

JOURNAL OF THE HOUSE

Sixtieth Legislative Assembly

* * * * *

Bismarck, March 27, 2007

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

The prayer was offered by Pastor Spencer Baker with Open Door Baptist Church, Bismarck.

The roll was called and all members were present except Representative Kerzman.

A quorum was declared by the Speaker.

SIXTH ORDER OF BUSINESS

SPEAKER DELZER DEEMED approval of the amendments to Engrossed SB 2183, as amended, and SB 2246.

SB 2246, as amended, and Engrossed SB 2183, as further amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

REP. MONSON MOVED the passage of all the resolutions on the Consent Calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT
CALENDAR

SCR 4022: A concurrent resolution urging Congress and the President to continue to pursue peace in Iraq and Afghanistan.

SCR 4026: A concurrent resolution urging Congress to exempt travel to the International Peace Garden from passport requirements.

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

Engrossed SCR 4022, as amended, and Engrossed SCR 4026 were declared adopted on a voice vote, and the titles were agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1348 as printed on HJ page 806 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1348: Reps. Headland, Froseth, Froelich.

APPOINTMENT OF CONFERENCE COMMITTEE

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

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2125: Reps. Dietrich, Clark, Zaiser

APPOINTMENT OF CONFERENCE COMMITTEE

REP. KEISER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2154, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2154: Reps. Dosch, Kasper, Thorpe

APPOINTMENT OF CONFERENCE COMMITTEE

REP. HERBEL MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2236, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

SB 2236: Reps. Hatlestad, Klemin, Kaldor

APPOINTMENT OF CONFERENCE COMMITTEE

REP. PORTER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2251, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

SB 2251: Reps. Nottestad, Keiser, S. Meyer

APPOINTMENT OF CONFERENCE COMMITTEE

REP. PORTER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2293, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

SB 2293: Reps. Porter, Charging, Hanson

APPOINTMENT OF CONFERENCE COMMITTEE

REP. R. KELSCH MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2309, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2309: Reps. L. Meier, Wall, Hunskor

APPOINTMENT OF CONFERENCE COMMITTEE

REP. KEISER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2389, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2389: Reps. Vigesaa, Nottestad, Boe

APPOINTMENT OF CONFERENCE COMMITTEE

REP. DEKREY MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2392, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2392: Reps. Boehning, Dahl, Griffin

APPOINTMENT OF CONFERENCE COMMITTEE

REP. KEISER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SB 2411, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

SB 2411: Reps. Clark, Dietrich, Thorpe

APPOINTMENT OF CONFERENCE COMMITTEE

REP. PRICE MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on Engrossed SB 2109, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

Engrossed SB 2109: Reps. Pietsch, Price, Potter

APPOINTMENT OF CONFERENCE COMMITTEE

REP. PORTER MOVED that the Speaker appoint a committee of three to act with a like committee from the Senate as a Conference Committee on SCR 4001, which motion prevailed.

THE SPEAKER APPOINTED as a Conference Committee on:

SCR 4001: Reps. DeKrey, Drovdal, S. Kelsh

SECOND READING OF SENATE BILL

SB 2315: A BILL for an Act to amend and reenact section 49-11-30 of the North Dakota Century Code, relating to damages for a railroad's failure to fence.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 29 YEAS, 64 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boucher; Brandenburg; DeKrey; Froelich; Glassheim; Griffin; Guleson; Heller; Hunskor; Kaldor; Kreidt; Kroeber; Metcalf; Meyer, S.; Mueller; Nelson; Onstad; Pinkerton; Potter; Schmidt; Skarphol; Solberg; Thorpe; Vig; Vigesaa; Weisz; Wolf

NAYS: Bellew; Belter; Berg; Boe; Boehning; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froseth; Grande; Gruchalla; Haas; Hanson; Hatlestad; Hawken; Headland; Herbel; Hofstad; Johnson, D.; Johnson, N.; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kretschmar; Martinson; Meier, L.; Monson; Myxter; Nottestad; Owens; Pietsch; Pollert; Porter; Price; Ruby; Schneider; Sukut; Svedjan; Thoreson; Uglem; Wald; Wall; Weiler; Wieland; Williams; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Kerzman

Engrossed SB 2315 lost.

SECOND READING OF SENATE BILL

SB 2377: A BILL for an Act to provide for a legislative council study of the provision of obstetrical services by laypeople.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 90 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Keiser; Ruby; Wald

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

ABSENT AND NOT VOTING: Kerzman

Engrossed SB 2377 lost.

SECOND READING OF SENATE BILL

SB 2163: A BILL for an Act to create and enact chapter 23-06.6 of the North Dakota Century Code, relating to the revised Uniform Anatomical Gift Act; to amend and reenact section 23-06-01.2, subsection 5 of section 23-06.5-05.1, subsection 1 of section 39-06-03.1, subsection 2 of section 39-06-07, and subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to cross-references to the Uniform Anatomical Gift Act;

to repeal chapter 23-06.2 of the North Dakota Century Code, relating to the Uniform Anatomical Gift Act; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; 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; Vigasaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Kerzman

Engrossed SB 2163, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2352: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to limitations on tattooing, branding, subdermal implantation, scarifying, and body piercing of minors; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 2 NAYS, 0 EXCUSED, 1 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; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunsakor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Porter; Potter; Price; Ruby; Schmidt; Schneider; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigasaa; Wald; Wall; Weiler; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

NAYS: Pollert; Weisz

ABSENT AND NOT VOTING: Kerzman

Engrossed SB 2352, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2268: A BILL for an Act to create and enact chapter 26.1-33.3 of the North Dakota Century Code, relating to viatical settlement contracts; to amend and reenact subdivision a of subsection 21 of section 10-04-02 of the North Dakota Century Code, relating to the definition of viatical settlement contract; to repeal chapter 26.1-33.2 of the North Dakota Century Code, relating to viatical settlement contracts; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 75 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boucher; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; Delmore; Dietrich; Dosch; Ekstrom; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken;

Headland; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Kelsh, S.; Kingsbury; Klein; Klemin; Koppelman; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Porter; Potter; Price; Ruby; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Weiler; Wieland; Williams; Wolf; Wrangham; Zaiser

NAYS: Boe; Boehning; DeKrey; Drovdal; Froelich; Heller; Keiser; Kelsch, R.; Kempenich; Kreidt; Kretschmar; Nelson; Pollert; Skarphol; Wald; Wall; Weisz; Speaker Delzer

ABSENT AND NOT VOTING: Kerzman

Engrossed SB 2268, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2073: A BILL for an Act to amend and reenact section 65-02-03.1 of the North Dakota Century Code, relating to appointment of members to the workforce safety and insurance board of directors.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 85 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Boucher; Gulleson; Kelsh, S.; Solberg

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Haas; Hanson; Hatlestad; Hawken; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; 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; Skarphol; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Ekstrom; Headland; Kasper; Kerzman; Schneider

Engrossed SB 2073 lost.

SECOND READING OF SENATE BILL

SB 2217: A BILL for an Act to amend and reenact section 43-01-18 of the North Dakota Century Code, relating to abstractor fees; and to provide for a legislative council study.

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 76 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Dahl; Drovdal; Froelich; Kelsch, R.; Kempenich; Martinson; Meyer, S.; Porter; Schmidt; Skarphol; Solberg; Thoreson; Uglem; Speaker Delzer

ABSENT AND NOT VOTING: Johnson, D.; Kerzman; Kingsbury

Engrossed SB 2217 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4023: A concurrent resolution for the amendment of section 8 of article VII of the Constitution of North Dakota, relating to the beginning of a term of office for a sheriff.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 76 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Amerman; Carlisle; Drovdal; Froelich; Glassheim; Keiser; Kempenich; Metcalf; Mueller; Nottestad; Porter; Ruby; Weiler; Zaiser

NAYS: Aarsvold; Bellew; Belter; Berg; Boe; Boehning; Boucher; Brandenburg; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Ekstrom; Froseth; Grande; Griffin; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, N.; Kaldor; Karls; Kasper; Kelsch, R.; Kelsh, S.; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Meyer, S.; Monson; Myxter; Nelson; Onstad; Owens; Pietsch; Pinkerton; Pollert; Potter; Price; Schmidt; Schneider; Solberg; Sukut; Svedjan; Thoreson; Uglem; Vig; Vigesaa; Wald; Wall; Weisz; Wieland; Williams; Wolf; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Johnson, D.; Kerzman; Skarphol; Thorpe

Engrossed SCR 4023 lost.

SECOND READING OF SENATE BILL

SB 2094: A BILL for an Act to amend and reenact sections 46-02-15 and 46-02-20 of the North Dakota Century Code, relating to resident bidder preference for public printing and services provided by in-plant print shops.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 3 NAYS, 0 EXCUSED, 2 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; Gruchalla; Guleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier, L.; Metcalf; Meyer, S.; Monson; Mueller; Myxter; Nelson; Nottestad; Onstad; Owens; Pietsch; Pinkerton; Pollert; Porter; Price; Ruby; Schmidt; Skarphol; Solberg; Sukut; Svedjan; Thoreson; Thorpe; Uglem; Vig; Vigesaa; Wald; Wall; Weiler; Weisz; Wieland; Williams; Wolf; Wrangham; Zaiser; Speaker Delzer

NAYS: Griffin; Potter; Schneider

ABSENT AND NOT VOTING: Froelich; Kerzman

SB 2094, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2336: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 14-09-09.7 and a new subsection to section 14-09-09.7 of the North Dakota Century Code, relating to liability for children's health insurance coverage or other medical support; to amend and reenact section 14-09-08.10, subsection 3 of section 14-09-08.11, section 14-09-08.15, and subsection 3 of section 14-09-09.10 of the North Dakota Century Code, relating to liability for children's health insurance coverage or other medical support; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Dietrich; Porter; Ruby; Speaker Delzer

ABSENT AND NOT VOTING: Kerzman

Engrossed SB 2336, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2121: A BILL for an Act to amend and reenact subsection 4 of section 14-02.4-02, subsection 5 of section 14-02.5-01, subsection 4 of section 34-01-20, sections 34-05-01.1 and 34-05-01.2, subsection 8 of section 34-05-01.3, and sections 34-07-05, 34-14-11, 34-14-12, and 34-14-13 of the North Dakota Century Code, relating to a name change from the department of labor to the department of labor and human rights.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 40 YEAS, 50 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Boe; Boucher; Charging; Conrad; Dahl; Ekstrom; Froelich; Glassheim; Griffin; Gruchalla; Gulleon; Hanson; Hawken; Hunskor; Johnson, N.; Kaldor; Kelsh, S.; Kretschmar; Kroeber; Martinson; Metcalf; Meyer, S.; Mueller; Myxter; Onstad; Owens; Pinkerton; Potter; Schmidt; Schneider; Solberg; Thoreson; Thorpe; Vig; Wall; Williams; Wolf; Zaiser

NAYS: Bellew; Belter; Boehning; Brandenburg; Carlisle; Carlson; Clark; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Froseth; Grande; Haas; Hatlestad; Headland; Heller; Herbel; Hofstad; Johnson, D.; Karls; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein; Klemin; Koppelman; Kreidt; Meier, L.; Nottestad; Pietsch; Pollert; Porter; Price; Ruby; Skarphol; Sukut; Svedjan; Uglem; Vigasaa; Wald; Weiler; Weisz; Wieland; Wrangham; Speaker Delzer

ABSENT AND NOT VOTING: Berg; Kerzman; Monson; Nelson

Engrossed SB 2121 lost.

SECOND READING OF SENATE BILL

SB 2353: A BILL for an Act to amend and reenact sections 37-01-40, 37-19.1-01, and 37-19.1-02 and subsection 1 of section 37-19.1-04 of the North Dakota Century Code, relating to veterans and veterans' preferences.

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 90 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Boe; Boehning; Brandenburg; Carlisle; Carlson; Charging; Clark; Conrad; Dahl; Damschen; DeKrey; Delmore; Dietrich; Dosch; Drovdal; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleon; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor;

Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; 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; Zaiser; Speaker Delzer

ABSENT AND NOT VOTING: Boucher; Kasper; Kerzman; Wrangham

Reengrossed SB 2353 passed and the title was agreed to.

MOTION

REP. MONSON MOVED that SB 2090 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2093: A BILL for an Act to amend and reenact section 11-10-16, subsection 2 of section 44-08-04, and sections 44-08-04.4, 44-08-05.1, and 54-44.4-11 of the North Dakota Century Code, relating to payment of travel expenses of state and county officers and employees and purchasing card authority; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Drovda; Ekstrom; Froelich; Froseth; Glassheim; Grande; Griffin; Gruchalla; Gulleson; Haas; Hanson; Hatlestad; Hawken; Headland; Heller; Herbel; Hofstad; Hunskor; Johnson, D.; Johnson, N.; Kaldor; Karls; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein; Klemin; 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: Kasper; Kerzman

Engrossed SB 2093, as amended, passed and the title was agreed to.

MOTION

REP. MONSON MOVED that Engrossed SB 2206, which is on the Fourteenth order, be rereferred to the **Agriculture Committee**, which motion prevailed. Pursuant to Rep. Monson's motion, Engrossed SB 2206 was rereferred.

MOTION

REP. MONSON MOVED that SB 2023 be returned to the House floor from the **Appropriations Committee**, which motion prevailed.

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

MR. SPEAKER: Your signature is respectfully requested on: SB 2145.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on March 27, 2007: HB 1119, HB 1124, HB 1274, HB 1400, HB 1450, HB 1455, HB 1471, HB 1511.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on March 27, 2007: HCR 3037, HCR 3057, HCR 3061.

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

MR. SPEAKER: The President has signed: SB 2345.

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

MR. PRESIDENT: The Speaker has signed: SB 2145.

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

MR. PRESIDENT: The House has passed unchanged: SB 2217, SB 2353, SCR 4026.

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

MR. PRESIDENT: The House has failed to pass: SB 2073, SB 2121, SB 2315, SB 2377, SCR 4023.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2093, SB 2094, SB 2163, SB 2268, SB 2336, SB 2352, SCR 4022.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1348 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1348: Reps. Headland; Froseth; Froelich

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

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

SB 2109: Reps. Pietsch; Price; Potter

SB 2125: Reps. Dietrich; Clark; Zaiser

SB 2154: Reps. Dosch; Kasper; Thorpe

SB 2236: Reps. Hatlestad; Klemin; Kaldor

SB 2251: Reps. Nottestad; Keiser; S. Meyer

SB 2293: Reps. Porter; Charging; Hanson

SB 2309: Reps. L. Meier; Wall; Hunskor

SB 2389: Reps. Vigesaa; Nottestad; Boe

SB 2392: Reps. Boehning; Dahl; Griffin

SB 2411: Reps. Clark; Dietrich; Thorpe

SCR4001: Reps. DeKrey; Drovdal; S. Kelsh

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2344 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2344: Sens. G. Lee; Freborg; Bakke

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2418.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1011, HB 1233, HB 1472.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

Page 1, line 1, after "patrol" insert "; and to authorize line item transfers"

Page 1, line 17, replace "4,011,065" with "4,728,001"

Page 1, line 19, replace "4,159,584" with "4,876,520"

Page 1, line 21, replace "7,677,910" with "8,394,846"

Page 2, line 4, replace "35,009,887" with "35,726,823"

Page 2, line 6, replace "38,979,192" with "39,696,128"

Page 2, line 8, replace "27,758,772" with "28,475,708"

Page 2, after line 28, insert:

"SECTION 7. LINE ITEM TRANSFER - EXCEPTION - AUTHORIZATION.

Notwithstanding section 54-16-04, the highway patrol may transfer up to \$100,000 from the field operations line item in section 3 of this Act to the law enforcement training academy line item in section 3 of this Act for the biennium beginning July 1, 2007, and ending June 30, 2009. The highway patrol shall notify the office of management and budget of any transfers made pursuant to this section."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1011 - Highway Patrol - Senate Action**

| | EXECUTIVE BUDGET | HOUSE VERSION | SENATE CHANGES | SENATE VERSION |
|-------------------------------------|---------------------|------------------|-------------------|-------------------|
| Administration | \$2,568,016 | \$2,568,016 | | \$2,568,016 |
| Field operations | 35,376,823 | 35,009,887 | \$716,936 | 35,726,823 |
| Law Enforcement Training Academy | 1,551,289 | 1,401,289 | | 1,401,289 |
| Total all funds | \$39,496,128 | \$38,979,192 | \$716,936 | \$39,696,128 |
| Less estimated income | 15,665,015 | 11,220,420 | | 11,220,420 |
| General fund | \$23,831,113 | \$27,758,772 | \$716,936 | \$28,475,708 |
| FTE | 197.00 | 193.00 | 4.00 | 197.00 |

Dept. 504 - Highway Patrol - Detail of Senate Changes

| | RESTORES FUNDING FOR NEW TROOPERS ¹ | TOTAL SENATE CHANGES |
|-------------------------------------|---|----------------------------|
| Administration | | |
| Field operations | \$716,936 | \$716,936 |
| Law Enforcement Training Academy | | |
| Total all funds | \$716,936 | \$716,936 |
| Less estimated income | | |
| General fund | \$716,936 | \$716,936 |
| FTE | 4.00 | 4.00 |

¹ This amendment:

- Restores the 4 FTE trooper positions added in the executive budget but removed by the House.
- Provides that 1 of the 2 new FTE trooper positions added by the House may be used for providing Capitol security services.

A section is added allowing the Highway Patrol to transfer up to \$100,000 of the \$150,000 provided for purchasing automatic external defibrillators from the field operations line item to the Law Enforcement Training Academy line item to provide additional training for law enforcement officers and other emergency services providers.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1233

In lieu of the amendments adopted by the Senate as printed on page 836 of the Senate Journal, Engrossed House Bill No. 1233 is amended as follows:

Page 1, line 2, remove "as part of a power"

Page 1, line 3, remove "purchase agreement"

Page 3, line 1, replace "engaged in the sale" with "that constructs or expands electricity transmission lines and associated transmission substations in North Dakota after December 31, 2006"

Page 3, line 2, remove "of electricity at retail to customers or members"

Page 3, line 6, after the underscored period insert "If the credit has been sold, assigned, or otherwise transferred to an entity that constructs or expands electricity transmission lines and associated transmission substations in North Dakota after December 31, 2006, the amount of credit claimed by that entity in any taxable year may not exceed

the amount of the investment by that entity in electricity transmission lines and associated transmission substations in North Dakota for that taxable year."

Page 4, line 24, replace "taxable years beginning" with "geothermal, solar, or wind energy devices installed"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1472

Page 1, line 10, replace "A" with "Except for purposes of voting in a school building used as a public polling place or attending an open meeting under chapter 44-04 in a school building, a"

Page 1, line 14, replace "private" with "nonpublic", after "elementary" insert ", middle," and replace "except as" with "unless allowed on school property through compliance with a written policy adopted by the school board of a public school or governing body of a nonpublic school."

Page 1, remove line 15

Page 1, line 16, remove "This"

Page 1, remove lines 17 through 23

Page 2, remove lines 1 through 14

Page 2, line 18, replace "private" with "nonpublic" and after "elementary" insert ", middle,"

Page 2, line 20, replace "private" with "nonpublic"

Page 2, line 21, after "elementary" insert ", middle,"

Page 2, line 25, replace "private" with "nonpublic" and after "elementary" insert ", middle,"

Page 2, line 27, replace "private" with "nonpublic"

Page 2, line 28, after "elementary" insert ", middle,"

Page 3, line 1, after the first "or" insert "public" and after "district" insert "or governing body of a nonpublic school"

Renumber accordingly

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

MR. SPEAKER: The Senate has amended and subsequently failed: HB 1260.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1215.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1215

Page 1, line 2, after "payments" insert "; and to declare an emergency"

Page 1, line 8, after "the" insert "United States department of" and remove the overstrike over "agriculture"

Page 1, line 9, overstrike "service" and insert immediately thereafter "agency"

Page 1, line 11, after the second "the" insert "United States department of" and overstrike "stabilization and"

Page 1, line 12, overstrike "conservation" and insert immediately thereafter "farm" and after "service" insert "agency"

Page 1, after line 18, insert:

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

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HB 1171, HB 1279.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1126, HB 1256.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1126

In lieu of the amendments adopted by the Senate as printed on pages 798-800 of the Senate Journal, Engrossed House Bill No. 1126 is amended as follows:

Page 1, line 1, replace "two" with "three"

Page 1, line 4, replace "section" with "subsection 4 of section 53-06.2-05, subsection 1 of section 53-06.2-07, subsection 4 of section 53-06.2-08, sections 53-06.2-10.1 and", after "53-06.2-11" insert ", and subsection 2 of section 53-06.2-13", and remove "taxes on"

Page 1, line 13, replace "Two" with "Three"

Page 1, after line 19, insert:

"Complete, distribute, and post on the commission's web site the minutes of each commission meeting within thirty days of that meeting or before the next meeting of the commission, whichever occurs first."

SECTION 3. AMENDMENT. Subsection 4 of section 53-06.2-05 of the North Dakota Century Code is amended and reenacted as follows:

4. License all participants in the racing and simulcast parimutuel wagering industry and require and obtain information the commission deems necessary from license applicants. Licensure of service providers, totalizator companies, site operators, and organizations applying to conduct or conducting parimutuel wagering must be approved by the attorney general. The attorney general may not grant a license denied by the commission. The commission may obtain from the bureau of criminal investigation, without charge, criminal history record information as required in the licensing process.

SECTION 4. AMENDMENT. Subsection 1 of section 53-06.2-07 of the North Dakota Century Code is amended and reenacted as follows:

1. On compliance by an applicant with this chapter and the approval of the attorney general, the commission may issue a license to conduct races. The attorney general may not grant a license denied by the commission.

SECTION 5. AMENDMENT. Subsection 4 of section 53-06.2-08 of the North Dakota Century Code is amended and reenacted as follows:

4. The commission may grant licenses to horse owners, jockeys, riders, agents, trainers, grooms, stable foremen, exercise workers, veterinarians, valets, concessionaires, service providers, employees of racing associations, and such other persons as determined by the commission. Licensure of service providers, totalizator companies, site operators, and organizations applying to conduct or conducting parimutuel wagering must be approved by the attorney general. The attorney general may not grant a license denied by the commission. License fees are as established by the commission.

SECTION 6. AMENDMENT. Section 53-06.2-10.1 of the North Dakota Century Code is amended and reenacted as follows:

53-06.2-10.1. Simulcast wagering. In addition to racing under the certificate system, as authorized by this chapter, and conducted upon the premises of a racetrack, simulcast parimutuel wagering may be conducted in accordance with this chapter ~~and interim standards that need not comply with chapter 28-32,~~ or rules adopted by the commission under this chapter in accordance with chapter 28-32. Any organization qualified under section 53-06.2-06 to conduct racing may make written application to the commission for the conduct of simulcast parimutuel wagering on races held at licensed racetracks inside the state or racetracks outside the state, or both. Licensure of service providers, totalizator companies, site operators, or organizations applying to

conduct or conducting simulcast or account wagering must be approved by the attorney general. The attorney general may not grant a license denied by the commission. Notwithstanding any other provision of this chapter, the commission may authorize any licensee to participate in interstate or international combined wagering pools with one or more other racing jurisdictions. Anytime that a licensee participates in an interstate or international combined pool, the licensee, as prescribed by the commission, may adopt the take-out of the host jurisdiction or facility. The commission may permit a licensee to use one or more of its races or simulcast programs for an interstate or international combined wagering pool at locations outside its jurisdiction and may allow parimutuel pools in other states to be combined with parimutuel pools in its jurisdiction for the purpose of establishing an interstate or international combined wagering pool. The participation by a licensee in a combined interstate or international wagering pool does not cause that licensee to be considered to be doing business in any jurisdiction other than the jurisdiction in which the licensee is physically located. Parimutuel taxes or commissions may not be imposed on any amounts wagered in an interstate or international combined wagering pool other than amounts wagered within this jurisdiction. The certificate system also permits parimutuel wagering to be conducted through account wagering. As used in this section, "account wagering" means a form of parimutuel wagering in which an individual deposits money in an account and uses the account balance to pay for parimutuel wagers. An account wager made on an account established in this state may only be made through the licensed simulcast service provider approved by the attorney general and authorized by the commission to operate the simulcast parimutuel wagering system under the certificate system. The attorney general may not grant a license denied by the commission. An account wager may be made in person, by direct telephone communication, or through other electronic communication in accordance with rules adopted by the commission. Breakage for interstate or international combined wagering pools must be calculated in accordance with the statutes or rules of the host jurisdiction and must be distributed among the participating jurisdictions in a manner agreed to among the jurisdictions."

