions for the department's geographic information system initiative of \$1,071,785 and restores funding of \$750,000 from the general fund and one FTE position in a special geographic information system line item for a net decrease in funding from the general fund of \$321,785.

<sup>3</sup> This amendment decreases funding from the general fund for operating expenses related to the research and planning position by \$100,000.

<sup>4</sup> This amendment reduces funding for Educational Telecommunications Council grants by \$1,000,000, from \$2,200,000 which was the level proposed by both the Senate and the House, to \$1,200,000.

<sup>5</sup> This amendment decreases funding for the enterprise resource planning (ERP) project by \$4,471,373, of which \$3,982,500 is from the general fund, from \$11,971,373 to \$7,500,000 and removes authority for three FTE positions related to the project. This proposed level of funding is \$5,996,334 more than the level of funding provided by the House of \$1,503,666.

<sup>6</sup> This amendment reduces funding from the general fund for the Center for Innovation and Instruction by \$134,249, from \$934,583 to \$800,334. This proposed level of funding is \$200,000 more than the level of funding provided by the House of \$600,334.

<sup>7</sup> This amendment reduces funding from the general fund for the SENDIT network by \$300,000, from \$1,973,669 to \$1,673,669. This proposed level of funding is \$500,000 more than the level of funding provided by the House of \$1,173,669.

<sup>8</sup> This amendment removes funding from the general fund of \$590,300 for information technical education program development.

<sup>9</sup> This amendment removes funding from the general fund of \$200,000 for an information technology innovation fund.

This amendment also amends Section 2 of the engrossed bill to provide that transfers in excess of the amount included in Governor Hoeven's executive budget recommendation may only be made after Emergency Commission and Budget Section approval and the Chief Information Officer shall inform the Budget Section of all transfers made during the biennium.

Engrossed SB 2022 was placed on the Seventh order of business on the calendar.

### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. SOLBERG MOVED** that the conference committee report on Engrossed SB 2022 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2022, as amended, was placed on the Eleventh order.

### SECOND READING OF SENATE BILL

**SB 2022:** A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Tallackson

Reengrossed SB 2022 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2229, as engrossed:** Your conference committee (Sens. Andrist, Thane, Tomac and Reps. Martinson, Carlisle, Aarsvold) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 0967, adopt amendments as follows, and place SB 2229 on the Seventh order:

That the House recede from its amendments as printed on page 967 of the Senate Journal and pages 1034 and 1035 of the House Journal and that Engrossed Senate Bill No. 2229 be amended as follows:

Page 1, line 4, remove "- **MATCHING FUNDS REQUIRED**"

Page 1, line 6, replace "\$123,750" with "\$200,000"

Page 1, line 8, remove "The funding may be used only if"

Page 1, remove line 9

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2229 - Adjutant General - Conference Committee Action**

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Veterans' Cemetery - Operation		\$123,750	\$76,250	\$200,000	\$247,500	(\$47,500)
Total all funds	\$0	\$123,750	\$76,250	\$200,000	\$247,500	(\$47,500)
Less estimated income						
General fund	\$0	\$123,750	\$76,250	\$200,000	\$247,500	(\$47,500)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

**Dept. 540 - Adjutant General - Detail of Conference Committee Changes**

	PROVIDE ADDITIONAL FUNDING <sup>1</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Veterans' Cemetery - Operation	\$76,250	\$76,250
Total all funds	\$76,250	\$76,250
Less estimated income		
General fund	\$76,250	\$76,250
FTE	0.00	0.00

<sup>1</sup> This amendment provides a general fund appropriation of \$200,000 to the Adjutant General for operation of the Veterans' Cemetery. This level of funding represents \$76,250 more than the Senate proposed funding level of \$123,750 and \$47,500 less than the House proposed funding level of \$200,000. The amendment also removes the matching funds requirement which was added by the Senate and removed by the House.

Engrossed SB 2229 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed SB 2229 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2229, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2229:** A BILL for an Act to provide an appropriation to the adjutant general for the operation of the North Dakota veterans' cemetery.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjorn; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Tallackson

Reengrossed SB 2229 passed and the title was agreed to.

