JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

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Bismarck, February 28, 2007

The House convened at 1:00 p.m., with Speaker Delzer presiding.

The prayer was offered by Chaplain Colleen Ressler, St. Vincent's Care Center, Bismarck.

The roll was called and all members were present except Representatives Froelich, Glassheim, and Keiser.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER DELZER DEEMED approval of the amendments to HCR 3016, HCR 3054, Engrossed SB 2040, SB 2074, SB 2076, and Engrossed SB 2146.

HCR 3016 and HCR 3054, as amended, were placed on the Eleventh order of business on the calendar.

Engrossed SB 2040, SB 2074, SB 2076, and Engrossed SB 2146, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3059: A concurrent resolution directing the Legislative Council to study the exercise of extraterritorial zoning authority by cities.

HCR 3060: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of limiting the amount of nicotine in cigarettes sold in this state.

HCR 3061: A concurrent resolution directing the Legislative Council to study the financial and environmental impact of confined animal feeding operations on individual property owners and local communities and develop clear, concise, and consistent laws governing the siting and regulation of confined animal feeding operations.

HCR 3062: A concurrent resolution directing the Legislative Council to study solutions to the problem of underage drinking.

HCR 3063: A concurrent resolution directing the Legislative Council to study the delivery and funding of veterans' services by the state and counties.

HCR 3064: A concurrent resolution directing the Legislative Council to study the Human Resource Management Services' personnel classification system.

The question being on the final adoption of the resolutions, which have been read.

HCR 3059, HCR 3061, HCR 3062, HCR 3063, and HCR 3064 were declared adopted on a voice vote, and the titles were agreed to.

HCR 3060 was declared lost on a voice vote.

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MOTION

REP. MONSON MOVED the passage of all the resolutions on the consent calendar with exception of HCR 3060.

SECOND READING OF SENATE BILL

SB 2111: A BILL for an Act to amend and reenact section 39-22-17 of the North Dakota Century Code, relating to motor vehicle dealer plates.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

NAYS: Bellew; Drovdal; Kasper; Thoreson

ABSENT AND NOT VOTING: Froelich; Keiser; Klemin; Price

SB 2111, as amended, passed and the title was agreed to.

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MOTION

REP. MONSON MOVED that SB 2148, which is on the Fourteenth order, be rereferred to the **Transportation Committee,** which motion prevailed. Pursuant to Rep. Monson's motion, SB 2148 was rereferred.

SECOND READING OF SENATE BILL

SB 2234: A BILL for an Act to amend and reenact subsections 1 and 2 of section 16.1-11-06, section 16.1-11-10, subsection 1 of section 16.1-11-11, subdivision a of subsection 2 of section 16.1-11-11, subdivision a of subsection 1 of section 16.1-11-16, subsection 1 of section 16.1-11-21, subsection 2 of section 16.1-11-26, and section 16.1-11-32 of the North Dakota Century Code, relating to primary elections; and to repeal section 16.1-11-07 of the North Dakota Century Code, relating to presidential preference contests.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Zaiser

NAYS: Amerman; Bellew; Kasper; Meyer, S.; Wald; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Froelich; Keiser; Klemin

Engrossed SB 2234, as amended, passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2236: A BILL for an Act to amend and reenact sections 40-09-03 and 40-21-07 of the North Dakota Century Code, relating to municipal elections.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 80 YEAS, 11 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thorpe; Uglem; Wald; Wall; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser

NAYS: Carlisle; Drovdal; Kempenich; Nottestad; Potter; Schmidt; Thoreson; Vig; Vigesaa; Weiler; Speaker Delzer

ABSENT AND NOT VOTING: Froelich; Keiser; Klemin

SB 2236, as amended, passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2066: A BILL for an Act to amend and reenact sections 25-03.2-03.1 and 50-11-02.3 of the North Dakota Century Code, relating to the moratorium on expansion of residential treatment center for children bed capacity and the moratorium on residential child care facility or group home bed capacity.

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 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

NAYS: Conrad

ABSENT AND NOT VOTING: Froelich; Keiser; Klemin

Engrossed SB 2066, as amended, passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act to amend and reenact sections 4-19-01.2, 15.1-02-14, 49-21-31, 54-59-19, 54-60-10, and 65-02-05.1 of the North Dakota Century Code, relating to budget section approval of state forester reserve account spending and remove required reports to the budget section and the legislative audit and fiscal review committee.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Potter; Price; Ruby; Schmidt;

Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Froelich; Keiser; Klemin

SB 2028 passed and the title was agreed to.