Page 8, after line 20, insert:

"SECTION 8. AMENDMENT. Subsection 2 of section 53-06.2-13 of the North Dakota Century Code is amended and reenacted as follows:

2. a. The attorney general may audit and investigate licensed service providers and affiliated companies authorized by the commission to operate the simulcast parimutuel wagering system, totalizator companies, site operators, or organizations applying to conduct or conducting parimutuel wagering. The attorney general may:
 - (1) Inspect all sites in which parimutuel wagering is conducted.
 - (2) Inspect all parimutuel wagering equipment and supplies.
 - (3) Seize, remove, or impound any parimutuel equipment, supplies, or books and records for the purpose of examination and inspection.
 - (4) Inspect, examine, photocopy, and audit all books and records.
- b. The commission shall reimburse the attorney general for ~~all services rendered to the racing commission~~ auditing and investigation. Payment for ~~the services auditing and investigation~~ must be deposited in the attorney general's operating fund."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1256

Page 4, line 20, replace "board of pharmacy" with "department of health" and after the third "of" insert "providing a grant to the state board of pharmacy for"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 301 - State Department of Health

SENATE - This amendment changes the appropriation from the Board of Pharmacy to the State Department of Health and provides that the State Department of Health provide the funds appropriated to the Board of Pharmacy as a grant.

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

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

HB 1010: Sens. Holmberg; Fischer; Seymour
HB 1088: Sens. Hacker; Andrist; Potter
HB 1092: Sens. Nething; Lyson; Nelson
HB 1093: Sens. Wardner; Christmann; Tallackson
HB 1146: Sens. Urlacher; Tollefson; Triplett
HB 1149: Sens. Lyson; Freborg; Triplett
HB 1157: Sens. Olafson; Hacker; Warner
HB 1278: Sens. Hacker; Wanzek; Potter
HB 1402: Sens. Freborg; Lyson; Triplett
HB 1422: Sens. J. Lee; Dever; Warner
HB 1507: Sens. Lyson; Olafson; Fiebiger
HB 1513: Sens. Urlacher; Tollefson; Heitkamp

MOTION

REP. MONSON MOVED that the absent member 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 9:00 a.m., Wednesday, March 28, 2007, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2001, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2001 was placed on the Sixth order on the calendar.

Page 1, line 23, replace "(45,582)" with "74,418"

Page 2, line 4, replace "(\$2,172,621)" with "(\$2,052,621)"

Page 2, line 6, replace "387,379" with "507,379"

Page 2, line 14, replace "306,787" with "426,787"

Page 2, line 20, replace "2,985,516" with "3,105,516"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2001 - Summary of House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|------------------------|---------------------|-------------------|------------------|------------------|
| Governor's office | | | | |
| Total all funds | \$5,496,516 | \$2,985,516 | \$120,000 | \$3,105,516 |
| Less estimated income | 2,500,000 | | | |
| General fund | \$2,996,516 | \$2,985,516 | \$120,000 | \$3,105,516 |
| Department of Commerce | | | | |
| Total all funds | \$0 | \$11,000 | \$0 | \$11,000 |
| Less estimated income | | | | |
| General fund | \$0 | \$11,000 | \$0 | \$11,000 |
| Bill Total | | | | |
| Total all funds | \$5,496,516 | \$2,996,516 | \$120,000 | \$3,116,516 |
| Less estimated income | 2,500,000 | | | |
| General fund | \$2,996,516 | \$2,996,516 | \$120,000 | \$3,116,516 |

Senate Bill No. 2001 - Governor's Office - House Action

| EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|---------------------|-------------------|------------------|------------------|
|---------------------|-------------------|------------------|------------------|

| | | | | |
|-----------------------|------------------|---------------|-----------|---------------|
| Salaries and wages | \$2,592,429 | \$2,592,429 | | \$2,592,429 |
| Operating expenses | 317,787 | 306,787 | \$120,000 | 426,787 |
| Grants | 2,500,000 | | | |
| Contingencies | 10,000 | 10,000 | | 10,000 |
| Roughrider Awards | 10,800 | 10,800 | | 10,800 |
| Presidential electors | 500 | 500 | | 500 |
| Transition in | 15,000 | 15,000 | | 15,000 |
| Transition out | <u>50,000</u> | <u>50,000</u> | | <u>50,000</u> |
| Total all funds | \$5,496,516 | \$2,985,516 | \$120,000 | \$3,105,516 |
| Less estimated income | <u>2,500,000</u> | | | |
| General fund | \$2,996,516 | \$2,985,516 | \$120,000 | \$3,105,516 |
| FTE | 18.00 | 18.00 | 0.00 | 18.00 |

Dept. 101 - Governor's Office - Detail of House Changes

| | ADDS FUNDING FOR STATE CONSULTANT ¹ | TOTAL HOUSE CHANGES |
|-----------------------|---|---------------------------|
| Salaries and wages | | |
| Operating expenses | \$120,000 | \$120,000 |
| Grants | | |
| Contingencies | | |
| Roughrider Awards | | |
| Presidential electors | | |
| Transition in | | |
| Transition out | | |
| Total all funds | \$120,000 | \$120,000 |
| Less estimated income | | |
| General fund | \$120,000 | \$120,000 |
| FTE | 0.00 | 0.00 |

¹ Funding for the state consultant removed from the Office of Management and Budget in Senate Bill No. 2015 is added to the Governor's office budget.

REPORT OF STANDING COMMITTEE

SB 2002: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2002 was placed on the Sixth order on the calendar.

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

Page 1, line 3, after "state" insert "; and to provide for a report to the legislative assembly"

Page 2, line 7, replace "280,923" with "334,521"

Page 2, line 11, replace "(\$3,142,302)" with "(\$3,088,704)"

Page 2, line 13, replace "847,753" with "901,351"

Page 2, line 18, replace "824,253" with "877,851"

Page 2, line 20, replace "(\$3,165,802)" with "(\$3,112,204)"

Page 2, line 29, replace "2,583,525" with "2,637,123"

Page 3, line 2, replace "10,964,089" with "11,017,687"

Page 3, line 4, replace "5,010,116" with "5,063,714"

Page 3, line 9, replace "5,313,616" with "5,367,214"

Page 3, line 11, replace "11,267,589" with "11,321,187"

Page 3, after line 11, insert:

"SECTION 4. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$824,153 for a mainframe migration computer project which is a one-time funding item. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The secretary of state shall report to the appropriations committees of the sixty-first legislative assembly on

the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|---------------------|-------------------|------------------|------------------|
| Secretary of State | | | | |
| Total all funds | \$10,964,089 | \$10,964,089 | \$53,598 | \$11,017,687 |
| Less estimated income | <u>5,953,973</u> | <u>5,953,973</u> | | <u>5,953,973</u> |
| General fund | \$5,010,116 | \$5,010,116 | \$53,598 | \$5,063,714 |
| Public Printing | | | | |
| Total all funds | \$303,500 | \$303,500 | \$0 | \$303,500 |
| Less estimated income | | | | |
| General fund | <u>\$303,500</u> | <u>\$303,500</u> | <u>\$0</u> | <u>\$303,500</u> |
| Bill Total | | | | |
| Total all funds | \$11,267,589 | \$11,267,589 | \$53,598 | \$11,321,187 |
| Less estimated income | <u>5,953,973</u> | <u>5,953,973</u> | | <u>5,953,973</u> |
| General fund | \$5,313,616 | \$5,313,616 | \$53,598 | \$5,367,214 |

Senate Bill No. 2002 - Secretary of State - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$2,583,525 | \$2,583,525 | \$53,598 | \$2,637,123 |
| Operating expenses | 2,883,334 | 2,883,334 | | 2,883,334 |
| Petition review | 8,000 | 8,000 | | 8,000 |
| Election reform | <u>5,489,230</u> | <u>5,489,230</u> | | <u>5,489,230</u> |
| Total all funds | \$10,964,089 | \$10,964,089 | \$53,598 | \$11,017,687 |
| Less estimated income | <u>5,953,973</u> | <u>5,953,973</u> | | <u>5,953,973</u> |
| General fund | \$5,010,116 | \$5,010,116 | \$53,598 | \$5,063,714 |
| FTE | 27.00 | 27.00 | 0.00 | 27.00 |

Dept. 108 - Secretary of State - Detail of House Changes

| | ADDS SALARY FUNDING ¹ | TOTAL HOUSE CHANGES |
|-----------------------|--|---------------------------|
| Salaries and wages | \$53,598 | \$53,598 |
| Operating expenses | | |
| Petition review | | |
| Election reform | | |
| Total all funds | <u>\$53,598</u> | <u>\$53,598</u> |
| Less estimated income | | |
| General fund | <u>\$53,598</u> | <u>\$53,598</u> |
| FTE | 0.00 | 0.00 |

¹ Funding is added to continue the salary levels for employees that received salary adjustments or reclassifications during the 2005-07 biennium.

A section is added identifying the one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

REPORT OF STANDING COMMITTEE

SB 2003, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (24 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2003 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to authorize the use of state property; to provide for budget section reports; to provide legislative intent;", replace "section" with "sections", and after "54-12-11" insert "and 54-59-21"

Page 1, line 4, after "general" insert "and the criminal justice information sharing system"

Page 2, line 3, replace "3,189,266" with "2,225,225"

Page 2, line 4, replace "1,525,512" with "1,713,247"

Page 2, line 5, replace "992,215" with "(3,249,010)"

Page 2, line 8, replace "149,211" with "31,398"

Page 2, line 11, replace "\$3,770,250" with "(\$1,365,094)"

Page 2, line 12, replace "(5,576,024)" with "(5,897,373)"

Page 2, line 13, replace "9,346,274" with "4,532,279"

Page 2, line 19, replace "22,739,001" with "21,774,960"

Page 2, line 20, replace "10,009,307" with "10,197,042"

Page 2, line 21, replace "6,410,956" with "2,169,731"

Page 2, line 25, replace "4,048,402" with "3,930,589"

Page 2, line 27, replace "47,470,807" with "42,335,463"

Page 2, line 28, replace "18,912,377" with "18,591,028"

Page 2, line 29, replace "28,558,430" with "23,744,435"

Page 3, replace lines 16 through 20 with:

"SECTION 7. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$1,242,840 from the general fund for construction of a new crime laboratory which is a one-time funding item. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The attorney general shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

SECTION 8. ADDITIONAL FEDERAL FUNDS - EMERGENCY COMMISSION APPROVAL - LIMIT ON GENERAL FUND EXPENDITURES. If the attorney general receives federal funding in excess of federal funding amounts appropriated by the sixtieth legislative assembly for the 2007-09 biennium, the attorney general may spend the additional federal funds, subject to emergency commission approval, but may not spend funding appropriated from the general fund for similar purposes for the biennium beginning July 1, 2007, and ending June 30, 2009.

SECTION 9. LEGISLATIVE INTENT - FULL-TIME EQUIVALENT POSITIONS - BACKGROUND CHECKS. It is the intent of the sixtieth legislative assembly that of the five new full-time equivalent positions authorized for the attorney general's office to assist with conducting background checks, that the attorney general fill the positions only as necessary to meet workload demands for the biennium beginning July 1, 2007, and ending June 30, 2009.

SECTION 10. ATTORNEY GENERAL - AUTHORIZED USE OF STATE PROPERTY. The attorney general is authorized to construct a new crime laboratory building on property owned by the state of North Dakota adjacent to the existing facility housing the crime laboratory.

SECTION 11. BUILDING PROJECT - BUDGET SECTION REPORTS. The attorney general shall provide periodic reports to the budget section on the status of the construction of a new crime laboratory during the 2007-08 interim."

Page 3, after line 31, insert:

"SECTION 14. AMENDMENT. Section 54-59-21 of the North Dakota Century Code is amended and reenacted as follows:

54-59-21. Criminal justice information sharing board - Membership - Duties and powers - Exempt records.

1. The criminal justice information sharing board consists of the chief justice of the supreme court or the chief justice's designee, the attorney general or the attorney general's designee, and the chief information officer of the state. The chief information officer is chairman of the board.
2. The information technology department, at the discretion of the board, shall maintain a criminal justice data information sharing system to facilitate the exchange of criminal justice information among judicial, law enforcement, and emergency personnel. Only a criminal justice agency, as defined in section 12-60-16.1; designated employees of the information technology department, for the purpose of administration and maintenance of the system; and any other person designated by the board may access the system. The system may be accessed only for the purposes set forth by the board. Any law enforcement record in the possession of the department is an exempt record.
3. The information technology department shall provide staff and other necessary support to the board. The chief information officer, after consultation with the attorney general, shall designate employees of the information technology department who may access the system for the purpose of administering and maintaining the system.
4. The board shall set policy and adopt rules relating to the access to and the collection, storage, and sharing of criminal justice information and the systems necessary to perform those functions. The board shall provide operational oversight for criminal justice information sharing activities and shall approve and provide oversight of criminal justice information sharing budgets. The board may appoint an executive committee and an advisory committee that would serve in an advisory capacity to the board."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Attorney General - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|--------------------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$21,344,055 | \$22,739,001 | (\$964,041) | \$21,774,960 |
| Operating expenses | 9,418,403 | 10,009,307 | 187,735 | 10,197,042 |
| Capital assets | 2,149,731 | 6,410,956 | (4,241,225) | 2,169,731 |
| Grants | 4,197,000 | 4,197,000 | | 4,197,000 |
| Litigation fees | 50,000 | 50,000 | | 50,000 |
| Arrest and return of fugitives | 10,000 | 10,000 | | 10,000 |
| North Dakota lottery | 4,048,402 | 4,048,402 | (117,813) | 3,930,589 |
| Gaming Commission | 6,141 | 6,141 | | 6,141 |
| Total all funds | \$41,223,732 | \$47,470,807 | (\$5,135,344) | \$42,335,463 |
| Less estimated income | 18,294,523 | 18,912,377 | (321,349) | 18,591,028 |
| General fund | \$22,929,209 | \$28,558,430 | (\$4,813,995) | \$23,744,435 |
| FTE | 181.30 | 189.80 | (4.80) | 185.00 |

Dept. 125 - Attorney General - Detail of House Changes

| | REMOVES VACANT POSITIONS ¹ | ADDS BCI COMPUTER FORENSICS POSITION ² | REMOVES CJIS POSITIONS ³ | ADDS FUNDING FOR BACKGROUND CHECKS ⁴ | REDUCES SALARY EQUITY FUNDING ⁵ | INCREASES SALARY EQUITY FUNDING ⁶ |
|-----------------------------------|---|--|---|--|---|---|
| Salaries and wages | (\$395,970) | \$104,572 | (\$261,916) | \$68,146 | (\$496,885) | \$79,000 |
| Operating expenses | | 50,428 | | 139,190 | | |
| Capital assets | | 20,000 | | | | |
| Grants | | | | | | |
| Litigation fees | | | | | | |
| Arrest and return of fugitives | | | | | | |
| North Dakota lottery | (117,813) | | | | | |
| Gaming Commission | | | | | | |
| Total all funds | (\$513,783) | \$175,000 | (\$261,916) | \$207,336 | (\$496,885) | \$79,000 |
| Less estimated income | (513,783) | | | 119,400 | (21,842) | |
| General fund | \$0 | \$175,000 | (\$261,916) | \$87,936 | (\$475,043) | \$79,000 |
| FTE | (4.30) | 1.00 | (2.00) | 1.00 | 0.00 | 0.00 |
| | REMOVES HORSE | CHANGES FUNDING | REMOVES BCI | REDUCES CRIME LAB | TOTAL | |

| | RACING AUDITOR 7 | FOR NEW CRIME LAB 8 | BUILDING PURCHASE 9 | OPERATING FUNDS 10 | HOUSE CHANGES |
|-----------------------------------|---------------------|------------------------|------------------------|-----------------------|------------------|
| Salaries and wages | (\$60,988) | | | | (\$964,041) |
| Operating expenses | | | \$277,716 | (\$279,599) | 187,735 |
| Capital assets | | (\$2,263,225) | (1,998,000) | | (4,241,225) |
| Grants | | | | | |
| Litigation fees | | | | | |
| Arrest and return of fugitives | | | | | |
| North Dakota lottery | | | | | (117,813) |
| Gaming Commission | | | | | |
| Total all funds | (\$60,988) | (\$2,263,225) | (\$1,720,284) | (\$279,599) | (\$5,135,344) |
| Less estimated income | (60,988) | | 155,864 | | (321,349) |
| General fund | \$0 | (\$2,263,225) | (\$1,876,148) | (\$279,599) | (\$4,813,995) |
| FTE | (0.50) | 0.00 | 0.00 | 0.00 | (4.80) |

1 The following vacant FTE positions are removed:

| POSITION | FTE | GENERAL FUND | OTHER FUNDS | TOTAL |
|--|--------|-----------------|----------------|-------------|
| Assistant attorney general | (1.00) | | (\$141,362) | (\$141,362) |
| Grants and contracts officer | (1.00) | | (100,636) | (100,636) |
| Administrative assistant | (0.30) | | (34,905) | (34,905) |
| High intensity drug trafficking analyst | (1.00) | | (119,067) | (119,067) |
| Lottery customer relations specialist | (1.00) | | (117,813) | (117,813) |
| Total | (4.30) | \$0 | (\$513,783) | (\$513,783) |

2 Funding is added for a criminal investigator for conducting criminal investigation computerized forensic investigations and examinations.

3 This amendment removes 2 FTE criminal justice information sharing (CJIS) positions also included in the Information Technology Department (ITD) budget. A section is added clarifying the services that may be provided by ITD relating to the criminal justice information sharing system.

4 Funding of \$87,936 from the general fund and 1 FTE is added to provide a total of 5 new FTE positions and \$442,756 from the general fund for the Attorney General to conduct background checks in accordance with provisions of Senate Bill No. 2260. A section of legislative intent is added that the Attorney General fill the FTE positions only as the workload is sufficient to justify filling the positions. Special funds are added to allow the Attorney General to collect and pay fees relating to FBI background checks. Senate Bill No. 2260 is anticipated to generate an additional \$618,120 of general fund revenues for the 2007-09 biennium and \$33,240 for the remainder of the 2005-07 biennium.

5 Funding added by the Senate for salary equity increases for attorneys and employees of the Crime Laboratory and the Bureau of Criminal Investigation is removed.

6 The salaries and wages line item is increased to provide additional salary equity funding for employees of the Crime Laboratory and Bureau of Criminal Investigation.

7 The .5 FTE horse racing auditor position added by the Senate is removed.

8 Additional funding added by the Senate to purchase land and construct a new Crime Laboratory in north Bismarck is removed. The Attorney General is authorized in Section 8 of the engrossed bill to spend \$3,280,722 of remaining bond proceeds and \$1,242,840 from the general fund is appropriated in Section 3 of the bill. The Attorney General may use this funding which totals \$4,523,562 for constructing a new Crime Laboratory building designed to allow for expansion on state land located near the current Crime Laboratory location. Sections are added authorizing the Attorney General to build on state land near the existing Crime Laboratory and providing that the Attorney General report to the Budget Section on the status of the project.

9 Removes authorization and funding added by the Senate for the Attorney General to purchase the Professional North Building which houses the Bureau of Criminal Investigation. Funding is provided to continue to lease the building.

10 Reduces funding added in the executive budget and the Senate version for additional Crime Laboratory operating costs resulting from inflation and the building expansion.

A section is added providing that if additional federal funds become available, the Attorney General may not spend general fund moneys appropriated for similar purposes.

A section is added identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

REPORT OF STANDING COMMITTEE

SB 2004: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2004 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "538,514" with "654,014"

Page 1, line 21, replace "572,768" with "688,268"

Page 1, line 23, replace "419,802" with "535,302"

Page 2, line 6, replace "7,213,365" with "7,328,865"

Page 2, line 10, replace "8,133,914" with "8,249,414"

Page 2, line 12, replace "5,545,807" with "5,661,307"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2004 - State Auditor - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|------------------------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$7,213,365 | \$7,213,365 | \$115,500 | \$7,328,865 |
| Operating expenses | 810,549 | 810,549 | | 810,549 |
| Capital assets | 10,000 | 10,000 | | 10,000 |
| Information technology consultants | 100,000 | 100,000 | | 100,000 |
| Total all funds | \$8,133,914 | \$8,133,914 | \$115,500 | \$8,249,414 |
| Less estimated income | <u>2,588,107</u> | <u>2,588,107</u> | | <u>2,588,107</u> |
| General fund | \$5,545,807 | \$5,545,807 | \$115,500 | \$5,661,307 |
| FTE | 54.80 | 54.80 | 0.00 | 54.80 |

Dept. 117 - State Auditor - Detail of House Changes

| | ADDS FUNDING FOR SALARY EQUITY ADJUSTMENTS ¹ | TOTAL HOUSE CHANGES |
|------------------------------------|--|---------------------------|
| Salaries and wages | \$115,500 | \$115,500 |
| Operating expenses | | |
| Capital assets | | |
| Information technology consultants | | |
| Total all funds | \$115,500 | \$115,500 |
| Less estimated income | | |
| General fund | \$115,500 | \$115,500 |
| FTE | 0.00 | 0.00 |

¹ The House added funding for salary equity adjustments.

REPORT OF STANDING COMMITTEE

SB 2005: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2005 was placed on the Sixth order on the calendar.

Page 1, line 3, after "treasurer" insert "; and to provide for a report to the legislative assembly"

Page 1, line 16, replace "60,733" with "181,417"

Page 1, line 17, replace "768,228" with "748,228"

Page 1, line 18, replace "(135,000)" with "(180,000)"

Page 1, line 19, replace "693,961" with "749,645"

Page 2, line 1, replace "705,493" with "826,177"

Page 2, line 2, replace "923,015" with "903,015"

Page 2, line 3, replace "1,410,000" with "1,365,000"

Page 2, line 4, replace "3,038,508" with "3,094,192"

Page 2, after line 10, insert:

"SECTION 5. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$768,228 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The state treasurer shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Rewrite of mainframe software programs relating to tax distributions \$768,228"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2005 - State Treasurer - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-------------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$705,493 | \$705,493 | \$120,684 | \$826,177 |
| Operating expenses | 923,015 | 923,015 | (20,000) | 903,015 |
| In lieu of tax payments | <u>1,410,000</u> | <u>1,410,000</u> | <u>(45,000)</u> | <u>1,365,000</u> |
| Total all funds | \$3,038,508 | \$3,038,508 | \$55,684 | \$3,094,192 |
| Less estimated income | | | | |
| General fund | \$3,038,508 | \$3,038,508 | \$55,684 | \$3,094,192 |
| FTE | 6.00 | 6.00 | 1.00 | 7.00 |

Dept. 120 - State Treasurer - Detail of House Changes

| | ADDS 1 FTE ACCOUNTING POSITION ¹ | TOTAL HOUSE CHANGES |
|-------------------------|---|---------------------------|
| Salaries and wages | \$120,684 | \$120,684 |
| Operating expenses | (20,000) | (20,000) |
| In lieu of tax payments | <u>(45,000)</u> | <u>(45,000)</u> |
| Total all funds | \$55,684 | \$55,684 |
| Less estimated income | | |
| General fund | \$55,684 | \$55,684 |
| FTE | 1.00 | 1.00 |

¹ This amendment adds funding for 1 FTE accounting position and reduces funding for operating expenses and in lieu of tax payments.