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

**HB 1415:** Your conference committee (Sens. Erbele, Kilzer, Polovitz and Reps. Porter, Weiler, Metcalf) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 980 and place HB 1415 on the Seventh order.

HB 1415 was placed on the Seventh order of business on the calendar.

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

**SEN. ERBELE MOVED** that the conference committee report on HB 1415 be adopted, which motion prevailed on a voice vote.

#### **MOTION**

**SEN. CHRISTMANN MOVED** that HB 1045 be placed at the top of the calendar, which motion prevailed.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. FREBORG MOVED** that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on Engrossed HB 1045, which motion prevailed.

**THE PRESIDENT APPOINTED** as a new Conference Committee on Engrossed HB 1045: Sens. Wanzek, Cook, O'Connell.

#### **THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator and Chief Justice Ralph Erickstad.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2022, SB 2229.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on HB 1415.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report SB 2354 and the President has appointed as a new conference committee to act with a like committee from the House on:

**SB 2354:** Sens. Lee; Fischer; Polovitz

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

**MR. SPEAKER:** The President has appointed Sen. Lee to replace Sen. Erbele on the Conference Committee on SB 2361.

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

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

**HB 1045:** Sens. Wanzek; Cook; O'Connell

#### **MOTION**

**SEN. CHRISTMANN MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Tuesday, April 24, 2001, which motion prevailed.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 23, 2001, I have signed the following: SB 2001, SB 2007, SB 2008, SB 2013, SB 2039, SB 2054, SB 2067, SB 2104, SB 2106, SB 2177, SB 2181, SB 2220, SB 2244, SB 2251, SB 2282, SB 2287, SB 2308, SB 2328, SB 2397, SB 2419, SB 2427, SB 2449, and SB 2455.

**REPORT OF STANDING COMMITTEE**

**HB 1013, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1013 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "and" and replace "4" with "1"

Page 1, line 4, replace "15-40.1-07.8" with "15-40.1-16", replace "4" with "1", and replace "15.1-27-11" with "15.1-27-26"

Page 1, line 5, replace "supplemental" with "transportation"

Page 1, line 6, remove "; and to declare an emergency"

Page 1, line 16, replace "12,170,316" with "9,085,148"

Page 1, line 17, replace "17,031,193" with "15,210,080"

Page 1, line 18, replace "534,140" with "344,140"

Page 1, remove line 19

Page 1, line 20, replace "461,035,668" with "488,166,148"

Page 1, remove line 21

Page 1, line 22, replace "3,450,000" with "2,200,000"

Page 2, line 1, replace "149,350,263" with "149,420,263"

Page 2, line 2, replace "100,000" with "50,000"

Page 2, remove line 3

Page 2, line 4, replace "807,524,355" with "781,613,499"

Page 2, line 5, replace "237,044,955" with "232,691,705"

Page 2, line 6, replace "570,479,400" with "548,921,794"

Page 2, after line 6, insert:

"Subdivision 2.

**DIVISION OF INDEPENDENT STUDY**

Salaries and wages	\$3,280,718
Operating expenses	1,718,498
Equipment	190,000
Capital improvements	<u>55,000</u>
Total all funds	\$5,244,216
Less estimated income	<u>4,353,250</u>
Total general fund appropriation	\$890,966"

Page 2, line 7, replace "2" with "3"

Page 2, line 16, replace "3" with "4"

Page 2, line 18, replace "4,814,058" with "4,911,183"

Page 2, line 22, replace "6,075,925" with "6,173,050"

Page 2, line 24, replace "4,980,301" with "5,077,426"

Page 2, line 25, replace "4" with "5"

Page 2, line 27, replace "2,668,958" with "2,742,721"

Page 2, line 28, replace "652,238" with "662,238"

Page 2, line 31, replace "3,406,612" with "3,490,375"

Page 3, line 2, replace "2,048,791" with "2,132,554"

Page 3, line 3, replace "580,623,148" with "560,137,396"

Page 3, line 5, replace "821,720,405" with "801,234,653"

Page 3, replace lines 18 through 31 with:

**"SECTION 4. RED RIVER VALLEY WRITING PROJECT.** The operating expenses line item in subdivision 1 of section 1 of this Act includes \$20,000 from the general fund which must be used to support the Red River valley writing project during the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 5. STANDARDS-BASED STUDENT TESTING.** The operating expenses line item in subdivision 1 of section 1 of this Act includes \$1,217,928 from the general fund which must be used to develop and administer student tests aligned with the state content standards and to report the results of the tests during the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 6. COMPENSATION PAYMENTS TO TEACHERS AT STATE INSTITUTIONS.** In addition to amounts otherwise appropriated for salary increases for teachers at the division of independent study, the school for the deaf, and the school for the blind, the amounts appropriated for salaries and wages in subdivisions 2, 4, and 5 of section 1 of this Act include the following general fund amounts which must be used to increase teacher compensation by \$1,750 per year the first year of the biennium and by an additional \$1,750 per year the second year of the biennium:

Division of independent study	\$95,550
School for the deaf	\$97,125
School for the blind	\$73,763"

Page 4, remove lines 1 through 6

Page 4, line 10, replace "129.95" with "94.25"

Page 5, line 6, remove "These grants must be administered under the direction of the educational"

Page 5, remove line 7

Page 5, line 10, replace "\$450,000" with "\$650,000"

Page 5, line 21, replace "2" with "3"

Page 5, line 25, replace "4" with "5"

Page 5, replace lines 28 through 30 with:

**"SECTION 15. AMENDMENT.** If House Bill No. 1045 does not become effective, subsection 1 of section 15-40.1-16 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. There must be paid from state funds to each school district providing schoolbus transportation in contract schoolbuses or in district-owned and operated schoolbuses, and to school districts with students riding commercial buses to and from school, the following amounts:

- a. For schoolbuses and school vehicles transporting students who live outside the incorporated limits of the city in which the students' school is located, a sum equal to twenty-five cents per mile [1.61 kilometers] for vehicles having a capacity of nine or fewer students and sixty-seven cents per mile [1.61 kilometers] for schoolbuses having a capacity of ten or more students ~~and~~, for schoolbuses and school vehicles having a capacity of nine or fewer students and transporting students who live within the incorporated limits of a city in which the students' school is located, a sum equal to twenty-five cents per mile [1.61 kilometers], and for schoolbuses and school vehicles having a capacity of ten or more students and transporting students who live within the incorporated limits of a city in which the students' school is located, a sum equal to thirty-five cents per mile [1.61 kilometers]. School districts qualifying for payments for buses having a capacity of ten or more students are entitled to an amount equal to forty cents per day for each public school student living outside the city limits who is transported in such buses.
- b. For students who ride schoolbuses or commercial buses to or from school and who live within the incorporated limits of the city within which the school that the students attend is located, a sum equal to twenty cents per student per one-way trip.

The mileage payments provided for in this subsection must be made to each school district for transporting students to and from school. Payments may be made only to school districts operating schoolbuses in accordance with the laws of this state relating to standards for schoolbuses, and to the qualifications of schoolbus drivers. Certification as to compliance with the laws of this state in regard to schoolbuses and their drivers must be made in such manner and detail as the superintendent of public instruction may require at the time an application is made for payments provided under this subsection."

Page 6, remove lines 1 through 4

Page 6, replace lines 12 through 20 with:

**"SECTION 17. AMENDMENT.** Subsection 1 of section 15.1-27-26 of the North Dakota Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

1. Each school district providing transportation to students in contract schoolbuses or in district-owned and operated schoolbuses, and each school district with students riding commercial buses to and from school is entitled to receive the following amounts:
  - a. Twenty-five cents per mile [1.61 kilometers] for each schoolbus and school vehicle having a capacity of nine or fewer students and transporting students who reside outside the incorporated limits of the city in which the students' school is located.
  - b. Sixty-seven cents per mile [1.61 kilometers] for each schoolbus and school vehicle having a capacity of ten or more students and transporting students who reside outside the incorporated limits of the city in which the students' school is located.
  - c. Twenty-five cents per mile [1.61 kilometers] for each schoolbus and school vehicle having a capacity of nine or fewer students and transporting students who reside within the incorporated limits of a city in which the students' school is located.
  - d. Thirty-five cents per mile [1.61 kilometers] for each schoolbus and school vehicle having a capacity of ten or more students and transporting students who reside within the incorporated limits of a city in which the students' school is located.
  - e. Twenty cents for each one-way trip by a student who rides a schoolbus or a commercial bus to or from school and who resides within the incorporated limits of the city in which the student's school is located."