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

MR. PRESIDENT: The Speaker has signed: HB 1045, HB 1048, HB 1206, HB 1224, HB 1257, HB 1333.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on February 28, 2007: HB 1045, HB 1048, HB 1206, HB 1224, HB 1257, HB 1333.

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

MR. PRESIDENT: Your signature is respectfully requested on: HB 1052, HB 1064, HB 1085, HB 1114, HB 1185, HB 1236, HB 1318, HB 1374, HB 1376, HB 1377, HB 1382, HB 1383, HB 1468, HCR 3001.

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

MR. PRESIDENT: Your signature is respectfully requested on: HCR 3005.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2058, SB 2059, SB 2061, SB 2082, SB 2086, SB 2095, SB 2098, SB 2099, SB 2104, SB 2107, SB 2119, SB 2142, SB 2147, SB 2151, SB 2158, SB 2230, SCR 4007.

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

MR. PRESIDENT: The Speaker has signed: SB 2058, SB 2059, SB 2061, SB 2082, SB 2086, SB 2095, SB 2098, SB 2099, SB 2104, SB 2107, SB 2119, SB 2142, SB 2147, SB 2151, SB 2158, SB 2230, SCR 4007.

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

MR. SPEAKER: The President has signed: HB 1037, HB 1053, HB 1057, HB 1068, HB 1098, HB 1104, HB 1122, HB 1131, HB 1178, HB 1184, HB 1193, HB 1201, HB 1248, HB 1261, HB 1341, HB 1347, HB 1387, HB 1490, HCR 3014.

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

MR. SPEAKER: The President has signed: SB 2035, SB 2068, SB 2069, SB 2089, SB 2091, SB 2124, SB 2127, SB 2167.

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

MR. PRESIDENT: The House has passed unchanged: SB 2087, SB 2112, SB 2159, SB 2231, SB 2235, SB 2242.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Thursday, March 1, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2025: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2025 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and"

Page 1, line 4, after "Act" insert "; and to declare an emergency"

Page 3, after line 11, insert:

"**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2031: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2031 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2136, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2136 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "is responsible for" with "shall train, consult, and assist the department of human services with"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2149, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2149 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2193: Judiciary Committee (Rep. DeKrey, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2193 was placed on the Sixth order on the calendar.

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

Page 1, after line 8, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2257, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2257 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2359, as engrossed: Human Services Committee (Rep. Price, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2359 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3019: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3019 was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "for the amendment of section 6 of article VIII of the Constitution of North Dakota, relating to the state board of higher education; and to provide an effective date.

STATEMENT OF INTENT

This measure provides that the legislative assembly shall establish the membership of the nominating committee for the state board of higher education, provides that the board shall appoint a chancellor of the North Dakota university system, and provides that the president of each institution shall report directly to the chancellor. The measure provides an effective date of July 1, 2009.

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

That the following proposed amendment to section 6 of article VIII of the Constitution of North Dakota is agreed to and must be submitted to the qualified electors of North Dakota at the general election to be held in 2008, in accordance with section 16 of article IV of the Constitution of North Dakota.

SECTION 1. AMENDMENT. Section 6 of article VIII of the Constitution of North Dakota is amended and reenacted as follows:

Section 6.

1. A board of higher education, to be officially known as the state board of higher education, is ~~hereby~~ created for the control and administration of the following state educational institutions~~, to wit~~:

   a. The state university and school of mines, at Grand Forks, with their substations.

   b. The state agricultural college and experiment station, at Fargo, with their substations.

   c. The school of science, at Wahpeton.

   d. The state normal schools and teachers colleges, at Valley City, Mayville, Minot, and Dickinson.

   e. The school of forestry, at Bottineau.

   f. And such other state institutions of higher education as may hereafter be established.

2. a. The state board of higher education consists of eight members. The governor shall appoint seven members who are qualified electors and taxpayers of the state, and who have resided in this state for ~~not less than~~ at least five years immediately preceding their appointments. These seven appointments are subject to confirmation by the senate.