The House added a section identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

REPORT OF STANDING COMMITTEE

SB 2006: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2006 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and"

Page 1, line 5, after "Code" insert "; and to provide for a report to the legislative assembly"

Page 3, after line 2, insert:

"SECTION 7. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$5,356,702 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The state tax commissioner shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Principal and interest costs for the integrated tax processing system \$5,356,702"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2006 - State Tax Commissioner - House Action

The House added a section identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

REPORT OF STANDING COMMITTEE

SB 2007: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2007 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commissioner" insert "; and to provide a contingent appropriation"

Page 1, line 17, replace "(15,113)" with "(15,113)"

Page 1, after line 17, insert:

"Operating expenses contingency 2,920"

Page 1, line 18, replace "91,637" with "94,557"

Page 1, line 20, replace "188,904" with "191,824"

Page 2, line 4, replace "309,230" with "309,230"

Page 2, after line 4, insert:

"Operating expenses contingency 2,920"

Page 2, line 5, replace "1,551,841" with "1,554,761"

Page 2, line 7, replace "1,150,143" with "1,153,063"

Page 2, after line 7, insert:

"SECTION 4. CONTINGENT APPROPRIATION. The funds appropriated in the operating expenses contingency line item in section 3 of this Act are available to the labor commissioner contingent upon the passage of Senate Bill No. 2121 by the sixtieth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Labor Commissioner - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|--------------------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$1,242,611 | \$1,242,611 | | \$1,242,611 |
| Operating expenses | 309,230 | 309,230 | | 309,230 |
| Operating expenses contingency | | | <u>\$2,920</u> | <u>2,920</u> |
| Total all funds | \$1,551,841 | \$1,551,841 | \$2,920 | \$1,554,761 |
| Less estimated income | <u>401,698</u> | <u>401,698</u> | | <u>401,698</u> |
| General fund | \$1,150,143 | \$1,150,143 | \$2,920 | \$1,153,063 |
| FTE | 11.00 | 11.00 | 0.00 | 11.00 |

Dept. 406 - Labor Commissioner - Detail of House Changes

| | |
|---|---------------------------|
| PROVIDES CONTINGENCY FUNDING RELATING TO POSSIBLE NAME CHANGE ¹ | TOTAL HOUSE CHANGES |
|---|---------------------------|

Salaries and wages

| | | |
|--------------------------------|----------------|----------------|
| Operating expenses | | |
| Operating expenses contingency | <u>\$2,920</u> | <u>\$2,920</u> |
| Total all funds | \$2,920 | \$2,920 |
| Less estimated income | | |
| General fund | \$2,920 | \$2,920 |
| FTE | 0.00 | 0.00 |

¹ This amendment provides a general fund contingency appropriation of \$2,920 to the Labor Commissioner for expenses relating to implementing Senate Bill No. 2121. The funding is contingent upon the passage of Senate Bill No. 2121.

REPORT OF STANDING COMMITTEE

SB 2008, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (23 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2008 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commission" insert "; to provide for a legislative council report; to provide for budget section approval"

Page 1, line 21, replace "642,032" with "558,150"

Page 1, line 22, replace "220,048" with "175,912"

Page 1, line 23, replace "49,473" with "30,473"

Page 2, line 2, replace "(945,000)" with "(450,000)"

Page 2, remove line 3

Page 2, line 4, replace "1,639,061" with "1,087,043"

Page 2, line 5, replace "1,068,231" with "663,231"

Page 2, line 6, replace "570,830" with "423,812"

Page 2, line 12, replace "5,764,864" with "5,680,982"

Page 2, line 13, replace "1,628,201" with "1,584,065"

Page 2, line 14, replace "137,984" with "118,984"

Page 2, replace line 17 with:

"Rail rate complaint case

495,000"

Page 2, line 18, replace "12,939,049" with "12,387,031"

Page 2, line 19, replace "8,005,382" with "7,600,382"

Page 2, line 20, replace "4,933,667" with "4,786,649"

Page 2, line 21, replace "\$800,000" with "\$450,000"

Page 2, line 25, remove "agriculture", replace "and service fund" with "complaint case", and replace "\$800,000" with "\$450,000"

Page 2, after line 28, insert:

"SECTION 5. RAIL RATE COMPLAINT CASE - BUDGET SECTION APPROVAL - PRIVATE SECTOR MATCH. Any expenditures by the public service commission for a rail rate complaint case from the beginning farmer revolving loan fund shall be matched by ten percent private sector funds. The public service commission shall request approval from the budget section for any expenditures relating to a rail rate complaint case in excess of \$20,000."

Page 3, after line 7, insert:

"SECTION 7. GEOGRAPHIC INFORMATION SYSTEM INITIATIVE - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The public service commission shall provide a report to the sixty-first legislative assembly regarding the status of the department's geographic information system initiative.

SECTION 8. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$50,484 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The public service commission shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

| | |
|-----------------------------|-----------|
| Videoconferencing equipment | \$20,000 |
| Prover | 30,484 |
| Total | \$50,484" |

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2008 - Public Service Commission - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|---|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$5,764,864 | \$5,764,864 | (\$83,882) | \$5,680,982 |
| Operating expenses | 1,628,201 | 1,628,201 | (44,136) | 1,584,065 |
| Capital assets | 107,500 | 137,984 | (19,000) | 118,984 |
| Grants | 8,000 | 8,000 | | 8,000 |
| Abandoned mined lands contractual services | 4,500,000 | 4,500,000 | | 4,500,000 |
| Agriculture rail rate and service fund | 900,000 | 900,000 | (900,000) | |
| Rail rate complaint case | | | 495,000 | 495,000 |
| Total all funds | \$12,908,565 | \$12,939,049 | (\$552,018) | \$12,387,031 |
| Less estimated income | 8,005,382 | 8,005,382 | (405,000) | 7,600,382 |
| General fund | \$4,903,183 | \$4,933,667 | (\$147,018) | \$4,786,649 |
| FTE | 42.00 | 42.00 | (1.00) | 41.00 |

Dept. 408 - Public Service Commission - Detail of House Changes

| | REDUCES FUNDING FOR RAIL RATE CASE ¹ | REMOVES 1 FTE WEIGHTS AND MEASURES INSPECTOR POSITION ² | ADDS FUNDING FOR METROLOGY PROGRAM ³ | TOTAL HOUSE CHANGES |
|---|--|--|---|---------------------------|
| Salaries and wages | | (\$83,882) | | (\$83,882) |
| Operating expenses | | (55,736) | \$11,600 | (44,136) |
| Capital assets | | (39,000) | 20,000 | (19,000) |
| Grants | | | | |
| Abandoned mined lands contractual services | | | | |
| Agriculture rail rate and service fund | (\$900,000) | | | (900,000) |
| Rail rate complaint case | 495,000 | | | 495,000 |
| Total all funds | (\$405,000) | (\$178,618) | \$31,600 | (\$552,018) |
| Less estimated income | (405,000) | | | (405,000) |
| General fund | \$0 | (\$178,618) | \$31,600 | (\$147,018) |
| FTE | 0.00 | (1.00) | 0.00 | (1.00) |

¹ The House provided \$495,000, of which \$450,000 is from the beginning farmer revolving loan fund and \$45,000 is other funds from the private sector, for a rail rate complaint case. The references to the agriculture rail rate and service fund are removed. Total expenditures for a rail rate complaint case shall include a 10 percent match from private sector funding. Any expenditures for a rail rate complaint case over \$20,000 require Budget Section approval.

² The House removed 1 FTE weights and measures inspector position and related funding for salaries and wages, travel, and equipment.

³ The House provided \$31,600 of additional funding for costs to continue the state metrology program and provided that the \$30,000 of funding in the budget to have weights and measures equipment calibrated by Minnesota for National Institute of Standards and Technology-recognized services instead be applied to costs necessary to maintain the state program.

The House added a section identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

The House added a section providing for the Legislative Assembly to provide a report to the 61st Legislative Assembly regarding the department's geographic information system initiative.

REPORT OF STANDING COMMITTEE

SB 2009, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (23 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2009 was placed on the Sixth order on the calendar.

Page 1, line 2, after "sections" insert "4-01-19,", after "4-01-21" insert a comma, and replace "19-18-04" with "4-37-02"

Page 1, line 3, after "to" insert "pride of Dakota moneys," and replace "pesticide registration" with "the agriculture in the classroom council"

Page 1, line 4, remove "fees", remove "and", and after "date" insert "; and to declare an emergency"

Page 1, line 23, replace "1,196,923" with "1,016,409"

Page 1, line 24, replace "1,442,058" with "1,394,958"

Page 2, line 1, replace "150,000" with "75,000"

Page 2, line 4, replace "200,000" with "200,000"

Page 2, remove line 5

Page 2, line 6, replace "3,147,656" with "2,820,042"

Page 2, line 7, replace "1,604,602" with "1,578,381"

Page 2, line 8, replace "1,543,054" with "1,241,661"

Page 2, line 14, replace "6,980,440" with "6,799,926"

Page 2, line 15, replace "5,697,933" with "5,650,833"

Page 2, line 17, replace "1,924,225" with "1,849,225"

Page 2, line 20, replace "50,000" with "25,000"

Page 2, line 21, replace "17,157,300" with "16,829,686"

Page 2, line 22, replace "11,091,134" with "11,064,913"

Page 2, line 23, replace "6,066,166" with "5,764,773"

Page 2, line 26, replace "\$3,042,109" with "\$3,142,109"

Page 3, line 8, replace "\$318,138" with "\$200,000"

Page 3, after line 10, insert:

"SECTION 8. TRANSFER - APPROPRIATION. The office of management and budget shall transfer \$150,000 from the general fund to the environment and rangeland protection fund during the period beginning July 1, 2007, and ending June 30, 2009.

SECTION 9. TRANSFER - APPROPRIATION. The office of management and budget shall transfer \$50,000 from the certification and training fund to the environment and rangeland protection fund during the period beginning July 1, 2007, and ending June 30, 2009.

SECTION 10. INTENT - EMERGENCY COMMISSION REQUEST. The agriculture commissioner may request from the emergency commission additional full-time equivalent positions for the state meat inspection program if demand for the program increases sufficient to require the positions during the period beginning July 1, 2007, and ending June 30, 2009."

Page 3, after line 12, insert:

"SECTION 12. WILDLIFE SERVICES - GAME AND FISH FUND. The sum of \$130,000 is appropriated to the agriculture commissioner from the game and fish fund for the payment of wildlife services for the period beginning with the effective date of this Act and ending June 30, 2007.

SECTION 13. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$90,836 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The agriculture commissioner shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Animal tracking data base

\$90,836

SECTION 14. AMENDMENT. Section 4-01-19 of the North Dakota Century Code is amended and reenacted as follows:

4-01-19. Marketing bureau. The agriculture commissioner of this state shall establish and maintain a marketing bureau for the purpose of gathering and disseminating statistical information on agricultural marketing problems of the state and engaging in marketing services of agricultural products. Any moneys received or generated by the pride of Dakota program must be deposited in the general fund in the state treasury agriculture commissioner's operating fund."

Page 3, replace lines 19 through 31 with:

"SECTION 16. AMENDMENT. Section 4-37-02 of the North Dakota Century Code is amended and reenacted as follows:

4-37-02. Agriculture in the classroom council. An agriculture in the classroom council is established.

1. The council consists of sixteen members to be appointed by the agriculture commissioner. One member must be the agriculture commissioner or the commissioner's designee, and one member must be the superintendent of public instruction or the superintendent's designee the following members appointed by the official or the governing body of the entity named:
 - a. One individual appointed by the superintendent of public instruction;
 - b. One individual appointed by the state board for career and technical education;
 - c. One individual appointed by the North Dakota farm bureau;
 - d. One individual appointed by the North Dakota farmers union;
 - e. One individual appointed by the North Dakota future farmers of America;
 - f. One individual appointed by the North Dakota ag coalition; and
 - g. One individual appointed by the North Dakota state university extension service.
2. In addition to the individuals listed in subsection 1, the council also includes the following members appointed by the official or the governing body of the entity named:
 - a. One individual appointed for a term of two years by the governor;
 - b. One individual appointed for a term of two years by the agriculture commissioner;

- c. One teacher appointed for a term of two years by the superintendent of public instruction;
 - d. One teacher appointed for a term of two years by the state board for career and technical education;
 - e. One teacher appointed for a term of two years by the North Dakota farm bureau;
 - f. One teacher appointed for a term of two years by the North Dakota farmers union;
 - g. One teacher appointed for a term of two years by the North Dakota future farmers of America;
 - h. One teacher appointed for a term of two years by the North Dakota ag coalition; and
 - i. One teacher appointed for a term of two years by the North Dakota state university extension service.
- 3. Any member appointed under subsection 2 may serve no more than three consecutive terms.
 - 4. The council shall provide for the election of a chairman from among its members and shall establish its rules of operation and procedure.

SECTION 17. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the agriculture commissioner forward any moneys appropriated in this Act for the agriculture in the classroom program directly to the agriculture in the classroom council established in section 4-37-02.

SECTION 18. EMERGENCY. The sum of \$680,000 included in the less estimated income line item in section 3 of this Act for wildlife services, the \$200,000 included in the wildlife services line item in section 3 of this Act, and section 12 of this Act are declared to be an emergency measure."

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 19

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2009 - Department of Agriculture - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|--------------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$6,662,302 | \$6,980,440 | (\$180,514) | \$6,799,926 |
| Operating expenses | 5,518,433 | 5,697,933 | (47,100) | 5,650,833 |
| Capital assets | 5,000 | 5,000 | | 5,000 |
| Grants | 1,774,225 | 1,924,225 | (75,000) | 1,849,225 |
| Board of Animal Health | 2,299,702 | 2,299,702 | | 2,299,702 |
| Crop Harmonization Board | 50,000 | 50,000 | (25,000) | 25,000 |
| Wildlife services | | 200,000 | | 200,000 |
| Total all funds | \$16,309,662 | \$17,157,300 | (\$327,614) | \$16,829,686 |
| Less estimated income | 10,878,945 | 11,091,134 | (26,221) | 11,064,913 |
| General fund | \$5,430,717 | \$6,066,166 | (\$301,393) | \$5,764,773 |
| FTE | 67.00 | 67.00 | (1.00) | 66.00 |

Dept. 602 - Department of Agriculture - Detail of House Changes

| | REDUCES SALARY EQUITY FUNDING ¹ | REDUCES FUNDING FOR MOTOR POOL EXPENSES ² | REDUCES FUNDING FOR DAIRY COALITION GRANT ³ | REMOVES FUNDING FOR 2 MEAT INSPECTION FTE POSITIONS ⁴ | ADDS FUNDING FOR PRIDE OF DAKOTA REVENUE AND TRADE SHOWS ⁵ | ENDANGERED SPECIES PROGRAM ⁶ |
|--------------------|---|---|--|---|--|---|
| Salaries and wages | (\$118,138) | | | (\$167,376) | | \$105,000 |

| | | | | | | |
|--------------------------|-----------------|------------|------------|------------------|---------------|----------------|
| Operating expenses | | (\$50,000) | | (97,100) | \$80,000 | 95,000 |
| Capital assets | | | | | | |
| Grants | | | (\$75,000) | | | |
| Board of Animal Health | | | | | | |
| Crop Harmonization Board | | | | | | |
| Wildlife services | | | | | | |
| Total all funds | (\$118,138) | (\$50,000) | (\$75,000) | (\$264,476) | \$80,000 | \$200,000 |
| Less estimated income | <u>(49,273)</u> | | | <u>(126,948)</u> | <u>50,000</u> | <u>200,000</u> |
| General fund | (\$68,865) | (\$50,000) | (\$75,000) | (\$137,528) | \$30,000 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | (2.00) | 0.00 | 1.00 |

REDUCES
FUNDING
SUPPORT
FROM THE
EARP FUND ⁷

TOTAL
HOUSE
CHANGES

| | | |
|--------------------------|------------------|-----------------|
| Salaries and wages | | (\$180,514) |
| Operating expenses | (\$75,000) | (47,100) |
| Capital assets | | |
| Grants | | (75,000) |
| Board of Animal Health | | |
| Crop Harmonization Board | (25,000) | (25,000) |
| Wildlife services | | |
| Total all funds | (\$100,000) | (\$327,614) |
| Less estimated income | <u>(100,000)</u> | <u>(26,221)</u> |
| General fund | \$0 | (\$301,393) |
| FTE | 0.00 | (1.00) |

¹ This amendment reduces the salary equity funding added by the Senate from \$318,138 to \$200,000.

² This amendment reduces funding for motor pool expenses.

³ This amendment reduces the grant to the North Dakota Dairy Coalition added by the Senate from \$150,000 to \$75,000.

⁴ This amendment removes funding for salary and operating funds for 2 FTE positions included in the executive budget for the state meat inspection program.

⁵ This amendment adds funding for operating expenses to reflect Pride of Dakota revenue being deposited in the department's operating fund instead of the general fund, resulting in a decrease of general fund revenues of \$50,000. This amendment also provides additional funding for Pride of Dakota to assist North Dakota companies in attending United States trade shows outside North Dakota.

⁶ This amendment provides funding from the environment and rangeland protection fund for an endangered species program, including 1 FTE position and operating expenses.

⁷ This amendment reduces funding from the environment and rangeland protection fund for SafeSend (\$25,000), crop harmonization (\$25,000), and farmers' market (\$50,000).

Adds a section of legislative intent allowing the department to request from the Emergency Commission additional FTE positions for the meat inspection program if demands increase during the 2007-09 biennium.

Amends North Dakota Century Code Section 4-01-19 to allow moneys received from Pride of Dakota to be deposited in the department's operating fund instead of the general fund, resulting in a decrease in general fund revenues of \$50,000.

Adds a section allowing the department to receive \$130,000 from game and fish funds for wildlife services for the 2005-07 biennium and declares an emergency for the receipt of the funds.

Provides an emergency for all wildlife services funding.

A section is added identifying the one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

A section is added providing for a transfer of \$150,000 from the general fund to the environment and rangeland protection fund.

A section is added providing for a transfer of \$50,000 from the North Dakota State University Extension Service certification and training fund to the environment and rangeland protection fund.

A section is added to amend Section 4-37-02 of the North Dakota Century Code relating to the membership of the Agriculture in the Classroom Council.

A section is added providing legislative intent relating to the appropriation for agriculture in the classroom.

REPORT OF STANDING COMMITTEE

SB 2010, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2010 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "section" with "sections" and after "26.1-01-09" insert "and 26.1-22-10"

Page 1, line 5, after "salary" insert "and insurance of personal property by the state fire and tornado fund"

Page 1, line 12, remove "to fire districts"

Page 1, line 20, remove "to fire districts" and replace "(100,000)" with "70,000"

Page 1, line 21, replace "611,324" with "781,324"

Page 2, line 5, replace "6,320,000" with "6,490,000"

Page 2, line 6, replace "14,290,979" with "14,460,979"

Page 2, line 9, replace "\$60,000" with "\$70,000"

Page 2, line 23, replace "\$1,003,804" with "\$1,173,804" and after "fund" insert ", including \$170,000 for a grant to the North Dakota firefighter's association and \$1,003,804"

Page 3, after line 13, insert:

"SECTION 12. AMENDMENT. Section 26.1-22-10 of the North Dakota Century Code is amended and reenacted as follows:

26.1-22-10. Commissioner to provide insurance on all buildings and personal property. Upon application the commissioner shall provide for insurance against loss by fire, lightning, inherent explosion, windstorm, cyclone, tornado and hail, explosions, riot attending a strike, aircraft, smoke, vehicles, or any other risks of direct physical loss, all in the manner and subject to the restrictions of the standard fire insurance policy and standard endorsement, and no other hazards, in the fund, on all buildings owned by the state, state industries, political subdivisions, international peace gardens, and winter shows, and the fixtures and permanent contents in such buildings, to the extent of not to exceed the insurable value of such property, as the value is agreed to between the commissioner and the officer or board having control of such property, or, in case of disagreement, by approval through arbitration. The commissioner may allow personal property to be insured on a blanket basis.

All buildings and the contents of the buildings owned by the state mill and elevator association, in lieu of coverage under this chapter, may, at the option of the industrial commission, be insured by private insurance companies licensed to do business in this state, against at least all the types of hazards insured against by the fund. If the industrial commission exercises the option provided in this section, the commission shall seek competitive sealed bids, shall invite the fund to submit a bid, and may reject any or all bids received.

All public buildings owned by a political subdivision, in lieu of coverage provided for in this section, may at the option of the governing body of the political subdivision be insured on the basis of competitive sealed bids, through the fund which must be invited to submit a sealed bid or private insurance companies licensed to do business in this state, against damage resulting from hazards, which include those types of hazards that may be insured against by the fund. The governing body may reject any or all such bids.

All public libraries owned by the state or political subdivisions may, in addition to the coverage provided for in this section, be covered against damage through vandalism. If this coverage cannot be extended to the public libraries situated within this state, the libraries may contract for this coverage with private insurance companies; provided, that this coverage meets the recommendations of the insurance code of the American library association."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2010 - Summary of House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|---------------------|-------------------|------------------|-------------------|
| Legislative Council | | | | |
| Total all funds | \$0 | \$60,000 | \$10,000 | \$70,000 |
| Less estimated income | | <u>60,000</u> | <u>10,000</u> | <u>70,000</u> |
| General fund | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| Insurance Department | | | | |
| Total all funds | \$14,350,979 | \$14,290,979 | \$170,000 | \$14,460,979 |
| Less estimated income | <u>14,350,979</u> | <u>14,290,979</u> | <u>170,000</u> | <u>14,460,979</u> |
| General fund | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| Bill Total | | | | |
| Total all funds | \$14,350,979 | \$14,350,979 | \$180,000 | \$14,530,979 |
| Less estimated income | <u>14,350,979</u> | <u>14,350,979</u> | <u>180,000</u> | <u>14,530,979</u> |
| General fund | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

Senate Bill No. 2010 - Legislative Council - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|---------------------|-------------------|------------------|------------------|
| Operating expenses | | <u>\$60,000</u> | <u>\$10,000</u> | <u>\$70,000</u> |
| Total all funds | \$0 | \$60,000 | \$10,000 | \$70,000 |
| Less estimated income | | <u>60,000</u> | <u>10,000</u> | <u>70,000</u> |
| General fund | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

Dept. 160 - Legislative Council - Detail of House Changes

| | INCREASES FUNDING FOR NATIONAL CONFERENCE OF INSURANCE LEGISLATORS ¹ | TOTAL HOUSE CHANGES |
|-----------------------|--|---------------------------|
| Operating expenses | <u>\$10,000</u> | <u>\$10,000</u> |
| Total all funds | \$10,000 | \$10,000 |
| Less estimated income | <u>10,000</u> | <u>10,000</u> |
| General fund | <u>\$0</u> | <u>\$0</u> |
| FTE | 0.00 | 0.00 |

¹ This amendment increases the funding appropriated from the insurance regulatory trust fund to the Legislative Council for defraying expenses of legislative members attending functions of the National Conference of Insurance Legislators by \$10,000, from \$60,000 to \$70,000.