Renumber accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## House Bill No. 1013 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Department of Public Instruction				
Total all funds	\$787,839,439	\$807,524,355	(\$25,910,856)	\$781,613,499
Less estimated income	237,017,455	237,044,955	(4,353,250)	232,691,705
General fund	\$550,821,984	\$570,479,400	(\$21,557,606)	\$548,921,794
Division of Independent Study				
Total all funds	\$0	\$0	\$5,244,216	\$5,244,216
Less estimated income			4,353,250	4,353,250
General fund	\$0	\$0	\$890,966	\$890,966
State Library				
Total all funds	\$4,713,513	\$4,713,513	\$0	\$4,713,513
Less estimated income	1,598,857	1,598,857		1,598,857
General fund	\$3,114,656	\$3,114,656	\$0	\$3,114,656
School for the Deaf				
Total all funds	\$6,075,925	\$6,075,925	\$97,125	\$6,173,050
Less estimated income	1,095,624	1,095,624		1,095,624
General fund	\$4,980,301	\$4,980,301	\$97,125	\$5,077,426
School for the Blind				
Total all funds	\$3,332,292	\$3,406,612	\$83,763	\$3,490,375
Less estimated income	1,283,501	1,357,821		1,357,821
General fund	\$2,048,791	\$2,048,791	\$83,763	\$2,132,554
Bill Total				
Total all funds	\$801,961,169	\$821,720,405	(\$20,485,752)	\$801,234,653
Less estimated income	240,995,437	241,097,257		241,097,257
General fund	\$560,965,732	\$580,623,148	(\$20,485,752)	\$560,137,396

## House Bill No. 1013 - Department of Public Instruction - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$12,273,865	\$12,170,316	(\$3,085,168)	\$9,085,148
Operating expenses	17,431,193	17,031,193	(1,821,113)	15,210,080
Equipment	534,140	534,140	(190,000)	344,140
Capital improvements	55,000	55,000	(55,000)	
Grants - Foundation aid and transportation	485,542,761	461,035,668	27,130,480	488,166,148
Grants - Teacher compensation payments		46,640,055	(46,640,055)	
Grants - Revenue supplement payments	3,450,000	3,450,000	(1,250,000)	2,200,000
Grants - Tuition apportionment	67,239,025	67,239,025		67,239,025
Grants - Special education	51,260,000	49,898,695		49,898,695
Grants - Other grants	149,970,455	149,350,263	70,000	149,420,263
Geographic education	50,000	100,000	(50,000)	50,000
National board certification	33,000	20,000	(20,000)	
Total all funds	\$787,839,439	\$807,524,355	(\$25,910,856)	\$781,613,499
Less estimated income	237,017,455	237,044,955	(4,353,250)	232,691,705
General fund	\$550,821,984	\$570,479,400	(\$21,557,606)	\$548,921,794
FTE	131.95	130.95	(35.70)	95.25

## Dept. 201 - Department of Public Instruction - Detail of Senate Changes

	RESTORE FTE AND FUNDING REMOVED BY HOUSE	REDUCE OPERATING EXPENSES	ADD FUNDING FOR DUES TO THE EDUCATION COMMISSION OF THE STATES	REDUCE FUNDING FOR TITLE I TESTING <sup>1</sup>	ADD FUNDING FOR LIMITED ENGLISH PROFICIENCY PAYMENTS <sup>2</sup>	REDUCE SUPPLEMENTAL PAYMENTS <sup>3</sup>
Salaries and wages	\$100,000					
Operating expenses		(\$120,000)	\$89,100	(\$71,715)		
Equipment						
Capital improvements						
Grants - Foundation aid and transportation					\$200,000	
Grants - Teacher compensation payments						
Grants - Revenue supplement payments						(\$1,250,000)
Grants - Tuition apportionment						
Grants - Special education						
Grants - Other grants						
Geographic education						
National board certification						
Total all funds	\$100,000	(\$120,000)	\$89,100	(\$71,715)	\$200,000	(\$1,250,000)
Less estimated income						