   The governor shall appoint as the eighth member of the board a full-time resident student in good academic standing at an institution under the ~~jurisdiction~~ control of the state board. Except for the student member, no more than two persons holding a bachelor's degree from a particular institution under the ~~jurisdiction~~ control of the state board of higher education may serve on the board at any one time. Except for the student member, no person employed by any institution under the control of the board shall serve as a member of the board and no employee of any ~~such~~ institution may be eligible for membership on the state board of higher education for a period of two years following the termination of employment.

   The legislative assembly shall establish the terms of office and membership of the nominating committee. The nominating committee shall provide to the governor ~~shall nominate from~~ a list of three names for each position~~, selected by action of four of the following five persons: the president of the North Dakota education association, the chief justice of the supreme court, the superintendent of public instruction, the president pro tempore of the senate, and the speaker of the house of representatives~~ and, with the consent of a majority of the members-elect of the senate, the governor shall appoint from the list to the state board of higher education seven members.

   The governor shall ensure that the board membership is maintained in a balanced and representative manner. The term of office ~~of members~~ for a member appointed to fill ~~vacancies~~ a vacancy at the expiration of ~~said terms shall be for~~ a term is four years~~, and in~~. In the case of ~~vacancies otherwise arising, appointments shall~~ any other vacancy, the appointment must be made only for the balance of the member's term ~~of the members~~ whose ~~places are~~ place is to be filled. A member may not be appointed to serve for more than two terms. If a member is appointed to fill a vacancy and serves two or more years of that term, the member is deemed to have served one full term.

b. In the event any nomination made by the governor is not consented to and confirmed by the senate, the governor shall again nominate a candidate selected from a new list. The nomination shall be submitted to the senate for confirmation and the proceedings shall continue until an appointee has been confirmed by the senate or the session of the ~~legislature~~ legislative assembly has adjourned.

c. If a term expires or a vacancy occurs when the ~~legislature~~ legislative assembly is not in session, the governor may appoint from a list selected~~,~~ as provided, a member who shall serve until the opening of the next session of the ~~legislature~~ legislative assembly, at which time the appointment must be certified to the senate for confirmation. If the appointee is not confirmed by the thirtieth legislative day of the session, the office ~~shall be~~ is deemed vacant and the governor shall nominate another candidate for the office. The same proceedings ~~shall be followed as are~~ as set forth in this section must be followed. If the ~~legislature~~ legislative assembly is in session at any time within six months prior to the date ~~of the expiration of~~ on which the term of any member expires, the governor shall nominate a successor from a list selected as above set forth, within the first thirty days of the session and upon confirmation by the senate the successor shall take office at the expiration of the incumbent's term. No person who has been nominated and whose nomination the senate has failed to confirm is eligible for an interim appointment. On or before July first of each year, ~~beginning in 1995,~~ the governor shall appoint a student member from a list of names recommended by the executive board of the North Dakota student association for a term of one year, beginning on July first. A student member may not serve more than two consecutive terms.

3. The members of the state board of higher education may only be removed by impeachment for the offenses and in the manner and according to the procedure provided for the removal of the governor by impeachment proceedings.

4. Each ~~appointive~~ member of the state board of higher education, except the student member, shall receive compensation set by the legislative assembly for the time actually spent devoted to the duties of the member's office. All members shall receive necessary expenses in the same manner and amounts as other state officials for attending meetings and performing other functions of their office.

5. The ~~legislature~~ legislative assembly shall provide adequate funds for the proper carrying out of the functions and duties of the state board of higher education.

6. a. ~~The state board of higher education shall hold its first meeting at the office of the state board of administration at Bismarck, on the 6th day of July, 1939, and shall organize and elect one of its members as president of such board for a term of one year. It shall also at said meeting, or as soon thereafter as may be practicable, elect a competent person as secretary, who shall reside during his term of office in the city of Bismarck, North Dakota. Said secretary shall hold office at the will of the board. As soon as said board is established and organized, it shall assume all the powers and perform all the duties now conferred by law upon the board of administration in connection with the several institutions hereinbefore mentioned, and the said board of administration shall immediately upon the organization of said state board of higher education, surrender and transfer to said state board of higher education all duties, rights, and powers granted to it under the existing laws of this state concerning the institutions hereinbefore mentioned, together with all property, deeds, records, reports, and appurtenances of every kind belonging or appertaining to said institutions.~~