Senate Bill No. 2010 - Insurance Department - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|---|---------------------|-------------------|------------------|-------------------|
| Salaries and wages | \$5,792,602 | \$5,792,602 | | \$5,792,602 |
| Operating expenses | 2,178,377 | 2,178,377 | | 2,178,377 |
| Grants | 6,320,000 | 6,320,000 | \$170,000 | 6,490,000 |
| National Conference of Insurance Legislators | <u>60,000</u> | | | |
| Total all funds | \$14,350,979 | \$14,290,979 | \$170,000 | \$14,460,979 |
| Less estimated income | <u>14,350,979</u> | <u>14,290,979</u> | <u>170,000</u> | <u>14,460,979</u> |
| General fund | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| FTE | 46.50 | 46.50 | 0.00 | 46.50 |

Dept. 401 - Insurance Department - Detail of House Changes

| | PROVIDES FUNDING FOR GRANT TO NORTH DAKOTA FIREFIGHTER'S ASSOCIATION ¹ | TOTAL HOUSE CHANGES |
|---|---|---------------------------|
| Salaries and wages | | |
| Operating expenses | | |
| Grants | \$170,000 | \$170,000 |
| National Conference of Insurance Legislators | | |
| Total all funds | \$170,000 | \$170,000 |
| Less estimated income | <u>170,000</u> | <u>170,000</u> |
| General fund | \$0 | \$0 |
| FTE | 0.00 | 0.00 |

¹ This amendment appropriates funding of \$170,000 from the fire and tornado fund for a grant to the North Dakota Firefighter's Association. In previous bienniums, the Legislative Assembly appropriated this funding to the Office of Management and Budget. The Senate removed this funding from Senate Bill No. 2015.

This amendment also amends North Dakota Century Code Section 26.1-22-10 to allow personal property to be insured on a blanket basis by the state fire and tornado fund.

REPORT OF STANDING COMMITTEE

SB 2011: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2011 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commissioner" insert "; and to provide for a report to the legislative assembly"

Page 1, line 16, replace "99,102" with "160,933"

Page 1, line 18, replace "103,558" with "165,389"

Page 2, line 1, replace "1,204,690" with "1,266,521"

Page 2, line 3, replace "1,780,001" with "1,841,832"

Page 2, line 5, replace "1,562,802" with "1,624,633"

Page 2, after line 5, insert:

"SECTION 4. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$16,876 for the one-time funding identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The securities department shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

Document storage and retrieval system \$16,876"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2011 - Securities Department - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$1,204,690 | \$1,204,690 | \$61,831 | \$1,266,521 |
| Operating expenses | <u>575,311</u> | <u>575,311</u> | | <u>575,311</u> |
| Total all funds | \$1,780,001 | \$1,780,001 | \$61,831 | \$1,841,832 |
| Less estimated income | <u>217,199</u> | <u>217,199</u> | | <u>217,199</u> |
| General fund | \$1,562,802 | \$1,562,802 | \$61,831 | \$1,624,633 |
| FTE | 9.00 | 9.00 | 0.00 | 9.00 |

Dept. 414 - Securities Department - Detail of House Changes

| | ADDS EQUITY FUNDING FOR ATTORNEY POSITION ¹ | TOTAL HOUSE CHANGES |
|-----------------------|---|---------------------------|
| Salaries and wages | \$61,831 | \$61,831 |
| Operating expenses | | |
| Total all funds | \$61,831 | \$61,831 |
| Less estimated income | | |
| General fund | \$61,831 | \$61,831 |
| FTE | 0.00 | 0.00 |

¹ The House added equity funding for the vacant attorney position.

The House added a section identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

REPORT OF STANDING COMMITTEE

SB 2014: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING). SB 2014 was placed on the Sixth order on the calendar.

Page 1, line 2, after "advocacy" insert "; and to provide legislative intent"

Page 1, line 14, replace "335,709" with "232,821"

Page 1, line 15, replace "233,892" with "182,449"

Page 1, line 16, replace "101,817" with "50,372"

Page 2, line 1, replace "4,056,688" with "3,953,800"

Page 2, line 2, replace "3,142,778" with "3,091,335"

Page 2, line 3, replace "913,910" with "862,465"

Page 2, after line 3, insert:

"SECTION 4. LEGISLATIVE INTENT - FEDERALLY FUNDED DISABILITIES ADVOCATE. It is the intent of the sixtieth legislative assembly that if federal funds are not available for the new disabilities advocate position provided for in this Act, the position will not be filled and will be eliminated in the agency's 2009-11 budget request."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2014 - Protection and Advocacy Project - House Action**

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|---------------------------------|---------------------|--------------------|--------------------|--------------------|
| Protection and Advocacy Project | <u>\$4,056,688</u> | <u>\$4,056,688</u> | <u>(\$102,888)</u> | <u>\$3,953,800</u> |
| Total all funds | \$4,056,688 | \$4,056,688 | (\$102,888) | \$3,953,800 |
| Less estimated income | <u>3,142,778</u> | <u>3,142,778</u> | <u>(51,443)</u> | <u>3,091,335</u> |
| General fund | \$913,910 | \$913,910 | (\$51,445) | \$862,465 |
| FTE | 27.50 | 27.50 | (1.00) | 26.50 |

Dept. 360 - Protection and Advocacy Project - Detail of House Changes

| REMOVES 1 FTE POSITION ¹ | TOTAL HOUSE CHANGES |
|---|---------------------------|
|---|---------------------------|

| | | |
|---------------------------------|--------------------|--------------------|
| Protection and Advocacy Project | <u>(\$102,888)</u> | <u>(\$102,888)</u> |
| Total all funds | (\$102,888) | (\$102,888) |
| Less estimated income | <u>(51,443)</u> | <u>(51,443)</u> |
| General fund | (\$51,445) | (\$51,445) |
| FTE | (1.00) | (1.00) |

¹ This amendment removes funding for 1 FTE position that was included in the executive budget to assist with the Help America Vote Act program.

A section is added to provide legislative intent that if federal funds are not available the new disabilities advocate position will not be filled and will be removed from the agency's 2009-11 budget request.

REPORT OF STANDING COMMITTEE

SB 2016, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2016 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second semicolon insert "to provide statements of legislative intent; to provide for a legislative council study;"

Page 2, line 21, replace "380,667" with "60,667"

Page 2, line 22, replace "(5,000,000)" with "(4,880,000)"

Page 2, line 28, replace "40,903,707" with "40,703,707"

Page 2, line 30, replace "(\$2,465,328)" with "(\$2,665,328)"

Page 3, line 2, replace "867,484" with "1,167,484"

Page 3, line 4, replace "603,556" with "503,556"

Page 3, line 9, replace "(\$8,262,448)" with "(\$8,062,448)"

Page 3, line 11, replace "2,716,273" with "2,916,273"

Page 3, line 24, replace "1,250,667" with "930,667"

Page 3, line 25, replace "329,514" with "449,514"

Page 3, line 31, replace "88,782,734" with "88,582,734"

Page 4, line 2, replace "13,979,901" with "13,779,901"

Page 4, line 5, replace "7,494,122" with "7,794,122"

Page 4, line 6, replace "3,929,400" with "3,829,400"

Page 4, line 10, replace "54,723,504" with "54,923,504"

Page 4, line 12, replace "7,831,945" with "8,031,945"

Page 4, after line 29, insert:

"SECTION 6. LEGISLATIVE INTENT - DEPARTMENT OF EMERGENCY SERVICES ADVISORY COMMITTEE. It is the intent of the legislative assembly that the adjutant general consider changing the membership of the department of emergency services advisory committee to remove representatives of the information technology department and the infragard and include representatives of the North Dakota healthcare association and North Dakota sheriffs association.

SECTION 7. LEGISLATIVE INTENT - HOMELAND SECURITY FUNDING. It is the intent of the legislative assembly that political subdivisions place a greater influence on allocations of federal homeland security funding to emergency services and medical providers.

SECTION 8. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 2007-08 interim, the department of emergency services, including the division of homeland security and the division of state radio. The study should include a review of the allocation of federal homeland security funding, the operation of state radio, and potential changes to the 911 fee structure to continue salary equity funding provided in the 2007-09 biennium. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly.

SECTION 9. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$2,781,970 for the one-time funding items identified in this section. This amount is not part of the agency's base budget to be used in preparing the 2009-11 executive budget. The adjutant general shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

| | |
|--|--------------|
| Computer-aided dispatch project | \$980,000 |
| Motorola lease purchase payment (general fund portion) | 1,084,970 |
| Special assessments | 92,000 |
| Deferred maintenance | 625,000 |
| Total | \$2,781,970" |

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2016 - Summary of House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|----------------------------------|---------------------|-------------------|------------------|------------------|
| Adjutant General | | | | |
| Total all funds | \$88,782,734 | \$88,782,734 | (\$200,000) | \$88,582,734 |
| Less estimated income | 74,802,833 | 74,802,833 | | 74,802,833 |
| General fund | \$13,979,901 | \$13,979,901 | (\$200,000) | \$13,779,901 |
| Department of Emergency Services | | | | |
| Total all funds | \$54,623,504 | \$54,723,504 | \$200,000 | \$54,923,504 |
| Less estimated income | 46,891,559 | 46,891,559 | | 46,891,559 |
| General fund | \$7,731,945 | \$7,831,945 | \$200,000 | \$8,031,945 |
| Bill Total | | | | |
| Total all funds | \$143,406,238 | \$143,506,238 | \$0 | \$143,506,238 |
| Less estimated income | 121,694,392 | 121,694,392 | | 121,694,392 |
| General fund | \$21,711,846 | \$21,811,846 | \$0 | \$21,811,846 |

Senate Bill No. 2016 - Adjutant General - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|------------------------------------|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$4,466,546 | \$4,466,546 | | \$4,466,546 |
| Operating expenses | 3,898,828 | 3,898,828 | | 3,898,828 |
| Capital assets | 1,250,667 | 1,250,667 | (\$320,000) | 930,667 |
| Grants | 329,514 | 329,514 | 120,000 | 449,514 |
| Civil Air Patrol | 160,163 | 160,163 | | 160,163 |
| Tuition, recruiting, and retention | 2,407,500 | 2,407,500 | | 2,407,500 |
| Air Guard contract | 9,480,731 | 9,480,731 | | 9,480,731 |
| Army Guard contract | 66,433,863 | 66,433,863 | | 66,433,863 |
| Veterans' Cemetery | 354,922 | 354,922 | | 354,922 |
| Total all funds | \$88,782,734 | \$88,782,734 | (\$200,000) | \$88,582,734 |
| Less estimated income | 74,802,833 | 74,802,833 | | 74,802,833 |
| General fund | \$13,979,901 | \$13,979,901 | (\$200,000) | \$13,779,901 |
| FTE | 176.00 | 176.00 | 0.00 | 176.00 |

Dept. 540 - Adjutant General - Detail of House Changes

| REMOVES FUNDING FOR PAYOFF OF SPECIAL ASSESSMENTS ¹ | PROVIDES FUNDING FOR PAYMENT OF SPECIAL ASSESSMENTS ² | PROVIDES FUNDING FOR ARMORY LEASE PAYMENTS OR MAINTENANCE ³ | TOTAL HOUSE CHANGES |
|--|--|--|---------------------------|
|--|--|--|---------------------------|

| | | | | |
|------------------------------------|-------------|-----------|-----------|-------------|
| Salaries and wages | | | | |
| Operating expenses | | | | |
| Capital assets | (\$470,000) | \$150,000 | | (\$320,000) |
| Grants | | | \$120,000 | 120,000 |
| Civil Air Patrol | | | | |
| Tuition, recruiting, and retention | | | | |
| Air Guard contract | | | | |
| Army Guard contract | | | | |
| Veterans' Cemetery | | | | |
| Total all funds | (\$470,000) | \$150,000 | \$120,000 | (\$200,000) |
| Less estimated income | | | | |
| General fund | (\$470,000) | \$150,000 | \$120,000 | (\$200,000) |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 |

¹ This amendment removes one-time funding from the general fund of \$470,000 included in the executive budget for the payoff of special assessments.

² This amendment provides funding from the general fund of \$150,000 for special assessment annual installments and delinquent balances. Of the \$150,000, \$58,000 is considered base funding and \$92,000 is considered one-time funding.

³ This amendment provides funding from the general fund of \$120,000 for increasing lease payments or providing deferred maintenance grants to political subdivision-owned armories as determined appropriate by the Adjutant General.

This amendment also adds a section identifying one-time funding for the 2007-09 biennium.

Senate Bill No. 2016 - Department of Emergency Services - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|---------------------|-------------------|------------------|-------------------|
| Salaries and wages | \$7,494,122 | \$7,494,122 | \$300,000 | \$7,794,122 |
| Operating expenses | 3,829,400 | 3,929,400 | (100,000) | 3,829,400 |
| Capital assets | 1,525,347 | 1,525,347 | | 1,525,347 |
| Grants | 40,794,635 | 40,794,635 | | 40,794,635 |
| Radio communications | <u>980,000</u> | <u>980,000</u> | | <u>980,000</u> |
| Total all funds | \$54,623,504 | \$54,723,504 | \$200,000 | \$54,923,504 |
| Less estimated income | <u>46,891,559</u> | <u>46,891,559</u> | | <u>46,891,559</u> |
| General fund | \$7,731,945 | \$7,831,945 | \$200,000 | \$8,031,945 |
| FTE | 56.00 | 56.00 | 0.00 | 56.00 |

Dept. 542 - Department of Emergency Services - Detail of House Changes

| | PROVIDES FUNDING FOR SALARY EQUITY AND PAY GRADE ADJUSTMENTS ¹ | REMOVES FUNDING FOR MAPPING PROJECT ² | TOTAL HOUSE CHANGES |
|-----------------------|---|---|---------------------------|
| Salaries and wages | \$300,000 | | \$300,000 |
| Operating expenses | | (\$100,000) | (100,000) |
| Capital assets | | | |
| Grants | | | |
| Radio communications | | | |
| Total all funds | \$300,000 | (\$100,000) | \$200,000 |
| Less estimated income | | | |
| General fund | \$300,000 | (\$100,000) | \$200,000 |
| FTE | 0.00 | 0.00 | 0.00 |

¹ This amendment provides funding of \$300,000 from the general fund for salary equity increases and pay grade adjustments for State Radio employees based on a compensation plan established by the Adjutant General and State Radio employees.

² This amendment removes funding of \$100,000 from the general fund added by the Senate for a mapping project.

This amendment also:

- Adds a section of legislative intent regarding the Department of Emergency Services Advisory Committee.
- Adds a section of legislative intent regarding homeland security funding.
- Adds a section providing for a Legislative Council study.
- Adds a section identifying one-time funding for the 2007-09 biennium.

REPORT OF STANDING COMMITTEE

SB 2017, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2017 was placed on the Sixth order on the calendar.

Page 1, line 2, after "department" insert "; to provide for a statement of legislative intent; to provide for a report to the legislative council; to provide for a study"

Page 2, line 2, replace "(871,688)" with "828,312"

Page 2, line 3, replace "1,058,372" with "3,058,372"

Page 2, after line 6, insert:

"Recruitment and retention study 30,000"

Page 2, line 8, replace "4,530,302" with "8,260,302"

Page 2, line 18, replace "5,292,434" with "6,992,434"

Page 2, line 19, replace "12,286,351" with "14,286,351"

Page 2, after line 24, insert:

"Recruitment and retention study 30,000"

Page 2, line 26, replace "55,731,361" with "59,461,361"

Page 2, after line 31, insert:

"SECTION 5. LEGISLATIVE INTENT. It is the intent of the sixtieth legislative assembly that \$100,000 contained in the grants line item in section 3 of this Act be used to carry out a grant program to encourage hunting by youth. The director of the game and fish department may provide grants under this program to local communities to fund shooting ranges and other related activities to encourage hunting by youth. It is the intent of the sixtieth legislative assembly that \$2,000,000 contained in the land habitat and deer depredation line item in section 3 of this Act be used by the department to develop a private land open to sportsmen program for youth under age eighteen.

SECTION 6. GAME AND FISH DEPARTMENT TO STUDY RECRUITMENT AND RETENTION OF HUNTERS IN NORTH DAKOTA - REPORT TO LEGISLATIVE COUNCIL. The game and fish department shall study the recruitment and retention of hunters in North Dakota. The study must include identification of programs to recruit and retain hunters in this state. The department shall report its findings to the legislative council before September 1, 2008."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2017 - Game and Fish Department - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|---|---------------------|-------------------|------------------|-------------------|
| Salaries and wages | \$19,033,535 | \$19,033,535 | | \$19,033,535 |
| Operating expenses | 11,690,087 | 11,690,087 | | 11,690,087 |
| Capital assets | 3,284,241 | 3,284,241 | | 3,284,241 |
| Grants | 5,252,184 | 5,292,434 | \$1,700,000 | 6,992,434 |
| Land habitat and deer depredation | 12,286,351 | 12,286,351 | 2,000,000 | 14,286,351 |
| Noxious weed control | 450,000 | 450,000 | | 450,000 |
| Grants, gifts, and donations | 500,000 | 500,000 | | 500,000 |
| Nongame wildlife conservation | 120,000 | 120,000 | | 120,000 |
| Lonetree Reservoir | 1,594,713 | 1,594,713 | | 1,594,713 |
| Wildlife services | 680,000 | 680,000 | | 680,000 |
| Ramp improvements and marina development | | 800,000 | | 800,000 |
| Recruitment and retention study | | | 30,000 | 30,000 |
| Total all funds | \$54,891,111 | \$55,731,361 | \$3,730,000 | \$59,461,361 |
| Less estimated income | <u>54,891,111</u> | <u>55,731,361</u> | <u>3,730,000</u> | <u>59,461,361</u> |
| General fund | \$0 | \$0 | \$0 | \$0 |

| | | | | |
|-----|--------|--------|------|--------|
| FTE | 155.00 | 155.00 | 0.00 | 155.00 |
|-----|--------|--------|------|--------|

Dept. 720 - Game and Fish Department - Detail of House Changes

| | YOUTH PLOTS ¹ | RECRUITMENT AND RETENTION STUDY ² | YOUTH HUNTING GRANT PROGRAM ³ | SWEETBRIAR DAM PROJECT ⁴ | FORT STEVENSON MARINA PROJECT ⁵ | BOAT RAMP IMPROVEMENTS ⁶ |
|--|-----------------------------|--|---|---|---|---|
| Salaries and wages | | | | | | |
| Operating expenses | | | | | | |
| Capital assets | | | | | | |
| Grants | | | \$100,000 | \$1,000,000 | \$500,000 | \$100,000 |
| Land habitat and deer depredation | \$2,000,000 | | | | | |
| Noxious weed control | | | | | | |
| Grants, gifts, and donations | | | | | | |
| Nongame wildlife conservation | | | | | | |
| Lonetree Reservoir | | | | | | |
| Wildlife services | | | | | | |
| Ramp improvements and marina development | | | | | | |
| Recruitment and retention study | | \$30,000 | | | | |
| Total all funds | \$2,000,000 | \$30,000 | \$100,000 | \$1,000,000 | \$500,000 | \$100,000 |
| Less estimated income | <u>2,000,000</u> | <u>30,000</u> | <u>100,000</u> | <u>1,000,000</u> | <u>500,000</u> | <u>100,000</u> |
| General fund | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

**TOTAL
HOUSE
CHANGES**

| | |
|--|-------------------------|
| Salaries and wages | |
| Operating expenses | |
| Capital assets | |
| Grants | \$1,700,000 |
| Land habitat and deer depredation | 2,000,000 |
| Noxious weed control | |
| Grants, gifts, and donations | |
| Nongame wildlife conservation | |
| Lonetree Reservoir | |
| Wildlife services | |
| Ramp improvements and marina development | |
| Recruitment and retention study | 30,000 |
| Total all funds | \$3,730,000 |
| Less estimated income | <u>3,730,000</u> |
| General fund | \$0 |
| FTE | 0.00 |

¹ This amendment provides funding to develop a private land open to sportmen (PLOTS) program for youth under age 18.

² This amendment provides funding for a study on recruitment and retention of hunters in North Dakota.

³ This amendment provides funding for a grant program to local communities to fund shooting ranges and other related activities to encourage hunting by youth.

⁴ This amendment provides \$1,000,000 from the game and fish fund to the State Water Commission for the Sweetbriar Dam project. The funding from the game and fish fund is contingent upon other funding being made available for the project by the State Water Commission.

⁵ This amendment provides funding to the Parks and Recreation Department to assist with funding for the Fort Stevenson Marina project. Of the \$500,000 provided, \$100,000 is from the game and fish fund and \$400,000 is from other funds available to the Game and Fish Department.

⁶ This amendment provides funding to the Parks and Recreation Department from the game and fish fund for maintenance, operating and extraordinary repairs relating to boat ramps at various state parks.

A section is added providing legislative intent relating to the grant program to encourage youth hunting and the youth PLOTS program.

A section is added directing the Game and Fish Department to conduct a study on recruitment and retention of hunters in North Dakota.

REPORT OF STANDING COMMITTEE

SB 2018: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING). SB 2018 was placed on the Sixth order on the calendar.