General fund	\$100,000	(\$120,000)	\$89,100	(\$71,715)	\$200,000	(\$1,250,000)
FTE	1.00	0.00	0.00	0.00	0.00	0.00
	RESTORE FUNDING FOR GOVERNOR'S SCHOOL	REDUCE FUNDING FOR GEOGRAPHIC EDUCATION <sup>4</sup>	REMOVE FUNDING FOR TEACHER CERTIFICATION PROGRAM <sup>5</sup>	ADD FUNDING FOR TEACHER CENTERS	REMOVE INDEPENDENT STUDY <sup>6</sup>	REMOVE TEACHER COMPENSATION PAYMENTS AND INCREASE FOUNDATION AID <sup>7</sup>
Salaries and wages					(\$3,185,168)	
Operating expenses					(1,718,498)	
Equipment					(190,000)	
Capital improvements					(55,000)	
Grants - Foundation aid and transportation						\$26,930,480
Grants - Teacher compen- sation payments						(46,640,055)
Grants - Revenue supple- ment payments						
Grants - Tuition appor- tionment						
Grants - Special education						
Grants - Other grants	\$60,000			\$10,000		
Geographic education		(\$50,000)				
National board certification			(\$20,000)			
Total all funds	\$60,000	(\$50,000)	(\$20,000)	\$10,000	(\$5,148,666)	(\$19,709,575)
Less estimated income					(4,353,250)	
General fund	\$60,000	(\$50,000)	(\$20,000)	\$10,000	(\$795,416)	(\$19,709,575)
FTE	0.00	0.00	0.00	0.00	(37.70)	0.00
	ADD FTE FOR DEVELOPING SCHOOL DISTRICT COMPENSATION REPORT <sup>8</sup>	TOTAL SENATE CHANGES				
Salaries and wages		(\$3,085,168)				
Operating expenses		(1,821,113)				
Equipment		(190,000)				
Capital improvements		(55,000)				
Grants - Foundation aid and transportation		27,130,480				
Grants - Teacher compen- sation payments		(46,640,055)				
Grants - Revenue supple- ment payments		(1,250,000)				
Grants - Tuition appor- tionment						
Grants - Special education						
Grants - Other grants		70,000				
Geographic education		(50,000)				
National board certification		(20,000)				
Total all funds	\$0	(\$25,910,856)				
Less estimated income		(4,353,250)				
General fund	\$0	(\$21,557,606)				
FTE	1.00	(35.70)				

<sup>1</sup> The House version of House Bill No. 1013 included a general fund appropriation of \$1,289,643 for developing and administering standards-based assessments, as required for the state to be eligible to continue receiving federal Title I funding. The Department of Public Instruction has received a proposal to develop and administer the required tests at a cost of \$1,212,928 for the 2001-03 biennium. In addition, the department has indicated that the cost of reporting the results, as required by House Bill No. 1293, will be an additional \$5,000. The Senate version of House Bill No. 1013 provides \$1,217,928 to fully fund the federal Title I testing and the requirements of House Bill No. 1293.

<sup>2</sup> The Senate amendment increases the appropriation for limited English proficiency payments from \$450,000 to \$650,000 to fund the payment levels specified in House Bill No. 1321, as passed by the Senate.

<sup>3</sup> North Dakota Century Code (NDCC) Section 15-40.1-07.8 provides a formula for the distribution of supplemental payments to school districts. The formula limits the amount each district qualifies for and does not provide a mechanism to allow the distribution of any remaining funds. For the 1999-2001 biennium, the department estimates that \$420,838 will remain unspent and will be general fund turnback. For the 2001-03 biennium, the department estimates that the statutory formula will only allow the distribution of approximately \$2.2 million. The House amended NDCC Section 15-40.1-07.8 to allow the department to adjust the formula to distribute all supplemental payment funds appropriated for the 1999-2001 biennium and future bienniums. The Senate amendment removes this statutory change and reduces the appropriation accordingly.