~~b.~~ The ~~said~~ state board of higher education ~~shall have~~ has full authority over the institutions under its control with the right, among its other powers, to prescribe, limit, or modify the courses offered at the ~~several~~ institutions. ~~In furtherance of its powers, the~~ The state board of higher

education ~~shall have~~ has the power to delegate to its employees details of the administration of the institutions under its control. The ~~said~~ state board of higher education ~~shall have~~ has full authority to organize or reorganize, within constitutional and statutory limitations, the work of each institution under its control, and to do each and everything necessary and proper for the efficient and economic administration of ~~said state educational~~ the institutions.

~~c. Said~~

b. The state board of higher education shall prescribe for all of ~~said~~ the institutions standard systems of accounts and records and shall biennially, and within six ~~(6)~~ months immediately preceding the regular session of the ~~legislature~~ legislative assembly, make a report to the governor, covering in detail the operations of the ~~educational~~ institutions ~~under its control~~.

~~d. It shall be the duty of the heads of the several state institutions hereinbefore mentioned, to~~

c. The chancellor shall obtain from the president of each institution a budget request for biennial appropriations and, after making any revisions deemed necessary by the chancellor, shall submit the budget requests for the biennial appropriations ~~for said institutions~~ to ~~said~~ the state board of higher education~~; and said~~. The state board ~~of higher education~~ shall consider ~~said budgets~~ the budget requests and shall revise ~~the same as in its judgment shall be~~ them as necessary for the best interests of the educational system of the state~~; and thereafter the~~. The state board of higher education shall prepare and present to the ~~state budget board and to the legislature~~ legislative assembly a single unified budget covering the needs of all the institutions under its control. ~~"Said budget shall be prepared and presented by the board of administration until the state board of higher education organizes as provided in subsection 6a."~~ The appropriations for all of ~~said~~ the institutions ~~shall~~ must be contained in one legislative measure. The budgets and appropriation measures for the agricultural experiment stations and their substations and the extension division of the North Dakota state university of agriculture and applied science may be separate from those of ~~state educational~~ the institutions.

~~e.~~ d. The ~~said~~ state board of higher education ~~shall have the~~ has control of the expenditure of the funds belonging to~~,~~ and allocated to ~~such~~ the institutions and also those appropriated by the ~~legislature,~~ legislative assembly for the institutions of higher education in this state; provided, however, that funds appropriated by the ~~legislature~~ legislative assembly, and specifically designated for any one or more of ~~such~~ the institutions, ~~shall~~ may not be used for any other institution.

7. a. The state board of higher education shall~~, as soon as practicable,~~ appoint for a term ~~of~~ not to exceed three ~~(3)~~ years~~, a state commissioner~~ a chancellor of higher education, whose principal office ~~shall be~~ is at the state capitol, in the city of Bismarck. ~~Said commissioner~~ The chancellor of higher education ~~shall be~~ is responsible to the state board of higher education and ~~shall be removable by said~~ may be removed by the board for cause.

b. The ~~state commissioner~~ chancellor of higher education ~~shall be a graduate of some~~ must have graduated from a reputable college or university~~,~~ and ~~who~~ must, by training and experience ~~is~~, be familiar with the problems peculiar to higher education.

c. ~~Such commissioner~~ The chancellor of higher education ~~shall be~~ is the chief executive officer of ~~said~~ the state board of higher education~~,~~ and shall perform ~~such~~ all duties ~~as shall be~~ prescribed by the board.

d. The president of each institution shall report directly to the chancellor of higher education.

8. This constitutional provision shall be self-executing and shall become effective without the necessity of legislative action.

SECTION 2. EFFECTIVE DATE. If approved by the voters, this measure becomes effective on July 1, 2009."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3045: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3045 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "seventy-one" with "one hundred ten"

Page 1, line 18, remove "Each biennium, beginning in 2011, the state treasurer shall adjust"

Page 1, remove lines 19 through 22

Page 1, line 23, remove "statistics."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3055: Constitutional Revision Committee (Rep. Koppelman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (8 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3055 was placed on the Sixth order on the calendar.

Page 1, line 24, replace "same" with "first" and after "day" insert "of the next regular session of the legislative assembly"

Renumber accordingly

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

Buell J. Reich, Chief Clerk