Page 1, line 22, replace "1,516,993" with "1,539,371"

Page 1, line 23, replace "445,205" with "590,205"

Page 1, line 24, replace "(5,690,738)" with "(4,990,738)"

Page 2, after line 1, insert:

"Cultural heritage grants 50,000"

Page 2, after line 2, insert:

"Snow angel project 10,000"

Page 2, line 4, replace "(\$4,995,960)" with "(\$4,068,582)"

Page 2, line 5, replace "(6,807,703)" with "(6,357,703)"

Page 2, line 6, replace "1,811,743" with "2,289,121"

Page 2, line 12, replace "7,150,279" with "7,172,657"

Page 2, line 13, replace "1,953,911" with "2,098,911"

Page 2, line 14, replace "2,591,581" with "3,291,581"

Page 2, line 16, replace "325,000" with "375,000"

Page 2, after line 16, insert:

"Snow angel project 10,000"

Page 2, line 18, replace "13,025,263" with "13,952,641"

Page 2, line 19, replace "3,119,462" with "3,569,462"

Page 2, line 20, replace "9,905,801" with "10,383,179"

Page 2, after line 29, insert:

"SECTION 6. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$1,883,000 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The state historical society shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

| | |
|---|-------------|
| Lincoln bicentennial | \$25,000 |
| Capital projects and deferred maintenance | 1,548,000 |
| Medal of honor monument | 30,000 |
| Marketing | 85,000 |
| Chateau de Mores | 195,000 |
| Total | \$1,883,000 |

SECTION 7. COLD WAR MISSILE SITES. The capital assets line item in section 3 of this Act includes \$200,000 from the general fund, \$250,000 from federal funds, and \$200,000 from other funds available to the state historical society through fundraising efforts to acquire the missile alert facility oscar-zero located four and one-half miles north of Cooperstown, North Dakota, and the launch facility november-33 located two and one-half miles east of Cooperstown, North Dakota. The general fund moneys may only be used on a dollar-for-dollar basis as fundraising moneys become available."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|---|---------------------|-------------------|------------------|------------------|
| Salaries and wages | \$7,150,279 | \$7,150,279 | \$22,378 | \$7,172,657 |
| Operating expenses | 1,953,911 | 1,953,911 | 145,000 | 2,098,911 |
| Capital assets | 2,591,581 | 2,591,581 | 700,000 | 3,291,581 |
| Grants | 1,000,000 | 1,000,000 | | 1,000,000 |
| Cultural heritage grants | 325,000 | 325,000 | 50,000 | 375,000 |
| Yellowstone-Missouri- Ft. Union Commission | 4,492 | 4,492 | | 4,492 |
| Snow angel project | | | <u>10,000</u> | <u>10,000</u> |
| Total all funds | \$13,025,263 | \$13,025,263 | \$927,378 | \$13,952,641 |
| Less estimated income | <u>3,119,462</u> | <u>3,119,462</u> | <u>450,000</u> | <u>3,569,462</u> |
| General fund | \$9,905,801 | \$9,905,801 | \$477,378 | \$10,383,179 |
| FTE | 60.00 | 60.00 | 0.00 | 60.00 |

Dept. 701 - State Historical Society - Detail of House Changes

| | CULTURAL HERITAGE GRANTS ¹ | LINCOLN BICENTENNIAL ² | INCREASES FUNDING FOR SALARIES ³ | MARKETING ⁴ | EXTRAORDINARY REPAIRS ⁵ | CHATEAU DE MORES ⁶ |
|---|---|--|---|---------------------------|---------------------------------------|----------------------------------|
| Salaries and wages | | | \$22,378 | | | |
| Operating expenses | | (\$25,000) | | \$75,000 | | \$45,000 |
| Capital assets | | | | | (\$100,000) | 150,000 |
| Grants | | | | | | |
| Cultural heritage grants | \$50,000 | | | | | |
| Yellowstone-Missouri- Ft. Union Commission | | | | | | |
| Snow angel project | | | | | | |
| Total all funds | \$50,000 | (\$25,000) | \$22,378 | \$75,000 | (\$100,000) | \$195,000 |
| Less estimated income | | | | | | |
| General fund | \$50,000 | (\$25,000) | \$22,378 | \$75,000 | (\$100,000) | \$195,000 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |
| | SNOW ANGEL PROJECT ⁷ | OPERATING COSTS FOR COLD WAR SITES ⁸ | COLD WAR MISSILE SITES ⁹ | TOTAL HOUSE CHANGES | | |
| Salaries and wages | | | | \$22,378 | | |
| Operating expenses | | \$50,000 | | 145,000 | | |
| Capital assets | | | \$650,000 | 700,000 | | |
| Grants | | | | | | |
| Cultural heritage grants | | | | 50,000 | | |
| Yellowstone-Missouri- Ft. Union Commission | | | | | | |
| Snow angel project | <u>\$10,000</u> | | | <u>10,000</u> | | |
| Total all funds | \$10,000 | \$50,000 | \$650,000 | \$927,378 | | |
| Less estimated income | | | <u>450,000</u> | <u>450,000</u> | | |
| General fund | \$10,000 | \$50,000 | \$200,000 | \$477,378 | | |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | | |

¹ This amendment increases funding for cultural heritage grants.

² This amendment decreases funding for the Lincoln Bicentennial.

³ This amendment increases funding to continue pay increases provided to employees who were reclassified.

⁴ This amendment provides funding for marketing.

⁵ This amendment decreases funding for extraordinary repairs.

⁶ This amendment provides funding for furniture and equipment and operating expenses at the Chateau de Mores Interpretive Center.

⁷ This amendment provides funding for marketing and promotion of the snow angel project.

⁸ This amendment provides \$50,000 for operating expenses that occur after acquisition of the cold war-era facilities for which fundraising and matching dollars have not yet been made available.

⁹ This amendment adds funding to allow the State Historical Society to acquire a missile alert facility and launch facility from the cold war-era for restoration. The other funds consist of \$200,000 from private fundraising and \$250,000 in matching federal funds.

A section is added identifying the one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

A section is added authorizing the State Historical Society to acquire a cold war-era missile alert facility and launch facility. The section also provides up to \$200,000 in

general fund support for a dollar-for-dollar match of private fundraising moneys. The general fund and private fundraising moneys may be used to match a federal fund grant.

REPORT OF STANDING COMMITTEE

SB 2019, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed SB 2019 was placed on the Sixth order on the calendar.

Page 1, line 5, after the semicolon insert "to provide for a report;"

Page 2, line 10, replace "3,680,736" with "3,418,236"

Page 2, line 12, replace "6,833,000" with "6,707,500"

Page 2, line 14, replace "9,964,070" with "9,576,070"

Page 2, line 15, replace "6,408,806" with "6,020,806"

Page 2, line 25, replace "6,608,806" with "6,220,806"

Page 2, line 26, replace "12,931,070" with "12,543,070"

Page 3, line 6, replace "13,352,979" with "13,090,479"

Page 3, line 8, replace "6,833,000" with "6,707,500"

Page 3, line 9, replace "30,932,952" with "30,544,952"

Page 3, line 10, replace "19,836,389" with "19,448,389"

Page 3, line 20, replace "20,036,389" with "19,648,389"

Page 3, line 21, replace "34,502,806" with "34,114,806"

Page 3, line 23, replace "\$381,750" with "\$481,750"

Page 4, line 6, replace "\$6,600,000" with "\$6,000,000"

Page 4, line 7, replace "\$1,100,000" with "\$100,000" and after the second "and" insert "\$400,000 of"

Page 4, line 10, replace "\$1,100,000" with "\$100,000" and replace "local matching funds of \$100,000" with "the federal and other funds"

Page 4, line 14, after "**ASSETS**" insert "**- INSURANCE PROCEEDS - APPROPRIATION**"

Page 4, line 17, after the period insert "Any additional income from insurance proceeds, in excess of the \$108,000, is appropriated, for the period beginning with the effective date of this Act and ending June 30, 2009, to the parks and recreation department to assist with the replacement of the maintenance building and other capital assets."

Page 5, after line 25, insert:

"SECTION 9. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$5,388,000 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The parks and recreation department shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

| | |
|--|------------------|
| Online reservation system and equipment replacement | \$660,000 |
| Parks capital projects and deferred maintenance | 2,295,000 |
| International Peace Garden capital projects and deferred maintenance | <u>2,433,000</u> |
| Total | \$5,388,000" |

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2019 - Summary of House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|---------------------------------|---------------------|-------------------|------------------|------------------|
| Parks and Recreation Department | | | | |
| Total all funds | \$24,099,952 | \$30,932,952 | (\$388,000) | \$30,544,952 |
| Less estimated income | 13,128,389 | 19,836,389 | (388,000) | 19,448,389 |
| General fund | \$10,971,563 | \$11,096,563 | \$0 | \$11,096,563 |
| International Peace Garden | | | | |
| Total all funds | \$3,169,854 | \$3,569,854 | \$0 | \$3,569,854 |
| Less estimated income | | 200,000 | | 200,000 |
| General fund | \$3,169,854 | \$3,369,854 | \$0 | \$3,369,854 |
| Bill Total | | | | |
| Total all funds | \$27,269,806 | \$34,502,806 | (\$388,000) | \$34,114,806 |
| Less estimated income | 13,128,389 | 20,036,389 | (388,000) | 19,648,389 |
| General fund | \$14,141,417 | \$14,466,417 | \$0 | \$14,466,417 |

Senate Bill No. 2019 - Parks and Recreation Department - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|---------------------|-------------------|------------------|------------------|
| Capital assets | | \$6,833,000 | (\$125,500) | \$6,707,500 |
| Administration | \$2,110,099 | 2,110,099 | | 2,110,099 |
| Natural resources | 13,352,979 | 13,352,979 | (262,500) | 13,090,479 |
| Recreation | 8,636,874 | 8,636,874 | | 8,636,874 |
| Total all funds | \$24,099,952 | \$30,932,952 | (\$388,000) | \$30,544,952 |
| Less estimated income | 13,128,389 | 19,836,389 | (388,000) | 19,448,389 |
| General fund | \$10,971,563 | \$11,096,563 | \$0 | \$11,096,563 |
| FTE | 50.50 | 50.50 | 0.00 | 50.50 |

Dept. 750 - Parks and Recreation Department - Detail of House Changes

| | REDUCES FUNDING FOR FORT STEVENSON STATE PARK MARINA ¹ | PROVIDES FUNDING FOR BOAT RAMP MAINTENANCE ² | PROVIDES FUNDING FOR ICELANDIC STATE PARK ³ | REDUCES FUNDING FOR EXTRAORDINARY REPAIRS ⁴ | TOTAL HOUSE CHANGES |
|-----------------------|--|--|---|---|---------------------------|
| Capital assets | (\$600,000) | | \$474,500 | | (\$125,500) |
| Administration | | \$100,000 | | | |
| Natural resources | | | | (\$362,500) | (262,500) |
| Recreation | | | | | |
| Total all funds | (\$600,000) | \$100,000 | \$474,500 | (\$362,500) | (\$388,000) |
| Less estimated income | (600,000) | 100,000 | 112,000 | | (388,000) |
| General fund | \$0 | \$0 | \$362,500 | (\$362,500) | \$0 |
| FTE | 0.00 | 0.00 | 0.00 | 0.00 | 0.00 |

¹ This amendment reduces funding for the marina at Fort Stevenson State Park. The amount of funding from the game and fish fund for the marina is reduced by \$600,000 to \$100,000.

² This amendment provides additional funding from the game and fish fund for maintenance, operating, and extraordinary repairs relating to boat ramps at various state parks.

³ This amendment adds funding for expansion of the Heritage Center at Icelandic State Park.

⁴ This amendment reduces general fund support for extraordinary repairs by \$362,500 to \$1,000,000.

A section is added identifying the one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

Section 7 of this Act is amended to allow the department to spend any additional insurance proceeds received for the fire-damaged maintenance shop and contents.

This amendment removes the \$100,000 local match requirement for the Fort Stevenson State Park marina project and requires that federal and other funds become available before the game and fish funds are used.

REPORT OF STANDING COMMITTEE

SB 2020, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2020 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 4, after "credit" insert "; to provide legislative intent; to provide for a study; and to provide for a report to the legislative assembly"

Page 1, line 19, replace "48,463,767" with "49,263,767"

Page 1, line 20, replace "48,739,617" with "49,539,617"

Page 1, line 21, replace "35,863,331" with "36,863,331"

Page 1, line 22, replace "12,876,286" with "12,676,286"

Page 2, line 5, replace "172,354,260" with "173,154,260"

Page 2, line 6, replace "174,810,555" with "175,610,555"

Page 2, line 7, replace "160,923,049" with "161,923,049"

Page 2, line 8, replace "13,887,506" with "13,687,506"

Page 3, after line 15, insert:

"SECTION 10. TILE DRAINAGE EFFECTS ON WATER USE STUDY.

The state water commission shall study, develop, and recommend policies and procedures for assessing the impact of tile drainage on the beneficial use of water by prior water appropriators. The state water commission shall report its findings and recommendations to the legislative council by July 1, 2008.

SECTION 11. ONE-TIME FUNDING - EFFECT ON BASE BUDGET - REPORT TO SIXTY-FIRST LEGISLATIVE ASSEMBLY. The total general fund appropriation line item in section 3 of this Act includes \$3,000,000 for the one-time funding items identified in this section. This amount is not a part of the agency's base budget to be used in preparing the 2009-11 executive budget. The state water commission shall report to the appropriations committees of the sixty-first legislative assembly on the use of this one-time funding for the biennium beginning July 1, 2007, and ending June 30, 2009.

| | |
|--------------------------------|-------------|
| Red River water supply project | \$3,000,000 |
|--------------------------------|-------------|

SECTION 12. LEGISLATIVE INTENT- SWEETBRIAR DAM PROJECT. It is the intent of the sixtieth legislative assembly that the state water commission provide funding for the sweetbriar dam project. In addition, Morton County shall contribute \$15,000 toward the sweetbriar dam project and \$1,000,000 must be made available from the game and fish fund for the project which is appropriated in section 3 of this Act. The funding from the game and fish fund and Morton County is contingent upon funding being made available for the project by the state water commission during the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2020 - Water Commission - House Action

| | | | | |
|-------------------------------------|--------------------|--------------------|------------------|--------------------|
| Administrative and support services | \$2,456,295 | \$2,456,295 | | \$2,456,295 |
| Water and atmospheric resources | 172,154,260 | 172,354,260 | \$800,000 | 173,154,260 |
| Total all funds | \$174,610,555 | \$174,810,555 | \$800,000 | \$175,610,555 |
| Less estimated income | <u>160,923,049</u> | <u>160,923,049</u> | <u>1,000,000</u> | <u>161,923,049</u> |
| General fund | \$13,687,506 | \$13,887,506 | (\$200,000) | \$13,687,506 |
| FTE | 84.00 | 84.00 | 0.00 | 84.00 |

Dept. 770 - Water Commission - Detail of House Changes

| | REMOVES FUNDING FOR MAPPING PROJECT ¹ | ADDS FUNDING FOR SWEETBRIAR DAM PROJECT ² | TOTAL HOUSE CHANGES |
|-------------------------------------|---|--|---------------------------|
| Administrative and support services | | | |
| Water and atmospheric resources | (\$200,000) | \$1,000,000 | \$800,000 |
| Total all funds | (\$200,000) | \$1,000,000 | \$800,000 |
| Less estimated income | | <u>1,000,000</u> | <u>1,000,000</u> |
| General fund | (\$200,000) | \$0 | (\$200,000) |
| FTE | 0.00 | 0.00 | 0.00 |

¹ The House removed the funding authorized by the Senate for a mapping project.

² The House added \$1 million from the game and fish fund for the Sweetbriar Dam project.

The House added a section identifying one-time funding included in the budget and providing for a report to the 61st Legislative Assembly on the agency's use of the one-time funding.

The House directed the State Water Commission to study tile drainage effects on water use and to report the finding to the Legislative Council by July 1, 2008.

The House added legislative intent for the State Water Commission to provide funding for the Sweetbriar Dam project. In addition, Morton County is to provide \$15,000 for the project and the House appropriated \$1 million from the game and fish fund for the project. The funding from Morton County and the game and fish fund is contingent upon the State Water Commission providing funding for the project.

REPORT OF STANDING COMMITTEE

SB 2022: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2022 was placed on the Sixth order on the calendar.

Page 1, line 2, after "agencies" insert "; and to provide additional spending authority subject to emergency commission approval"

Page 2, line 13, replace "8,985,308" with "9,679,308"

Page 2, line 15, replace "9,830,627" with "10,524,627"

Page 2, line 16, replace "9,849,627" with "10,543,627"

Page 2, line 19, replace "10,224,903" with "10,918,903"

Page 2, line 20, replace "10,205,903" with "10,899,903"

Page 3, line 4, replace "10,550,019" with "11,244,019"

Page 3, line 6, replace "14,549,864" with "15,243,864"

Page 3, line 7, replace "17,900,168" with "18,594,168"

Page 3, after line 12, insert:

"SECTION 5. ADDITIONAL SPENDING AUTHORITY - EMERGENCY COMMISSION APPROVAL. The public employees retirement system may seek emergency commission approval for additional spending authority required to complete implementation of the legacy application system replacement project during the 2007-09 biennium."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2022 - Summary of House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|------------------------------------|---------------------|-------------------|------------------|-------------------|
| Retirement and Investment Office | | | | |
| Total all funds | \$3,350,304 | \$3,350,304 | \$0 | \$3,350,304 |
| Less estimated income | <u>3,350,304</u> | <u>3,350,304</u> | | <u>3,350,304</u> |
| General fund | \$0 | \$0 | \$0 | \$0 |
| Public Employees Retirement System | | | | |
| Total all funds | \$14,549,864 | \$14,549,864 | \$694,000 | \$15,243,864 |
| Less estimated income | <u>14,549,864</u> | <u>14,549,864</u> | <u>694,000</u> | <u>15,243,864</u> |
| General fund | \$0 | \$0 | \$0 | \$0 |
| Bill Total | | | | |
| Total all funds | \$17,900,168 | \$17,900,168 | \$694,000 | \$18,594,168 |
| Less estimated income | <u>17,900,168</u> | <u>17,900,168</u> | <u>694,000</u> | <u>18,594,168</u> |
| General fund | \$0 | \$0 | \$0 | \$0 |

Senate Bill No. 2022 - Public Employees Retirement System - House Action

| | EXECUTIVE BUDGET | SENATE VERSION | HOUSE CHANGES | HOUSE VERSION |
|-----------------------|---------------------|-------------------|------------------|-------------------|
| Salaries and wages | \$3,749,845 | \$3,749,845 | | \$3,749,845 |
| Operating expenses | 10,550,019 | 10,550,019 | \$694,000 | 11,244,019 |
| Contingencies | <u>250,000</u> | <u>250,000</u> | | <u>250,000</u> |
| Total all funds | \$14,549,864 | \$14,549,864 | \$694,000 | \$15,243,864 |
| Less estimated income | <u>14,549,864</u> | <u>14,549,864</u> | <u>694,000</u> | <u>15,243,864</u> |
| General fund | \$0 | \$0 | \$0 | \$0 |
| FTE | 33.00 | 33.00 | 0.00 | 33.00 |

Dept. 192 - Public Employees Retirement System - Detail of House Changes

| | PROVIDES ADDITIONAL FUNDING FOR LEGACY PROJECT ¹ | TOTAL HOUSE CHANGES |
|-----------------------|---|---------------------------|
| Salaries and wages | | |
| Operating expenses | \$694,000 | \$694,000 |
| Contingencies | | |
| Total all funds | \$694,000 | \$694,000 |
| Less estimated income | <u>694,000</u> | <u>694,000</u> |
| General fund | \$0 | \$0 |
| FTE | 0.00 | 0.00 |

¹ This amendment provides additional funding for the legacy application system replacement project.

A section is added to provide authority for the department to seek approval from the Emergency Commission if additional funding is needed to complete the legacy application system replacement project.

REPORT OF STANDING COMMITTEE

SB 2046, as amended, Appropriations Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (23 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2046, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 950 and 951 of the House Journal, Senate Bill No. 2046 is amended as follows:

Page 1, line 1, remove "create and enact two new subsections to section 15-39.1-04 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to definitions under the teachers' fund for retirement; to"

Page 1, line 3, replace "1 of section 15-39.1-09," with "4 of"

Page 1, line 4, remove "subdivision c of subsection 1 of section 15-39.1-10.3," and replace "sections" with "section"

Page 1, line 5, remove "15-39.1-11, 15-39.1-12, and 15-39.1-15," and after the fourth comma insert "and"

Page 1, line 6, remove ", and subsection 2 of section 15-39.1-33"

Page 1, line 7, remove "employer contributions and"

Page 1, remove line 8

Page 1, line 10, after the first semicolon insert "and" and replace "application, and to provide an appropriation" with "a legislative council study"

Page 2, remove lines 22 through 31

Page 3, remove lines 1 through 7

Page 3, line 8, replace "Section" with "Subsection 4 of section"

Page 3, remove lines 10 through 30

Page 4, remove lines 1 through 7

Page 4, remove lines 17 through 30

Page 5, remove lines 1 through 13

Page 5, remove lines 22 through 30

Page 6, remove lines 1 through 24

Page 7, line 19, remove the overstrike over "~~required~~" and remove "member"

Page 7, line 20, remove "required by section 15-39.1-09"

Page 7, line 21, remove the overstrike over "~~The employer shall pay the~~"

Page 7, remove the overstrike over line 22

Page 7, line 24, replace "sixteen" with "seven" and replace "five-tenths" with "seventy-five hundredths"

Page 7, line 25, remove "Once the"

Page 7, remove lines 26 through 28

Page 8, line 30, replace "sixteen" with "seven" and replace "five-tenths" with "seventy-five hundredths"

Page 9, replace lines 24 through 31 with:

"SECTION 7. LEGISLATIVE COUNCIL - TEACHERS' FUND FOR RETIREMENT INVESTMENT STUDY. The legislative council shall consider studying, during the 2007-08 interim, the investment of teachers' fund for retirement assets, reallocation of assets, and the appropriateness of investment guidelines developed by the teachers' fund for retirement board of trustees. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Page 10, remove lines 1 through 10

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2057, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (24 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2057, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 859 of the House Journal, Engrossed Senate Bill No. 2057 is amended as follows:

Page 1, line 3, replace "an" with "a statement of legislative intent"

Page 1, line 4, remove "appropriation"

Page 3, replace lines 20 through 26 with:

"SECTION 3. LEGISLATIVE INTENT. It is the intent of the sixtieth legislative assembly that funding for the provisions of this Act in the amount of \$77,000 be provided from the contingent distributions of per student and transportation state school aid payments for the 2005-07 biennium as provided for in section 28 of chapter 167 of the 2005 Session Laws and amended by the sixtieth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the appropriation from the bill and provides that funding for the provisions of the bill are to be provided from the contingent distributions of per student and transportation state school aid payments for the 2005-07 biennium.

REPORT OF STANDING COMMITTEE

SB 2070, as reengrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2070, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1002 of the House Journal, Reengrossed Senate Bill No. 2070 is amended as follows:

Page 1, line 3, after "appropriation" insert "; to provide for a long-term care strategic plan; to provide for a legislative council report"

Page 1, line 10, after "options" insert ", including both institutional and home and community-based care."

Page 2, line 4, after the period insert "The department may use the funds appropriated from the general fund only if the department receives federal funds for an aging and disability resource center as described in section 1 of this Act. Any general fund amounts not used for the period beginning with the effective date of this Act and ending June 30, 2009, may not be spent."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2103, as reengrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (24 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2103, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2115: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (24 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2115 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2129, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (19 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2129, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2141, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (20 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2141 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2152, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 8 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2152, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1002 and 1003 of the House Journal, Engrossed Senate Bill No. 2152 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 43-28.1-03 and a new section to chapter 43-28.1 of the North Dakota Century Code, relating to selection and eligibility for loan repayment under the dentists' loan repayment program; and to provide legislative intent.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 43-28.1-03 of the North Dakota Century Code is created and enacted as follows:

For the purposes of a dentist selected for loan payment who practices within fifteen miles [24.14 kilometers] of the city limits of Bismarck, Fargo, or Grand Forks, to qualify to receive a yearly disbursement under this chapter during that year of obligated service, the dentist must have received dental medical payments of at least twenty thousand dollars in the form of medical assistance reimbursement.

SECTION 2. A new section to chapter 43-28.1 of the North Dakota Century Code is created and enacted as follows:

New practices - Grants.

1. A dentist who graduated from an accredited dental school within the previous five years and is licensed to practice in North Dakota may submit an application to the state health council for a grant for the purpose of establishing a dental practice in a city in the state which has a population that does not exceed seven thousand five hundred.
2. The state health council may award a maximum of two grants per year and shall establish the criteria for the grant program under subsection 1 which must include:
 - a. A maximum grant award of fifty thousand dollars per applicant;
 - b. A requirement that the community must provide a fifty percent match for a grant;
 - c. A requirement that a dentist who receives a grant under this section must use the funds for buildings, equipment, and operating expenses;
 - d. A provision that the grant must be distributed in equal amounts over a five-year period; and
 - e. A requirement that a dentist selected for a grant under this section must commit to practice in the community for a minimum of five years.