<sup>4</sup> The Senate amendment removes \$50,000 added by the House for geographic education, reducing the line item to \$50,000, as included in the Schafer and Hoeven budget recommendations.

<sup>5</sup> The Schafer and Hoeven budget recommendations included \$33,000 for the teacher certification program. The House reduced the funding to \$20,000, which is the same as the amount appropriated for the 1999-2001 biennium. House Bill No. 1344, as amended by the Senate, includes \$83,000 for this program. Consequently, this amendment removes the funding from this bill.

<sup>6</sup> The funding and FTE authority relating to the Division of Independent Study is removed from the Department of Public Instruction and is reflected in a separate subdivision of the bill.

<sup>7</sup> The teacher compensation payments line item is removed and the foundation aid line item is increased to reflect per student payments of \$2,349 the first year of the biennium and \$2,411 the second year, as provided in House Bill No. 1344 with Senate amendments. In addition, House Bill No. 1344 with Senate amendments includes a general fund appropriation of \$20.8 million for teacher bonus payments.

<sup>8</sup> House Bill No. 1344 with Senate amendments appropriates \$200,000 to the Department of Public Instruction for developing a school district employee compensation report. The appropriation provides salaries and related expenses for a new FTE position at the department.

This amendment changes Section 7 of the engrossed bill, which limits the number of FTE positions to be included in the department's 2003-05 biennium base budget request, to reflect the removal to the FTE positions relating to the Division of Independent Study. The base budget request for the 2003-05 biennium will be limited to 94.25 FTEs, one less than the Senate version for the 2001-03 biennium.

This amendment also adds new sections, as follows:

- Section 4 directs the Department of Public Instruction to use \$20,000 of the amount appropriated for operating expenses to fund the Red River Valley writing project. The Schafer and Hoeven executive recommendations and the House version included \$10,000 for this project. The Senate amendment directs the department to spend an additional \$10,000 for this project, but does not provide additional funding.
- Section 5 directs the department to spend \$1,217,928 of the amount appropriated for operating expenses to develop and administer student tests aligned with the state content standards and to report the results of the tests.
- Section 6 provides that, in addition to other salary increases appropriated by the Legislative Assembly, teachers at the Division of Independent Study, the School for the Blind, and the School for the Deaf will be provided salary increases of \$1,750 for the first year of the biennium and an additional \$1,750 for the second year of the biennium (total of \$5,250 per teacher for the biennium). The amounts included in the salaries and wages line items for the respective agencies are:

Division of Independent Study - \$95,550  
 School for the Deaf - \$97,125  
 School for the Blind - \$73,763

- Sections 15 and 17 increase the reimbursement rate from 25 cents to 35 cents per mile for in-city busing for schoolbuses with a capacity of 10 or more students.

#### House Bill No. 1013 - Division of Independent Study - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages			\$3,280,718	\$3,280,781
Operating expenses			1,718,498	1,718,498
Equipment			190,000	190,000
Capital improvements			<u>55,000</u>	<u>55,000</u>
Total all funds	\$0	\$0	\$5,244,216	\$5,244,216
Less estimated income			<u>4,353,250</u>	<u>4,353,250</u>
General fund	\$0	\$0	\$890,966	\$890,966
FTE	0.00	0.00	37.70	37.70

#### Dept. 202 - Division of Independent Study - Detail of Senate Changes

	SEPARATE FUNDING FOR DIVISION OF INDEPENDENT STUDY <sup>1</sup>	ADD FUNDING FOR TEACHER COMPENSATION PAYMENTS <sup>2</sup>	TOTAL SENATE CHANGES
Salaries and wages	\$3,185,168	\$95,550	\$3,280,718
Operating expenses	1,718,498		1,718,498
Equipment	190,000		190,000
Capital improvements	<u>55,000</u>		<u>55,000</u>
Total all funds	\$5,148,666	\$95,550	\$5,244,216
Less estimated income	<u>4,353,250</u>		<u>4,353,250</u>
General fund	\$795,416	\$95,550	\$890,966
FTE	37.70	0.00	37.70