SECTION 3. LEGISLATIVE INTENT - GRANT PREFERENCE. House Bill No. 1004 contains a \$380,000 appropriation from the community health trust fund to the state department of health for the dental loan repayment program for the biennium beginning July 1, 2007, and ending June 30, 2009. This funding is

also to be used for the grant program established in this Act, with preference in the use of the funding to the grant applicants."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2161, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (24 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2161, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2178, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (24 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2178, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 983 and 984 of the House Journal, Engrossed Senate Bill No. 2178 is amended as follows:

Page 1, line 2, after "revenues" insert "; to repeal section 57-51.1-07.2 of the North Dakota Century Code, relating to the permanent oil tax trust fund; to provide for application"

Page 1, line 3, remove "and" and after "date" insert "; and to provide an expiration date"

Page 1, line 21, replace "eight" with "four"

Page 2, line 3, remove "sixty percent"

Page 2, line 4, remove ", ten percent to school districts within the county on the"

Page 2, remove line 5

Page 2, line 6, remove "the county based upon population"

Page 2, line 9, replace "nine" with "five"

Page 2, line 16, remove "sixty percent" and remove ", ten percent to"

Page 2, remove line 17

Page 2, line 18, remove "and thirty percent to incorporated cities of the county based upon population"

Page 2, line 21, replace "nine" with "five"

Page 2, line 27, remove "sixty percent" and remove the underscored comma

Page 2, remove lines 28 and 29

Page 2, line 30, remove "population"

Page 4, after line 21, insert:

"SECTION 2. REPEAL. Section 57-51.1-07.2 of the North Dakota Century Code is repealed.

SECTION 3. APPLICATION. Notwithstanding the provisions of section 57-51.1-07.2, the director of the budget may not consider the enactment of this Act to be an amendment of the distribution formula under chapter 57-51 and the director of the budget may not adjust the seventy-one million dollar amount under section 57-51.1-07.2 due to enactment of this Act."

Page 4, line 22, after "**DATE**" insert "- **EXPIRATION DATE**"

Page 4, line 23, after "2007" insert ", and before July 1, 2009, and is thereafter ineffective" and after the period insert "Section 2 of this Act becomes effective on the date that the proposed new section to article X of the Constitution of North Dakota as contained in House Concurrent Resolution No. 3045, as agreed to by the sixtieth legislative assembly and approved by the electors, becomes effective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2179, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (17 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2179 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2180, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (24 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2180, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 951 and 952 of the House Journal, Engrossed Senate Bill No. 2180 is amended as follows:

Page 1, line 13, replace the underscored colon with "agriculture producers must hold at least ten percent of the ownership interest in the facility or residents of this state must own at least fifty percent of the ownership interest of the facility."

Page 1, remove lines 14 and 15

Page 1, line 18, remove ", to grain handling facilities."

Page 2, line 3, after the overstruck period insert "\"Biofuels retailer\" means a retailer that dispenses and distributes biodiesel fuel and gasoline blends with greater than sixty percent ethanol."

4."

Page 2, line 7, replace the underscored colon with "agriculture producers must hold at least ten percent of the ownership interest in the facility or residents of this state must own at least fifty percent of the ownership interest of the facility."

Page 2, remove lines 8 through 11

Page 3, line 7, remove "The total amount from the"

Page 3, remove line 8

Page 3, line 9, remove "thousand dollars" and overstrike the period

Page 3, line 14, remove ", to a grain handling facility."

Page 3, line 20, after "b." insert "The fund moneys may be used to participate in an interest rate buydown on a loan to a biofuels retailer for the purchase or installation of pumps and related equipment."

c."

Page 3, line 22, remove ", the grain handling facility."

Page 4, line 16, replace "grain handling facility" with "biofuels retailer"

Page 4, line 17, replace "ten" with "twenty" and replace "producer" with "location of a biofuels retailer under this chapter"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2186, as reengrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2186, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1104 and 1105 of the House Journal, Reengrossed Senate Bill No. 2186 is amended as follows:

Page 1, line 1, after "chapter" insert "50-09 and a new section to chapter"

Page 1, line 2, after "to" insert "transition assistance for child care and" and replace "care workforce development and department of" with "quality activities"

Page 1, remove line 3

Page 1, line 4, remove "facilities and program and business technical assistance for early childhood care providers"

Page 1, after line 6, insert:

"SECTION 1. A new section to chapter 50-09 of the North Dakota Century Code is created and enacted as follows:

Transition assistance for child care. The state agency shall establish a program of transition assistance to pay a portion of the cost of child care for families that lose eligibility, and remain ineligible, for benefits under section 50-09-29 due to earnings from employment. This program must:

1. Provide benefits for up to the six months following the loss of benefits under section 50-09-29;
2. Be paid directly to recipients using a debit card; and
3. Meet all requirements to be considered "assistance" for purposes of title 45, Code of Federal Regulations, part 260, section 31, or any substantially similar federal regulation that may replace title 45, Code of Federal Regulations, part 260, section 31."

Page 1, replace lines 10 through 24 with:

1. The department shall replace the reduction in child care development fund grants.
2. The department shall establish a statewide system to build systematic early childhood workforce voluntary training to include distance learning formats, a professional registry, certificates and specializations, scholarships, and technical assistance.
3. The department shall develop a voluntary quality rating system for licensed early childhood facilities which may be used as a tool to inform parents, public officials, and other purchasers of child care regarding the level of quality at a facility.
4. The department shall establish a quality improvement program for center and home-based child care programs, which may include accreditation support, program, and business technical assistance and consultation."

Page 2, remove lines 1 through 12

Page 2, line 13, replace "in the" with "from special funds derived from federal funds and other income from the temporary assistance for needy families program"

Page 2, line 14, remove "general fund in the state treasury, not otherwise appropriated," and replace "\$1,900,000" with "\$1,491,210"

Page 2, after line 17, insert:

"SECTION 4. APPROPRIATION. There is appropriated out of any moneys from special funds derived from federal funds and other income for the temporary assistance for needy families program the sum of \$1,500,000, or so much of the sum as may be necessary, to the department of human services for the purpose of implementing section 2 of this Act, for the biennium beginning July 1, 2007, and ending June 30, 2009.

SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$166,221, or so much of the sum as may be necessary, to the department of human services for the purpose of replacing the reduction in child

care development fund grants, for the biennium beginning July 1, 2007, and ending June 30, 2009."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2187: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (18 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2187 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2200, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2200, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1027-1030 of the House Journal, Engrossed Senate Bill No. 2200 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact ten new sections to chapter 15.1-27, a new section to chapter 15.1-36, and two new sections to chapter 15.1-38 of the North Dakota Century Code, relating to the determination of state aid to school districts; to amend and reenact section 15.1-02-09, subsection 4 of section 15.1-06-04, subsection 6 of section 15.1-07-28, and sections 15.1-23-19, 15.1-27-01, 15.1-27-02, 15.1-27-04, 15.1-27-08, 15.1-27-09, 15.1-27-10, 15.1-27-11, 15.1-27-15, 15.1-27-16, 15.1-27-17, 15.1-27-18, 15.1-27-19, 15.1-27-20, 15.1-27-35, 15.1-28-03, 15.1-29-01, 15.1-29-02, 15.1-29-12, 15.1-29-14, 15.1-29-15, 15.1-31-03, 15.1-31-04, 15.1-31-07, 15.1-32-08, 15.1-32-14, 15.1-32-15, 15.1-32-16, 15.1-32-18, 15.1-33-02, 15.1-36-02, and 57-15-14 of the North Dakota Century Code, relating to the determination of state aid to school districts; to repeal sections 15.1-09-46, 15.1-27-05, 15.1-27-06, 15.1-27-07, 15.1-27-12, 15.1-27-14, 15.1-27-21, 15.1-27-32, 15.1-27-36, 15.1-27-37, and 15.1-27-38 of the North Dakota Century Code, relating to the school district census, the school district equalization factor, weighting factors, supplemental payments, additional per student payments, property valuations, and teacher compensation payments; to provide for a commission on education improvement; to provide for teacher compensation increases; to provide for future determinations of average daily membership; to provide for contingent payments; to provide for a contingent transfer; to provide for reports to the legislative council; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15.1-02-09 of the North Dakota Century Code is amended and reenacted as follows:

15.1-02-09. School district finance facts report - Contents. The superintendent of public instruction shall submit an annual report on the financial condition of school districts to the governor, legislative council, and the secretary of state by the end of February. The secretary of state shall transmit the report to state archivist for official and public use. The report must include:

1. The number of school districts in the state.
2. The financial condition of each school district, including its receipts and expenditures.
3. The value of all property owned or controlled by each school district.
4. The cost of education in each school district.
5. The number of teachers employed by each school district and their salaries.
6. The number of students in average daily membership, in weighted average daily membership, and in average daily attendance, in each school district, the grades in which ~~they~~ the students are enrolled, and, when applicable, the courses in which ~~they~~ the students are enrolled.

7. Information regarding the state's approved nonpublic schools.
8. Other statistical data on public education in the state.

SECTION 2. AMENDMENT. Subsection 4 of section 15.1-06-04 of the North Dakota Century Code is amended and reenacted as follows:

4. a. During the 2007-08 school year, a full day of instruction consists of:
 - a- (1) At least five and one-half hours for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
 - b- (2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.
- b. Beginning with the 2008-09 school year, a full day of instruction consists of:
 - (1) At least five and one-half hours for kindergarten and elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
 - (2) At least six hours for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.

SECTION 3. AMENDMENT. Subsection 6 of section 15.1-07-28 of the North Dakota Century Code is amended and reenacted as follows:

6. The joint powers agreement provides for the employment and compensation of ~~any staff necessary to carry out the provisions of the agreement and the requirements of sections 15.1-06-04, 15.1-06-06, 15.1-07-28, 15.1-07-30, 15.1-09-01, 15.1-12-26, 15.1-12-27, 15.1-12-29, 15.1-18-07, 15.1-22-01, 15.1-27-04, 15.1-27-05, 15.1-27-06, 15.1-27-07, 15.1-27-11, 15.1-27-15, 15.1-27-35, 15.1-27-37, 15.1-27-39, 15.1-27-40, 15.1-28-03, 15.1-29-03, 15.1-29-04, and 15.1-29-12.~~

SECTION 4. AMENDMENT. Section 15.1-23-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-23-19. Home education - State aid to school districts. For purposes of allocating state aid to school districts, a child receiving home education is ~~deemed enrolled in the child's school district of residence if the child is monitored by an individual who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board and employed by the public school district in which the child resides. A school district is entitled to fifty percent of the per student payment provided in section 15.1-27-04 times the appropriate factor in section 15.1-27-06 or 15.1-27-07 for each child receiving home education. If a child receiving home education is enrolled in public school classes, proportionate payments must be made. The total amount may not exceed the equivalent of one full per student payment times the appropriate weighting factor included in a school district's determination of average daily membership only for those days or portions of days that the child attends a public school.~~

SECTION 5. AMENDMENT. Section 15.1-27-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-01. Payments to school districts - Distribution.

1. The superintendent of public instruction shall ~~determine~~ estimate the total state payments ~~made to each to which a school district during the previous fiscal~~ is entitled each year.
2. The superintendent of public instruction shall pay each district ten percent of the amount determined under subsection 1, within the limits of legislative appropriation, on or before August first and September first of each year.

The superintendent shall pay each school district twenty percent of that amount, within the limits of legislative appropriation, on or before October first of each year.

3. The superintendent of public instruction shall ~~determine~~ estimate the amount that, in addition to the payments already made, is necessary to constitute the remainder of the amount due each district for the current school year.
4. On or before November first, the superintendent of public instruction shall pay to each district, within the limits of legislative appropriation, an amount that, in addition to the above payments, constitutes sixty percent of the sum due under this chapter.
5. On or before the first day of December, January, February, March, and April, payments equal to twenty percent of the total remaining payments must be made to each district.
6. If funds appropriated for distribution to districts as state aid become available after April first, the superintendent of public instruction shall distribute the newly available payments on or before June thirtieth.

SECTION 6. AMENDMENT. Section 15.1-27-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-02. Per student payments - Required reports.

1. The superintendent of public instruction may not forward state aid payments to a school district beyond the October payment unless the district has filed the following with the superintendent:
 - a. ~~An annual average daily~~ The June thirtieth student membership and attendance report;
 - b. An annual school district financial report;
 - c. The September tenth fall enrollment report; and
 - d. The personnel report forms for licensed and nonlicensed employees.
2. On or before December fifteenth, each school district shall file with the superintendent of public instruction the taxable valuation and mill levy certifications. If a district fails to file the taxable valuation and mill levy certifications by the required date, the superintendent of public instruction may not forward to the district any state aid payments to which the district is entitled, until the taxable valuation and mill levy certifications are filed.

SECTION 7. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Weighted average daily membership - Determination.

1. For each school district, the superintendent of public instruction shall multiply by:
 - a. 1.00 the number of students enrolled in a migrant summer program;
 - b. 1.00 the number of students enrolled in an extended educational program in accordance with section 15.1-32-17;
 - c. 0.60 the number of students enrolled in a summer education program;
 - d. 0.50 the number of students enrolled in a home-based education program and monitored by the school district under chapter 15.1-23;
 - e. 0.25 the number of students enrolled in an alternative high school;
 - f. 0.25 the number of students enrolled in an isolated elementary school;
 - g. 0.25 the number of students enrolled in an isolated high school;

- h. 0.20 the number of students attending school in a bordering state in accordance with section 15.1-29-01;
 - i. 0.17 the number of students enrolled in an early childhood special education program;
 - j. 0.14 the number of students enrolled in a new immigrant English language learner program;
 - k. 0.067 the number of students enrolled in average daily membership, in order to support the provision of special education services; and
 - l. 0.02 the number of students, other than those provided for in subdivision j, who are enrolled in an English language learner program.
2. The superintendent of public instruction shall determine each school district's weighted average daily membership by adding the products derived under subsection 1 to the district's average daily membership.

SECTION 8. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

School district size weighting factor - Weighted student units.

1. For each high school district in the state, the superintendent of public instruction shall assign a school district size weighting factor of:
- a. 1.25 if the students in average daily membership number fewer than 185;
 - b. 1.24 if the students in average daily membership number at least 185 but fewer than 200;
 - c. 1.23 if the students in average daily membership number at least 200 but fewer than 215;
 - d. 1.22 if the students in average daily membership number at least 215 but fewer than 230;
 - e. 1.21 if the students in average daily membership number at least 230 but fewer than 245;
 - f. 1.20 if the students in average daily membership number at least 245 but fewer than 260;
 - g. 1.19 if the students in average daily membership number at least 260 but fewer than 270;
 - h. 1.18 if the students in average daily membership number at least 270 but fewer than 275;
 - i. 1.17 if the students in average daily membership number at least 275 but fewer than 280;
 - j. 1.16 if the students in average daily membership number at least 280 but fewer than 285;
 - k. 1.15 if the students in average daily membership number at least 285 but fewer than 290;
 - l. 1.14 if the students in average daily membership number at least 290 but fewer than 295;
 - m. 1.13 if the students in average daily membership number at least 295 but fewer than 300;
 - n. 1.12 if the students in average daily membership number at least 300 but fewer than 305;

- o. 1.11 if the students in average daily membership number at least 305 but fewer than 310;
 - p. 1.10 if the students in average daily membership number at least 310 but fewer than 320;
 - q. 1.09 if the students in average daily membership number at least 320 but fewer than 335;
 - r. 1.08 if the students in average daily membership number at least 335 but fewer than 350;
 - s. 1.07 if the students in average daily membership number at least 350 but fewer than 360;
 - t. 1.06 if the students in average daily membership number at least 360 but fewer than 370;
 - u. 1.05 if the students in average daily membership number at least 370 but fewer than 380;
 - v. 1.04 if the students in average daily membership number at least 380 but fewer than 390;
 - w. 1.03 if the students in average daily membership number at least 390 but fewer than 400;
 - x. 1.02 if the students in average daily membership number at least 400 but fewer than 600;
 - y. 1.01 if the students in average daily membership number at least 600 but fewer than 900; and
 - z. 1.00 if the students in average daily membership number at least 900.
2. For each elementary district in the state, the superintendent of public instruction shall assign a weighting factor of:
- a. 1.25 if the students in average daily membership number fewer than 125;
 - b. 1.17 if the students in average daily membership number at least 125 but fewer than 200; and
 - c. 1.00 if the students in average daily membership number at least 200.
3. The school district size weighting factor determined under this section and multiplied by a school district's weighted average daily membership equals the district's weighted student units.
4. Notwithstanding the provisions of this section, the school district size weighting factor assigned to a district may not be less than the factor arrived at when the highest number of students possible in average daily membership is multiplied by the school district size weighting factor for the subdivision immediately preceding the district's actual subdivision and then divided by the district's average daily membership.

SECTION 9. AMENDMENT. Section 15.1-27-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-04. Per student payment rate.

- 1. a. The per student payment rate to which each school district is entitled for the first year of the biennium is ~~two~~ three thousand ~~seven hundred sixty-five~~ forty-two dollars.
- b. The per student payment rate to which each school district is entitled for the second year of the biennium is ~~two~~ three thousand ~~eight one~~ hundred seventy-nine forty dollars. ~~The per student amount is the~~

~~basis for calculating state payments to school districts, as provided in sections 15.1-27-06 and 15.1-27-07.~~

2. In order to determine the state aid payment to which each district is entitled, the superintendent of public instruction shall multiply each district's weighted student units by the per student payment rate set forth in subsection 1.

SECTION 10. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Kindergarten payments - Determination. Notwithstanding the provisions of section 15.1-27-35, the superintendent of public instruction shall determine the payments to which a school district is entitled for providing full-time kindergarten during the 2008-09 school year by using the district's 2008 kindergarten fall enrollment count.

SECTION 11. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Baseline funding - Determination - Minimum and maximum allowable increases.

1. The superintendent of public instruction shall determine each school district's baseline funding per weighted student unit by:
 - a. Adding together all state aid received by the district during the 2006-07 school year, except fifty percent of those distributions provided for in the final subsection of section 28 of chapter 167 of the 2005 Session Laws, as amended in 2007 Senate Bill No. 2013 and approved by the sixtieth legislative assembly;
 - b. Subtracting the amount received by the district during the 2006-07 school year for transportation aid, special education excess cost reimbursements, special education contracts, prior year funding adjustments, and per student payments for participation in educational associations governed by joint powers agreements; and
 - c. Dividing the amount determined under subdivision b by the district's 2007-08 weighted student units.
2.
 - a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for the 2007-08 school year, is at least equal to one hundred two percent of the baseline funding per weighted student unit, as established in subsection 1.
 - b. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, for each school year after the 2007-08 school year, is at least equal to one hundred three percent of the baseline funding per weighted student unit, as established in subsection 1.
3.
 - a. The superintendent of public instruction shall ensure that the total amount of state aid payable to a district per weighted student unit, less any amount received as equity payments under section 15.1-27-11 per weighted student unit, does not exceed, for the 2007-08 school year, one hundred seven percent of the baseline funding per weighted student unit, as established in subsection 1.
 - b. Beginning with the 2008-09 school year, the maximum percentage of allowable growth in the baseline funding per weighted student unit provided in subdivision a must be annually increased by three percentage points, plus the district's share of any increased state aid for that year. Payments received by districts for the provision of full-day kindergarten do not constitute increases in state aid for purposes of this subdivision.

SECTION 12. AMENDMENT. Section 15.1-27-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-08. Per student payments - Unaccredited high schools.

1. If a high school becomes unaccredited, the superintendent of public instruction shall determine the per student payment to which the school district is entitled during the first year in which the high school is unaccredited is the amount established in section 15.1-27-04. The school district is not entitled to the amount that results from applying the weighting factors provided in section 15.1-27-06. In each successive year, the per student payment to which the school district is entitled for each student in the unaccredited high school must be reduced by an additional two hundred dollars. by:
 - a. Applying the school district size weighting factor assigned under section 8 of this Act to all students in average daily membership in any public school in the district other than the unaccredited high school; and
 - b. Applying a weighting factor of 1.00 to all students in average daily membership in the unaccredited high school.
2. If the high school remains unaccredited for a second year, the superintendent of public instruction shall determine the per student payment to which the school district is entitled by:
 - a. Applying the school district size weighting factor assigned under section 8 of this Act to all students in average daily membership in any public school in the district other than the unaccredited high school;
 - b. Applying a weighting factor of 1.00 to all students in average daily membership in the unaccredited high school; and
 - c. Reducing any payment to which the school district is entitled for each student in average daily membership in the unaccredited high school by two hundred dollars.
3. If the high school remains unaccredited for a third year, and each year thereafter, the superintendent of public instruction shall determine the per student payment to which the school district is entitled as provided in subsection 2, and the superintendent shall reduce the payment for each student as provided in subdivision c of subsection 2 by two hundred dollars each year.
4. If a the high school regains its accreditation, the school district is entitled to the per student payments provided for accredited schools for the entire school year in which the school becomes accredited.

SECTION 13. AMENDMENT. Section 15.1-27-09 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-09. Per student payments - Unaccredited elementary schools.

1. If an elementary school becomes unaccredited, the superintendent of public instruction may not reduce the per student payment to which the school district is entitled during the first year in which the school is unaccredited.
2. If a an elementary school district operates an remains unaccredited elementary school, the per student payment to which the school district is entitled during the first year in which the elementary school is unaccredited is the amount established in section 15.1-27-04. The school district is entitled to the amount that results from applying the weighting factors provided in section 15.1-27-07. In each successive for a second year, the superintendent of public instruction shall reduce the per student payment to which the school district is entitled for each student in average daily membership in the unaccredited elementary school must be reduced by an additional two hundred dollars.

3. If the elementary school remains unaccredited for a third year, and each year thereafter, the superintendent of public instruction shall reduce the payment for each student as provided in subsection 2 by two hundred dollars each year.
4. If a the elementary school regains its accreditation, the school district is entitled to the per student payments provided for accredited schools for the entire school year in which the school becomes accredited.

SECTION 14. AMENDMENT. Section 15.1-27-10 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-10. Per student payments - Special education.

1. ~~Except as provided in subsection 2, each biennium the superintendent of public instruction shall distribute moneys appropriated by the legislative assembly for per student special education payments to each school district in the state on the basis of students in average daily membership. The superintendent of public instruction shall forward the payments, as calculated under section 15.1-27-05, to eligible school districts in the same manner and at the same time that the superintendent distributes state aid payments. For purposes of this section, "special education" means the provision of special services to students who have special needs, including students who are gifted and talented. Expenditures under this section may not conflict with nonsupplanting and maintenance of effort provisions under the Individuals With Disabilities Education Act, 20 United States Code 1400 et seq.~~
2. Upon the written request of a school district, the superintendent of public instruction may forward all or a portion of ~~the moneys~~ any per student special education payments to which ~~the a~~ school district is entitled ~~under this section~~ directly to the special education unit of which the school district is a member.
3. ~~2.~~ The superintendent of public instruction may withhold state special education funds due a school district if, in response to a complaint, the superintendent finds that the district is not providing a free appropriate public education to a student as required by law. Any withholding under this subsection may not exceed an amount equal to the cost of meeting the affected student's needs.

SECTION 15. AMENDMENT. Section 15.1-27-11 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-11. High school districts - Supplemental Equity payments.