<sup>1</sup> Funding for the Division of Independent Study is moved to a separate subdivision of the bill. The House version for the division is reduced by \$400,000 (\$115,285 for salaries, \$4,715 for operating expenses, and \$280,000 for grants) for a federal grant which the department has indicated must continue to be administered by the Department of Public Instruction after authority for the division is moved from the Department of Public Instruction to the Educational Technology Council, as provided in Senate Bill No. 2251.

<sup>2</sup> The Senate amendment increases the salaries and wages line item by \$95,550 to provide additional compensation payments of \$1,750 per year for teachers at the Division of Independent Study.

#### House Bill No. 1013 - School for the Deaf - Senate Action

EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
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Salaries and wages	\$4,814,058	\$4,814,058	\$97,125	\$4,911,183
Operating expenses	1,156,267	1,156,267		1,156,267
Equipment	60,190	60,190		60,190
Capital improvements	<u>45,410</u>	<u>45,410</u>		<u>45,410</u>
Total all funds	\$6,075,925	\$6,075,925	\$97,125	\$6,173,050
Less estimated income	<u>1,095,624</u>	<u>1,095,624</u>		<u>1,095,624</u>
General fund	\$4,980,301	\$4,980,301	\$97,125	\$5,077,426
FTE	53.10	53.10	0.00	53.10

**Dept. 252 - School for the Deaf - Detail of Senate Changes**

	ADD FUNDING FOR TEACHER COMPENSATION PAYMENTS <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	\$97,125	\$97,125
Operating expenses		
Equipment		
Capital improvements		
Total all funds	\$97,125	\$97,125
Less estimated income		
General fund	\$97,125	\$97,125
FTE	0.00	0.00

<sup>1</sup> The Senate amendment increases the salaries and wages line item by \$97,125 to provide additional compensation payments of \$1,750 per year for teachers at the School for the Deaf.

**House Bill No. 1013 - School for the Blind - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,594,638	\$2,668,958	\$73,763	\$2,742,721
Operating expenses	652,238	652,238	10,000	662,238
Equipment	60,000	60,000		60,000
Capital improvements	<u>25,416</u>	<u>25,416</u>		<u>25,416</u>
Total all funds	\$3,332,292	\$3,406,612	\$83,763	\$3,490,375
Less estimated income	<u>1,283,501</u>	<u>1,357,821</u>		<u>1,357,821</u>
General fund	\$2,048,791	\$2,048,791	\$83,763	\$2,132,554
FTE	28.00	29.00	0.00	29.00

**Dept. 253 - School for the Blind - Detail of Senate Changes**

	ADD FUNDING FOR TEACHER COMPENSATION PAYMENTS <sup>1</sup>	ADD OPERATING EXPENSES FOR NEW FTE AND OTHER COSTS <sup>2</sup>	TOTAL SENATE CHANGES
Salaries and wages	\$73,763		\$73,763
Operating expenses		\$10,000	10,000
Equipment			
Capital improvements			
Total all funds	\$73,763	\$10,000	\$83,763
Less estimated income			
General fund	\$73,763	\$10,000	\$83,763
FTE	0.00	0.00	0.00

<sup>1</sup> The Senate amendment increases the salaries and wages line item by \$73,763 to provide additional compensation payments of \$1,750 per year for teachers at the School for the Blind.

<sup>2</sup> The House added a new training officer II position. The Senate amendment adds \$10,000 for operating expenses relating to the position and for other costs incurred by the agency.

**REPORT OF STANDING COMMITTEE**

**HB 1293, as engrossed and amended: Appropriations Committee (Sen. Nothing, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1293, as amended, was placed on the Fourteenth order on the calendar.**

The Senate stood adjourned pursuant to Senator Christmann's motion.

**WILLIAM R. HORTON, Secretary**