1. The superintendent of public instruction shall ~~calculate the average valuation of property per student by dividing the number of students in average daily membership in grades one through twelve in a high school district into the sum of:~~
 - a. ~~The district's latest available net assessed and equalized taxable valuation of property; plus~~
 - b. ~~All tuition payments and county revenue received by the district, divided by the total of the district's general fund levy, high school transportation levy, and high school tuition levy.~~
2. ~~The superintendent of public instruction shall verify that:~~
 - a. ~~The quotient arrived at under subsection 1 is less than the latest available statewide average taxable valuation per student;~~
 - b. ~~The district's educational expenditure per student is below the most recent available statewide average cost of education per student;~~
 - c. ~~The district has a general fund levy of at least one hundred eighty mills; and~~

- ~~d. The district's unobligated general fund balance on the preceding June thirtieth is not in excess of thirty five percent of its actual expenditures, plus twenty thousand dollars.~~
- ~~3. If the superintendent of public instruction determines that the district meets all the requirements of subsection 2, the superintendent shall:~~
 - ~~a. Determine the difference between the latest available statewide average taxable valuation per student and the average taxable valuation per student in the high school district;~~
 - ~~b. Multiply the result determined under subdivision a by the number of students in average daily membership in grades one through twelve in the high school district;~~
 - ~~c. Multiply the result determined under subdivision b by the number of general fund mills levied by the district in excess of one hundred fifty, provided that any mills levied by the district which are in excess of two hundred ten may not be used in this calculation; and~~
 - ~~d. Multiply the result determined under subdivision c by a factor calculated by the superintendent of public instruction to result in the expenditure, over the course of the biennium, of the full amount provided for the purpose of this section.~~
- ~~4. The result of the calculations under this section is the supplemental payment to which a high school district is entitled, in addition to any other amount provided under chapter 15.1-27.:~~
 - ~~a. Divide the imputed taxable valuation of the state by the total average daily membership of all school districts in the state in order to determine the state average imputed taxable valuation per student.~~
 - ~~b. Divide the imputed taxable valuation of each school district by the district's total average daily membership in order to determine each district's average imputed taxable valuation per student.~~
- 2. If a school district's imputed taxable valuation per student is less than ninety percent of the statewide imputed taxable valuation per student, the superintendent of public instruction shall calculate the valuation deficiency by:
 - a. Determining the difference between ninety percent of the state average imputed taxable valuation per student and the district's average imputed taxable valuation per student; and
 - b. Multiplying that difference by the district's total average daily membership.
- 3. Except as provided in subsection 4, the equity payment to which a district is entitled under this section equals the district's valuation deficiency multiplied by the lesser of:
 - a. The district's general fund mill levy; or
 - b. One hundred eighty-five mills.
- 4. a. The equity payment to which a district is entitled may not exceed the district's taxable valuation multiplied by its general fund mill levy.
 - b. If a district's general fund levy is less than one hundred eighty-five mills, the superintendent of public instruction shall subtract the district's general fund mill levy from one hundred eighty-five mills, multiply the result by the district's taxable valuation, and subtract that result from the equity payment to which the district is otherwise entitled.
 - c. If a district's imputed taxable valuation per student is less than fifty percent of the statewide imputed taxable valuation per student, the payment to which the district is entitled under this section may not be

less than twenty percent of the statewide imputed taxable valuation per student times the school district's average daily membership, multiplied by one hundred eighty-five mills.

5. In determining the amount to which a school district is entitled under this section, the superintendent of public instruction may not include any payments received by the district as a result of Public Law No. 81-874 [64 Stat. 1100; 20 U.S.C. 236 et seq.] and may not include in the district's average daily membership students who are dependents of members of the armed forces and students who are dependents of civilian employees of the department of defense.
6. For purposes of this section:
 - a. "General fund levy" includes a district's high school transportation levy and its high school tuition levy.
 - b. "Imputed taxable valuation" means the valuation of all taxable real property in the district plus an amount determined by dividing seventy-five percent of the district's mineral and tuition revenue by the district's general fund mill levy.
 - c. "Mineral revenue" includes all revenue from county sources reported under code 2000 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08.
 - d. "Tuition revenue" includes all revenue reported under code 1300 of the North Dakota school district financial accounting and reporting manual as developed by the superintendent of public instruction in accordance with section 15.1-02-08. "Tuition revenue" does not include tuition income received specifically for the operation of an educational program provided at a residential treatment facility.

SECTION 16. AMENDMENT. Section 15.1-27-15 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-15. ~~Per student payments—~~ Isolated schools.

1. ~~a. If an~~ a. An elementary school is isolated if it has fewer than fifty students in average daily membership and if fifteen percent or more of its students would have to travel beyond a fifteen-mile [24.15-kilometer] radius from their residences in order to attend another school, the weighting factor provided under section 15.1-27-07 must be increased by twenty five percent. If the school has fewer than fifteen students, the payment received must be for fifteen students.
- ~~b. For purposes of determining state aid, an elementary school that is isolated is presumed to have at least fifteen students in average daily membership.~~
2. ~~a. If a~~ a. A high school is isolated if it has fewer than thirty-five students in average daily membership and if fifteen percent or more of its students would have to travel beyond a ~~twenty-mile [32.2-kilometer]~~ fifteen-mile [24.1-kilometer] radius from their residences in order to attend another school, the weighting factor provided under section 15.1-27-06 must be increased by twenty five percent. If the school has fewer than twenty students, the payment received must be for twenty students.
- ~~b. For purposes of determining state aid, a high school that is isolated is presumed to have at least twenty students in average daily membership.~~

SECTION 17. AMENDMENT. Section 15.1-27-16 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-16. Per student payments - Cooperating districts. ~~If, on or after July 1, 1997,~~ any school district receiving payments under this chapter cooperates with another school district for the joint provision of educational

~~services under a plan approved by the superintendent of public instruction, each cooperating district is entitled the superintendent of public instruction shall, notwithstanding the provisions of section 8 of this Act, create and assign a separate weighting factor that allows the cooperating districts to receive, for a period of four years, at least the same per student payment for each high school and elementary student as the district received prior to initiation a payment rate equivalent to that which each district would have received had the cooperative plan not taken effect. The superintendent of public instruction shall compute the separate weighting factor to four decimal places and that weighting factor is effective for the duration of the cooperative plan.~~

SECTION 18. AMENDMENT. Section 15.1-27-17 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-17. Per student payments - Reorganization of school districts - Separate weighting factor.

1. ~~If any school district receiving per student payments calculated under section 15.1-27-06 reorganized with another school district under chapter 15.1-12 before August 1, 1997, the school district resulting from the reorganization is entitled to receive the same per student payments for each high school student as each separate school district received for each high school student prior to the reorganization, for a period of four years.~~
2. ~~If any school district receiving per student payments calculated under this chapter reorganizes with another school district under chapter 15.1-12 after July 31, 1997, the school district resulting from the reorganization is entitled~~ Notwithstanding the provisions of section 8 of this Act, the superintendent of public instruction shall create and assign a separate weighting factor to:
 - a. Any school district that reorganized on or before June 30, 2007, and which was receiving per student payments in accordance with section 15.1-27-17, as that section existed on June 30, 2007; and
 - b. Any school district that reorganizes on or after July 1, 2007.
2. a. The separate weighting factor must allow the reorganized school district to receive the same per student payments for each high school and elementary student as a payment rate equivalent to that which each separate school district would have received for each high school and elementary student prior to the reorganization, for a period of four years had the reorganization not taken place.
- b. The separate weighting factor must be computed to four decimal places.
- c. The provisions of this subsection are effective for a period of four years from the date of the reorganization.
3. ~~The weighting factor for each district will be adjusted proportionately over a period of two years, following the period of time provided in subsection 1 or 2, until the adjusted weighting factor equals the weighting factor for the combined enrollment resulting from the reorganization. At the beginning of the fifth and at the beginning of the sixth years after the date of the reorganization, the superintendent of public instruction shall make proportionate adjustments in the assigned weighting factor so that beginning with the seventh year after the date of the reorganization, the weighting factor that will be applied to the reorganized district is that provided in section 8 of this Act.~~
4. ~~Notwithstanding the provisions of any other law, no school district may receive less in per student payments for the first year of its reorganization than the total amount that the districts participating in the reorganization received in per student payments for the school year immediately preceding the reorganization. If less than a whole school district participated in a reorganization, the superintendent of public instruction shall prorate the payments to which the newly reorganized district is entitled under this subsection.~~

SECTION 19. AMENDMENT. Section 15.1-27-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-18. Per student payments - Eligibility - ~~Minimum amounts.~~

1. In order to be counted for the purpose of calculating per student payments, as provided for by this chapter, a high school student must be enrolled in at least four high school units. The units may include career and technical education courses offered in accordance with chapter 15-20.1 and courses that are approved by the superintendent of public instruction and offered by another high school district.
2. If a student is enrolled for graduation in a nonpublic school or if a student is taking fewer than four high school units and is enrolled in an approved alternative high school education program, the school district in which the student is enrolled is entitled to receive proportionate payments.
3. ~~Each high school district must receive at least as much in total per student payments as it would have received if it had the highest number of students in the next lower weighting category.~~

SECTION 20. AMENDMENT. Section 15.1-27-19 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-19. Summer school courses and programs - ~~Proportionate payments~~ Payments to school districts.

1. ~~Each school district that offers summer school courses at the high school level is entitled to receive proportionate payments provided each course offered~~ Before a weight may be assigned under section 7 of this Act for a student enrolled in a high school summer course, the superintendent of public instruction shall verify that the course satisfies requirements for graduation, comprises at least as many clock-hours as courses offered during the regular school term, and complies with rules adopted by the superintendent of public instruction.
2. ~~A school district that offers remedial~~ Before a weight may be assigned under section 7 of this Act for a student enrolled in an elementary summer school programs at the elementary level is entitled to receive proportionate payments provided the programs comply program, the superintendent of public instruction shall verify that the program complies with rules adopted by the superintendent of public instruction.
3. ~~The superintendent of public instruction may adopt rules regarding proportionate payments for remedial summer school programs at the elementary level and summer school courses at the high school level.~~
4. ~~Proportionate payments made under this section during a biennium for summer school courses or programs may not exceed one and one half percent of the total amount appropriated by the legislative assembly for state aid payments during the biennium, or eight million dollars, whichever is less. No more than seventy five percent of the amount made available under this subsection may be used to support summer school courses at the high school level and no more than twenty five percent of the amount made available under this subsection may be used to support remedial summer school programs at the elementary level.~~

SECTION 21. AMENDMENT. Section 15.1-27-20 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-20. ~~Per student~~ State aid payments - Claim by school district - Appeal.

1. ~~Upon the completion of student registration and in no event later than September tenth of each year, the business manager of a school district claiming payments from state funds under the provisions of this chapter shall file a claim in the form and manner prescribed by the superintendent of public instruction. The business manager must provide the number of registered high school and elementary school students for whom payments~~

~~are claimed and any other information requested by the superintendent of public instruction.~~

- ~~2. The superintendent of public instruction shall compute the per student payments on the basis of the previous year's average daily membership less the number of students attending school during the current school year in another district under the provisions of open enrollment or the current year's fall enrollment, whichever provides the greater total payment. The superintendent shall make adjustments in the subsequent year according to a comparison between the average daily membership for the year for which the adjusted payment is being made and the year preceding the year for which the adjusted payment is being made, whichever is greater, for grade levels that existed in both years. The greater of the two preceding years' average daily membership must be used in computing any adjustment in a district's per student aid payments.~~
- ~~3. School districts educating children of agricultural migratory workers and school districts offering approved summer courses during the months of June, July, and August are not restricted to payments for a one hundred eighty-day school term.~~
- ~~4. Upon termination of the school year, the business manager of each school district that has received payments from state funds under the provisions of this chapter shall file with the school board a verified statement of the name, residence, and membership of each student and the units of high school work taken by each enrolled student.~~
- ~~5. On or before June thirtieth of each year, the school board shall certify to the superintendent of public instruction, in the form and manner prescribed by the superintendent, the students in average daily membership for the recently completed school year. The superintendent shall notify the school district of any student average daily membership that is disallowed.~~
- ~~6. A Any school district claiming state aid payments under this chapter shall provide to the superintendent of public instruction, at the time and in the manner requested by the superintendent, all information necessary for the processing of the claim.~~
- ~~2. If the superintendent of public instruction denies a district's claim for state aid payments, in whole or in part, the district may appeal the determination of the superintendent by submitting a written appeal to filing a written notice with the superintendent of public instruction on or before September fifteenth of the year in which the, within thirty days from the date on which the district received the original determination is made. The superintendent of public instruction may modify the original determination if the evidence submitted by the district justifies a modification. Upon appeal, or in a case when no if a timely appeal is not made, the determination of the superintendent of public instruction is final.~~

SECTION 22. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

General fund levy - Impact on state aid.

1. If in the first year of the 2007-09 biennium the general fund levy of a school district is less than one hundred fifty mills, the superintendent of public instruction shall:
 - a. Determine the difference in mills between the district's general fund levy and one hundred fifty;
 - b. Multiply the difference in mills determined under subsection 1 by the district's total taxable valuation; and
 - c. Subtract the dollar amount determined under subsection 2 from the total amount of state aid to which the district is otherwise entitled.
2. If in the second year of the 2007-09 biennium and each year thereafter, the general fund levy of a school district is less than one hundred fifty-five mills, the superintendent of public instruction shall:

- a. Determine the difference in mills between the district's general fund levy and one hundred fifty-five;
- b. Multiply the difference in mills determined under subsection 1 by the district's total taxable valuation; and
- c. Subtract the dollar amount determined under subsection 2 from the total amount of state aid to which the district is otherwise entitled.

SECTION 23. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Taxable valuation - Impact on state aid. If a school district's imputed taxable valuation per student is greater than one hundred fifty percent of the state average imputed taxable valuation per student, the superintendent of public instruction shall:

1. Determine the difference between the district's imputed taxable valuation per student and one hundred fifty percent of the state average imputed taxable valuation per student;
2. Multiply the dollar amount determined under subsection 1 by the district's average daily membership;
3. Multiply the dollar amount determined under subsection 2 by one hundred eighty-five mills;
4. Multiply the dollar amount determined under subsection 3 by a factor of 0.75; and
5. Subtract the dollar amount determined under subsection 4 from the total amount of state aid to which the district is otherwise entitled.

SECTION 24. AMENDMENT. Section 15.1-27-35 of the North Dakota Century Code is amended and reenacted as follows:

15.1-27-35. Average daily membership - Calculation.

1. Average daily membership is calculated at the conclusion of the school year by adding the total number of days that each student in a given ~~classroom~~ grade, school, or school district is in attendance during a school calendar and the total number of days that each student in a given ~~classroom~~ grade, school, or school district is absent during a school calendar, and then dividing the sum by ~~one~~ the greater of:
 - a. The school district's calendar; or
 - b. One hundred eighty.
2. For purposes of calculating average daily membership, all students are deemed to be in attendance on:
 - ~~4-~~ a. The three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;
 - ~~2-~~ b. The two days set aside for professional development activities under section 15.1-06-04; and
 - ~~3-~~ c. The two full days, or portions thereof, during which parent-teacher conferences are held or which are deemed by the board of the district to be compensatory time for parent-teacher conferences held outside regular school hours.
3. For purposes of calculating average daily membership:
 - a. A student enrolled full time in any grade from one through twelve may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

- b. During the 2007-08 school year, a student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 0.50. Beginning with the 2008-09 school year, a student enrolled full time in an approved regular education kindergarten program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.
- c. A student enrolled full time, as defined by the superintendent of public instruction, in an approved early childhood special education program may not exceed an average daily membership of 1.00. The membership may be prorated for a student who is enrolled less than full time.

SECTION 25. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Average daily membership - Reduction in grade levels. If a school district offers fewer grade levels than the district offered the previous school year, the superintendent of public instruction shall determine the district's average daily membership using only those grade levels that the district offers during the current school year.

SECTION 26. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Average daily membership - Dissolved school districts. For purposes of determining state aid, the superintendent of public instruction shall amend the average daily membership of any school district that enrolls students who attended a dissolved school district during the school year prior to the dissolution.

SECTION 27. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Payments to school districts - Unobligated general fund balance. The superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of fifty percent of its actual expenditures, plus twenty thousand dollars. Beginning July 1, 2008, the superintendent of public instruction shall determine the amount of payments due a school district and shall subtract from that the amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of forty-five percent of its actual expenditures, plus twenty thousand dollars.

SECTION 28. A new section to chapter 15.1-27 of the North Dakota Century Code is created and enacted as follows:

Payments to school districts - Unobligated general fund balance - Exception. Notwithstanding the provisions of section 27 of this Act, the superintendent of public instruction may not include any distribution provided for in the final subsection of section 28 of chapter 167 of the 2005 Session Laws, as amended in 2007 Senate Bill No. 2013 and approved by the sixtieth legislative assembly, in determining the unobligated general fund balance of a school district.

SECTION 29. AMENDMENT. Section 15.1-28-03 of the North Dakota Century Code is amended and reenacted as follows:

15.1-28-03. State tuition fund - Apportionment - Payment. On or before the third Monday in each January, February, March, April, August, September, October, November, and December, the office of management and budget shall certify to the superintendent of public instruction the amount of the state tuition fund. The superintendent shall apportion the fund among the school districts of the state in proportion to the number of school-age children residing in each district, as shown by the latest enumeration provided for by law and pay the amount apportioned to each school district. The superintendent shall make the payments required by this section at the same time as the per

~~student payments required~~ include the amount certified in determining the state aid payments to which each school district is entitled under chapter 15.1-27.

SECTION 30. AMENDMENT. Section 15.1-29-01 of the North Dakota Century Code is amended and reenacted as follows:

15.1-29-01. Education of students in bordering states - Payment of tuition.

1. ~~Students~~ A student may attend a school in a bordering state in accordance with section 15.1-29-02 ~~under the following circumstances provided:~~
 - a. (1) ~~A~~ The student ~~who~~ lives within forty miles [64.37 kilometers] of another state; or
 - (2) The student lives in a county bordering on another state ~~may, with the; and~~
 - b. ~~The student has received approval of from the school board; attend a public school in a bordering state.~~
 - b-. ~~A student who has attended a school district in a bordering state since, and including, the 1990-91 school year must be permitted to continue attending school in the district in the bordering state.~~
 - c-. ~~A student whose sibling attended an out of state school during or before the 1990-91 school year must be permitted to attend school in the district the sibling attended in the bordering state of the student's school district of residence.~~
2. If the school board of the district in which the student resides denies a request for a student's attendance in and payment of tuition to another state, the student's parent may appeal the decision to the three-member committee referenced in section 15.1-29-06.
 - a. If the three-member committee determines that the student meets the terms of subdivision b or c of subsection 1, the student may attend school in the bordering state and the board of the student's school district of residence shall pay the tuition.
 - b. If the three-member committee determines the student falls within the terms of subdivision a of subsection 1, then the three-member committee shall make its decision using the criteria specified in section 15.1-29-06.
 - c. Notwithstanding the provisions of this section, if a student's school district of residence does not provide for the education of kindergarten students, the district may not pay tuition for a kindergarten student to attend school in a bordering state.
 - d. Any decision by the three-member committee regarding the payment of tuition for high school, elementary, or kindergarten students may be appealed by the school board or by the student's parent to the state board of public school education. A decision by the state board is final.
3. ~~a-. The superintendent of public instruction shall forward all state aid payments for a~~ A student attending an out-of-state school ~~to under this section is deemed to be enrolled in the student's school district of residence for purposes of determining average daily membership.~~
 - b-. The student's district of residence may reduce any tuition payment it must make to an out-of-state school by an amount commensurate with the tuition costs the district would be entitled to receive as compensation for a student from the out-of-state district enrolled in its school.
4. Nothing in this section requires that a school district of residence provide student transportation or payments in lieu of transportation for students attending out-of-state schools.

SECTION 31. AMENDMENT. Section 15.1-29-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-29-02. Education of students in bordering states - Contract - Tuition.

1. A school district may contract with a school district in a bordering state for the education of students. A contract between school districts must provide for the payment of tuition at an agreed-upon amount.
2. ~~For purposes of per student payments and tuition apportionment payments,~~ a student who attends school in a bordering state under a contract provided for by this section is deemed to be in attendance in the student's school district of residence. The student's school district of residence is liable to the school district of the bordering state for payments as provided in the contract.
3. A school district in this state may not agree to accept ~~students~~ a student from a bordering state unless the tuition payable equals or exceeds the ~~per student payment plus the tuition apportionment payment~~ amount of state aid that the district would have received from this state for a student in the same grade if ~~its~~ that student had been attending school in the bordering state.

SECTION 32. AMENDMENT. Section 15.1-29-12 of the North Dakota Century Code is amended and reenacted as follows:

15.1-29-12. Tuition payments - Determination.

1. Except as provided in section 15.1-29-13, a school district sending a student to another district for purposes of education shall pay the full cost of education incurred by the admitting district.
2.
 - a. The admitting district shall determine the cost of education per student for its kindergarten, elementary, and high school students on the basis of its average daily membership and those expenditures permitted in determining the cost of education per student in section 15.1-27-03.
 - b. To the cost of education per student, the admitting district shall add the latest available statewide average per student cost for extracurricular activities and the state average capital outlay per student. The state average capital outlay per student is determined by dividing the total of all school districts' annual expenditures for sinking and interest funds, tax receipts to the building funds, and general fund expenditures for capital outlay by the average daily membership of the state.
 - c. The admitting district shall subtract the following from the amount arrived at under subdivision b:
 - (1) ~~The weighted per student payment received by the admitting district, less the average amount per North Dakota resident student enrolled in the school district realized from the deductions applied under section 15.1-27-06~~ multiplied by the admitting district's school size weighting factor; and
 - (2) Any credit for taxes paid to the admitting district by the student's parent.
 - d. The amount remaining is the full cost of education incurred by the admitting district and the tuition amount payable for the individual student. This chapter does not affect the right of a school board to charge and collect tuition from students who are not residents of this state, in accordance with section 15.1-29-02.

SECTION 33. AMENDMENT. Section 15.1-29-14 of the North Dakota Century Code is amended and reenacted as follows:

15.1-29-14. Student placement for noneducational purposes - Residency determination - Payment of tuition and tutoring charges.

1. a. Except as provided in subdivision b, for purposes of applying this chapter, a student's school district of residence is the district in which the student's custodial parent or legal guardian resides:
 - (1) At the time that a state court, tribal court, juvenile supervisor, or the division of juvenile services issues an order requiring the student to stay for a prescribed period at a state-licensed foster home or at a state-licensed child care home or facility;
 - (2) At the time a county or state social service agency places the student, with the consent of the student's parent or legal guardian, at a state-licensed foster home or at a state-licensed child care home or facility;
 - (3) At the time the student is initially placed in a state-operated institution, even if the student is later placed at a state-licensed foster home or at a state-licensed child care home or facility; or
 - (4) At the time the student is placed voluntarily, by a parent or legal guardian, in a state-operated institution or in a state-licensed child care home, facility, or program, located outside the student's school district of residence, including those defined in sections 25-01.2-01 and 50-11-00.1.
- b. A determination regarding the student's school district of residence made under subdivision a is valid until the September fifteenth following the determination. On that date and each September fifteenth thereafter, the placing agency or the entity funding the student's placement shall determine the district in which the student's custodial parent or legal guardian resides and shall notify the district that it is deemed to be the student's district of residence for purposes of this chapter. If, however, the student is placed in accordance with paragraph 4 of subdivision a and the placement is privately funded, the administrator of the facility or program in which the student is placed shall determine the student's school district of residence and provide the notification required by this subdivision.
2. The student's school district of residence is obligated to pay:
 - a. All charges for tuition upon claim of the admitting district; and
 - b. All charges for tutoring services upon claim of an admitting facility, provided that the tutoring services are delivered by an individual who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board.
3. The state shall pay the tuition and tutoring charges under subsection 2 from funds appropriated by the legislative assembly for state aid to schools if, on the September fifteenth after a student placement is made as provided for under subsection 1:
 - a. The student's custodial parent or legal guardian establishes residency outside this state;
 - b. A court orders a termination of parental rights with respect to the student's parents;
 - c. The student no longer has a custodial parent; or
 - d. The superintendent of public instruction has determined that all reasonable efforts to locate a parent or legal guardian have been unsuccessful.
4. If the student is voluntarily admitted to a state-licensed child care home or facility, or to a state-operated institution, the student's parent or, if one has been appointed, the student's legal guardian may appeal a determination under section 15.1-29-05 regarding the payment of tuition by filing a

petition with the county superintendent of schools. Within fifteen days of receiving the petition, the three-member committee established under section 15.1-29-06 shall consult with the boards of the affected school districts and with the student's parent or legal guardian and render a decision regarding responsibility for the payment of tuition charges.

5. If the student's district of residence does not pay the required tuition, the admitting district or facility shall notify the superintendent of public instruction. Upon verification that tuition payments and tutoring charges are due and unpaid, the superintendent shall withhold an amount equal to the unpaid tuition and tutoring charges from state aid otherwise payable to the student's school district of residence until the tuition and tutoring charges that are due ~~has~~ have been fully paid.
6. An amount equal to the state average per student elementary or high school cost, depending on the student's grade of enrollment, is payable to the admitting district or facility as part of the cost of educating the student for the school year. The payment may not exceed the actual per student cost incurred by the admitting district or facility. The remainder of the actual cost of educating the student not covered by other payments or credits must be paid by the state, within the limits of legislative appropriations, from funds appropriated for the payment of special education contract charges in the case of a student with disabilities or from state aid payments to schools in all other cases.
7. If a student with disabilities placed in accordance with this section reaches age eighteen and continues to receive special education and related services, the student's school district of residence is deemed to be the same as that of the student's custodial parent until the special education services are concluded. The obligations of the student's school district of residence as provided in subsection 2 and the obligations of the state as provided in subsection 3 are applicable to all students described in this subsection.
8.
 - a. The placing agency or entity funding the student's placement shall provide written or electronic notice regarding an initial placement and all subsequent placements of a student to the superintendent of the student's school district of residence and to the superintendent of the admitting district:
 - (1) Within five working days after a placement is made under court order;
 - (2) Within five working days after an emergency placement is made; or
 - (3) At least ten working days prior to any other placement.
 - b. If, however, the student's parent or legal guardian voluntarily places the student in a state-operated institution or in a state-licensed child care home, facility, or program, located outside the student's school district of residence, including those defined in sections 25-01.2-01 and 50-11-00.1, and if the placement is privately funded, the administrator of the facility or program in which the student is placed shall determine the student's school district of residence and provide the notification required by this section.
 - c. The notice must include any information requested by the superintendent of public instruction for purposes of determining payment responsibility.
 - d. The placing agency shall afford the student's school district of residence reasonable opportunity to participate in permanency planning for the student.
9. Notwithstanding this section, educational services provided to a student by the youth correctional center are not subject to the payment of tuition and tutoring charges by either the student's school district of residence or the superintendent of public instruction.

10. For purposes of this section, "custodial parent" means the parent who has been awarded sole legal and physical custody of the student in a legal proceeding or, if there is currently no operative custody order, the parent with whom the student resides. If the student resides with both parents, then both are custodial parents.

SECTION 34. AMENDMENT. Section 15.1-29-15 of the North Dakota Century Code is amended and reenacted as follows:

15.1-29-15. Levy for tuition payments. If the board of a school district approves tuition payments for students in grades seven through twelve or if the board is required to make tuition or tutoring payments under this chapter, the board may levy an amount sufficient to meet such payments, pursuant to subdivision c of subsection 1 of section 57-15-14.2.

SECTION 35. AMENDMENT. Section 15.1-31-03 of the North Dakota Century Code is amended and reenacted as follows:

15.1-31-03. Open enrollment - ~~Per-student State aid -Tuition apportionment.~~

1. Once a student is enrolled in an admitting district, the student must remain enrolled in the admitting district until:
 - a. The student graduates;
 - b. The student relocates to another district;
 - c. The student's parent applies for enrollment in another school district; or
 - d. The student's parent notifies the student's school district of residence that the student will attend school in the school district of residence the following year.
2. ~~Payment for per student aid must be made to the admitting district in accordance with chapter 15.1-27.~~
3. ~~For purposes of tuition apportionment payments, a student whose application is approved under this section is considered a resident of the admitting district.~~
4. Except as specifically provided in this chapter, chapter 15.1-29 does not apply to students involved in open enrollment.

SECTION 36. AMENDMENT. Section 15.1-31-04 of the North Dakota Century Code is amended and reenacted as follows:

15.1-31-04. Open enrollment - Students with disabilities - Additional costs. If an application under this chapter is approved for a student with a disability, the board of the student's school district of residence shall pay to the admitting district the costs incurred by the admitting district in providing special education and related services to the student ~~up to a maximum each school year of two and one-half times the state average per student elementary or high school cost, depending on the student's enrollment level, plus twenty percent of all remaining costs. The superintendent of public instruction shall reimburse the admitting district eighty percent of the remainder of the cost of educating the student with disabilities within the limits of legislative appropriations for that purpose. The superintendent of public instruction shall reimburse the student's school district of residence for all excess costs, as defined in section 15.1-32-18.~~

SECTION 37. AMENDMENT. Section 15.1-31-07 of the North Dakota Century Code is amended and reenacted as follows:

15.1-31-07. Students not subject to this chapter. If a student, as a result of a school district dissolution or reorganization, resides in a district other than the one the student chooses to attend at the time of the dissolution or reorganization, the student is not subject to this chapter and may attend school in the chosen school district. ~~Notwithstanding section 15.1-28-03, the~~

~~superintendent of public instruction shall forward payments from the state tuition fund made on behalf of the student to the student's chosen school district. The student may not be considered a student in average daily membership in the student's school district of residence for purposes of section 15.1-31-02.~~

SECTION 38. AMENDMENT. Section 15.1-32-08 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-08. School districts - Provision of special education. Each school district shall provide special education, ~~singly or jointly with other districts,~~ and related services as a single district, as a member of a multidistrict special education unit in accordance with ~~this chapter 15.1-33,~~ or as a participating district in an educational association approved by the superintendent of public instruction under section 15.1-07-28. Each school district and entity providing special education shall cooperate with the director of special education and with the institutions of this state in the provision of special education.

SECTION 39. AMENDMENT. Section 15.1-32-14 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-14. Special education ~~per student payments~~ students - Contracts for placement.

- ~~1. If a student with disabilities receives special education services, the superintendent of public instruction shall forward any per student payments, payable on behalf of that student, directly to the school district in which the student receives such services.~~
- ~~2. If a student with disabilities attends a special education summer program required by the student's individualized education program or services plan and approved by the superintendent of public instruction, the superintendent of public instruction shall forward any additional prorated per student payments, payable on behalf of the student, directly to the school district in which the student receives such services.~~
- ~~3. If a student who is enrolled in a nonpublic school receives special education services in a public school, the superintendent of public instruction shall forward a proportionate per student payment to the school district in which the student receives the services.~~
- ~~4. a. If in the opinion of an individualized education program team or a services plan team a student is unable to attend a public school in the special education unit to which the student's school district of residence belongs, the student's school district of residence shall contract with another public school that:~~
 - ~~(1) a. Does not belong to the same special education unit;~~
 - ~~(2) b. Is located in this state;~~
 - ~~(3) c. Is willing to admit the student; and~~
 - ~~(4) d. Is able to provide appropriate services to the student.~~
- ~~b. 2. The superintendent of public instruction shall approve in advance the terms of the contract and the services to be provided by the admitting school.~~
- ~~e. 3. The contract must provide that the student's school district of residence agrees to pay to the district in which the student receives services, as part of is liable for the cost of educating the student for the school year, an amount equal to two and one half times the state average per student elementary or high school cost, depending upon the student's level of enrollment, plus twenty percent of all remaining costs. The amount paid may not exceed the actual per student cost incurred by the admitting school, less any per student payment received on behalf of the student under this section.~~

- ~~d. The liability of the student's school district of residence must be reduced proportionately if the student attends the admitting school for less than an entire school year.~~
- e. 4. Upon being notified by the district in which the student receives services that ~~tuition payments provided for by this section are due and unpaid the student's school district of residence has not paid for services that were provided to the student, the superintendent of public instruction, after verification, shall withhold all state aid payments to which the student's school district of residence is entitled, until the tuition due has been paid.~~
- ~~f. The superintendent of public instruction shall provide to the school district in which the student receives services, within the limits of legislative appropriations, an amount equal to eighty percent of the remainder of the actual cost of educating the student with disabilities not covered by other payments or credits required payments have been made.~~

SECTION 40. AMENDMENT. Section 15.1-32-15 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-15. Student with disabilities - Attendance at private institution or out-of-state public school.

1. If in the opinion of an individualized education program team or an education services team a student is unable to attend a public school in the student's school district of residence because of a physical disability, a mental disability, or a learning disability, and if no public school in the state will accept the student and provide the necessary services, the student's school district of residence shall contract with:
 - a. A private, accredited, nonsectarian, nonprofit institution that is located within or outside of this state and which has the proper facilities for the education of the student; or
 - b. A public school located outside of this state that has proper facilities for the education of the student.
2. The superintendent of public instruction shall approve in advance the terms of the contract and the services to be provided by the admitting institution or school.
3. The contract must provide that the student's school district of residence ~~shall pay to the institution or school, as part of~~ is liable for the cost of educating the student, ~~an amount for the school year equal to two and one-half times the state average per student elementary or high school cost, depending upon the student's level of enrollment, plus twenty percent of all remaining costs.~~
- ~~4. The amount paid may not exceed the actual per student cost incurred by the institution or school.~~
- ~~5. The superintendent of public instruction shall provide to the student's school district of residence, within the limits of legislative appropriations, an amount equal to eighty percent of the remainder of the actual cost of educating the student with disabilities not covered by other payments or credits.~~
- ~~6. The school district of residence is entitled to the per student payment for a student who receives services under this section.~~
4. A student who receives services under this section is deemed to be enrolled in the student's school district of residence for purposes of determining average daily membership.

SECTION 41. AMENDMENT. Section 15.1-32-16 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-16. Transportation services ~~—State reimbursement.~~ If a student's individualized education program or services plan requires the

provision of transportation services, the student's school district of residence shall provide the services by any reasonably prudent means, including a regularly scheduled schoolbus, public transit, commercial transportation, chartered or other contracted transportation, and transportation provided by the student's parent or other responsible party.

SECTION 42. AMENDMENT. Section 15.1-32-18 of the North Dakota Century Code is amended and reenacted as follows:

15.1-32-18. Cost - Liability of school district for special education.

~~If the cost of providing special education and related services to a student with disabilities, as determined by the superintendent of public instruction, exceeds the reimbursement provided by the state, the student's school district of residence is liable to pay for each such student an amount over the state reimbursement up to a maximum each school year of two and one-half times the state average per student elementary cost of education or high school cost of education, depending on the student's level of enrollment, plus twenty percent of all remaining costs. The two and one-half times amount includes the amount that the school district is required to pay under section 15.1-32-14. The state is liable for eighty percent of the remaining cost of education and related services for each such student with disabilities within the limits of legislative appropriations.~~

1. Each year the superintendent of public instruction shall identify the approximately one percent of special education students statewide who are not eligible for cost reimbursement under section 15.1-29-14 and who require the greatest school district expenditures in order to provide them with special education and related services. This percentage represents the number of students that would qualify for excess cost reimbursement beyond the multiplier that is established in subsection 3.
2. The excess costs of providing special education and related services to these students are the responsibility of the state and the superintendent of public instruction shall reimburse the school districts for any excess costs incurred in the provision of special education and related services to the identified students.
3. "Excess costs" are those that exceed four and one-half times the state average cost of education per student and which are incurred by the special education students identified in subsection 1.
4. All costs of providing special education and related services to those students identified in subsection 1, other than excess costs reimbursed by the state, are the responsibility of the student's school district of residence.

SECTION 43. AMENDMENT. Section 15.1-33-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-33-02. Multidistrict special education units - School district participation. A school district may join a multidistrict special education unit or together with other school districts form a multidistrict special education unit for purposes of planning and delivering special education and related services. ~~Each school district shall participate in a multidistrict special education unit or have on file with the superintendent of public instruction a plan for providing special education and related services as a single district.~~ If a school district wishes to join a multidistrict special education unit from which it has been excluded, the school district may petition the superintendent of public instruction. A school district may appeal a decision of the superintendent under this section to the state board of public school education.

SECTION 44. AMENDMENT. Section 15.1-36-02 of the North Dakota Century Code is amended and reenacted as follows:

15.1-36-02. School construction projects - Loans.

1. The board of university and school lands may authorize the use of moneys in the coal development trust fund established pursuant to section 21 of article X of the Constitution of North Dakota and subsection 1 of section 57-62-02 to provide school construction loans, as described in this chapter. The outstanding principal balance of loans under this chapter may not

exceed ~~forty~~ fifty million dollars. The board may adopt policies and rules governing school construction loans.

2. In order to be eligible for a loan under this section, the board of a school district shall:
 - a. Propose a construction project with a cost of at least one million dollars and an expected utilization of at least thirty years;
 - b. Obtain the approval of the superintendent of public instruction for ~~the~~ the construction project under section 15.1-36-01; and
 - ~~b-~~ c. Submit to the superintendent of public instruction an application containing all information deemed necessary by the superintendent, including potential alternative sources or methods of financing the construction project.
3. The superintendent of public instruction shall give priority to any district that meets the requirements for receipt of an equity payment under section 15.1-27-11.
4. If an eligible school district's imputed taxable valuation per student is less than eighty percent of the state average imputed valuation per student, the district is entitled to receive:
 - a. A school construction loan equal to the lesser of eight million dollars or eighty percent of the actual project cost;
 - b. An interest rate discount equal to at least fifty but not more than two hundred basis points below the prevailing tax-free bond rates; and
 - c. A term of repayment that may extend up to twenty years.
5. If an eligible school district's imputed taxable valuation per student is equal to at least eighty percent but less than ninety percent of the state average imputed taxable valuation per student, the district is entitled to receive:
 - a. A school construction loan equal to the lesser of seven million dollars or seventy percent of the actual project cost;
 - b. An interest rate buydown equal to at least fifty but not more than two hundred basis points below the prevailing tax-free bond rates; and
 - c. A term of repayment that may extend up to twenty years.
6. If an eligible school district's imputed taxable valuation per student is equal to at least ninety percent of the state average imputed taxable valuation per student, the district is entitled to receive:
 - a. A school construction loan equal to the lesser of two and one-half million dollars or thirty percent of the actual project cost;
 - b. An interest rate discount equal to at least fifty but not more than two hundred basis points below the prevailing tax-free bond rates; and
 - c. A term of repayment that may extend up to twenty years.
7. The board of a school district may submit its loan application to the superintendent of public instruction before or after receiving authorization of a bond issue in accordance with chapter 21-03. If the vote to authorize a bond issue precedes the application for a loan, the application must be acted upon by the superintendent expeditiously but no later than one hundred eighty days from the date it is received by the superintendent.
4. 8. The superintendent of public instruction shall consider each loan application in the order it received approval under section 15.1-36-01.
5. 9. If the superintendent of public instruction approves the loan, the superintendent may determine the loan amount. ~~In determining the~~

~~amount of a loan, the superintendent shall take into account the cost of the construction project and the fiscal capacity of the school district.~~

- ~~6. If the superintendent of public instruction approves the loan, the superintendent may determine the interest rate to be paid. The interest rate on a loan under this section may not exceed a rate of two percent below the net interest rate on comparable tax exempt obligations as determined on the date the application is approved by the superintendent pursuant to section 15.1-36-01. The interest rate may not exceed six percent.~~
- ~~7. A school district may not receive a loan under this section unless the superintendent of public instruction determines that the district has an existing indebtedness equal to at least fifteen percent of its taxable valuation. In determining a school district's existing indebtedness, the superintendent shall include outstanding indebtedness authorized by an election under section 21-03-07 but not issued and indebtedness authorized to be paid with dedicated tax levies under subsection 7 of section 21-03-07 but not issued, the term of the loan, and the interest rate, in accordance with the requirements of this section.~~
8. 10. The superintendent of public instruction may adopt rules governing school construction loans.
9. 11. For purposes of this section, a construction project means the purchase, lease, erection, or improvement of any structure or facility by a school board, provided the acquisition or activity is within a school board's authority and further provided that the acquisition or activity is estimated to cost in excess of fifty thousand dollars.

SECTION 45. A new section to chapter 15.1-36 of the North Dakota Century Code is created and enacted as follows:

School construction projects - Reorganized districts - Interest subsidy.

1. If under chapter 15.1-12 two or more school districts prepare a reorganization plan, agree in that plan to pursue a construction project, and obtain the approval of the superintendent of public instruction in accordance with this chapter, the newly reorganized district is eligible to receive up to three hundred basis points of interest rate buydown on the lesser of:
- a. Thirteen million five hundred thousand dollars; or
 - b. A percentage of the total project cost determined by:
 - (1) Allowing five percent for each school district that participated in the reorganization;
 - (2) Allowing five percent for each one hundred-square-mile [259-square-kilometer] increment that is added to the square miles [kilometers] of the geographically largest district participating in the reorganization;
 - (3) Allowing five percent for every ten students added to the enrollment of the district having the greatest number of enrolled students and participating in the reorganization; and
 - (4) Capping the allowable percentage at ninety percent of the total project cost.
2. In addition to the requirements of subsection 1, the percentage of cost subsidy determined under subdivision b of subsection 1 must equal at least twenty percent of the total project cost.

SECTION 46. A new section to chapter 15.1-38 of the North Dakota Century Code is created and enacted as follows:

English language learner - Definition. English language learner means a student who:

1. Is at least five years of age but has not reached the age of twenty-two;
2. Is enrolled in a school district in this state;
3. Has a primary language other than English or comes from an environment in which a language other than English significantly impacts the individual's level of English language proficiency; and
4. Has difficulty speaking, reading, writing, and understanding English, as evidenced by a language proficiency test approved by the superintendent of public instruction and aligned to the state English language proficiency standards and the state language proficiency test.

SECTION 47. A new section to chapter 15.1-38 of the North Dakota Century Code is created and enacted as follows:

New immigrant English language learner - Definition. A new immigrant English language learner is an English language learner who was not born in the United States and has not attended school in the United States for more than three school years or the monthly equivalent of three school years.

SECTION 48. AMENDMENT. Section 57-15-14 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14. Tax levy limitations in school districts. The aggregate amount levied each year for the purposes listed in section 57-15-14.2 by any school district, except the Fargo school district, may not exceed the amount in dollars which the school district levied for the prior school year plus eighteen percent up to a general fund levy of one hundred eighty-five mills on the dollar of the taxable valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census:
 - a. There may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.
 - b. There is no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted to and approved by a majority of the qualified electors voting at any regular or special election upon such question.
2. In any school district having a total population of less than four thousand, there may be levied any specific number of mills that upon resolution of the school board has been approved by fifty-five percent of the qualified electors voting upon the question at any regular or special school election.
3. ~~In any school district in which the total assessed valuation of property has increased twenty percent or more over the prior year and in which as a result of that increase the school district is entitled to less in state aid payments provided in chapter 15.1-27 because of the deduction required in section 15.1-27-05, there may be levied any specific number of mills more in dollars than was levied in the prior year up to a general fund levy of one hundred eighty-five mills on the dollar of the taxable valuation of the school district. The additional levy authorized by this subsection may be levied for not more than two years because of any twenty percent or greater annual increase in assessed valuation. The total amount of revenue generated in excess of the eighteen percent increase which is otherwise permitted by this section may not exceed the amount of state aid payments lost as a result of applying the deduction provided in section 15.1-27-05 to the increased assessed valuation of the school district in a one-year period.~~

The question of authorizing or discontinuing such specific number of mills authority or unlimited taxing authority in any school district must be submitted to

the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to twenty percent of the number of persons enumerated in the school census for that district for the most recent year such census was taken, unless such census is greater than four thousand in which case only fifteen percent of the number of persons enumerated in the school census is required. However, not fewer than twenty-five signatures are required unless the district has fewer than twenty-five qualified electors, in which case the petition must be signed by not less than twenty-five percent of the qualified electors of the district. In those districts with fewer than twenty-five qualified electors, the number of qualified electors in the district must be determined by the county superintendent for such county in which such school is located. However, the approval of discontinuing either such authority does not affect the tax levy in the calendar year in which the election is held. The election must be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy.

SECTION 49. NORTH DAKOTA COMMISSION ON EDUCATION IMPROVEMENT - MEMBERSHIP - DUTIES - REPORT TO LEGISLATIVE COUNCIL - REIMBURSEMENT FOR EXPENSES.

1. The North Dakota commission on education improvement consists of:
 - a.
 - (1) The governor or an individual designated by the governor, who shall serve as the chairman;
 - (2) One individual, appointed by the governor, who is employed as the superintendent of a high school district having more than one thousand students in average daily membership;
 - (3) One individual, appointed by the governor, who is employed as the superintendent of a high school district having more than two hundred twenty but fewer than one thousand students in average daily membership;
 - (4) One individual, appointed by the governor, who is employed as the superintendent of a high school district having fewer than two hundred twenty students in average daily membership;
 - (5) One individual, appointed by the governor, who is employed as a school district business manager;
 - (6) The chairman of the senate education committee or the chairman's designee;
 - (7) The chairman of the house education committee or the chairman's designee;
 - (8) The senate minority leader or the leader's designee;
 - (9) One legislator appointed by the chairman of the legislative council; and
 - (10) The superintendent of public instruction or an assistant superintendent designated by the superintendent of public instruction; and
 - b. One nonvoting member representing the North Dakota council of educational leaders, one nonvoting member representing the North Dakota education association, and one nonvoting member representing the North Dakota school boards association.
2. The commission shall establish its own duties and rules of operation and procedure, including rules relating to appointments, terms of office, vacancies, quorums, and meetings, provided that the duties and the rules do not conflict with any provisions of this section.
3. The members of the commission are entitled to reimbursement for actual and necessary expenses incurred in the same manner as state officials.

The superintendent of public instruction shall use up to \$40,000 from moneys appropriated in the grants - state school aid line item in section 3 of Senate Bill No. 2013, as approved by the sixtieth legislative assembly, to provide the reimbursements.

4. The commission shall examine the current system of delivering and financing public elementary and secondary education and shall develop recommendations addressing educational adequacy, the equitable distribution of state education funds, the allocation of funding responsibility between federal, state, and local sources, and any other matters that could result in the improvement of elementary and secondary education in the state.
5. The commission shall provide periodic reports to the governor and to the legislative council.

SECTION 50. USE OF NEW MONEY - TEACHER COMPENSATION INCREASES - REPORTS TO LEGISLATIVE COUNCIL.

1. During the 2007-09 biennium, the board of each school district shall use an amount equal to at least seventy percent of all new money received by the district for per student payments to increase the compensation paid to teachers and to provide compensation to teachers who begin employment with the district on or after July 1, 2007.
2. For purposes of this section, the superintendent of public instruction shall calculate the amount of new money received by a district during the 2007-09 biennium by:
 - a. Determining the total amount of state dollars received by each district during the 2005-07 biennium as per student payments, tuition apportionment payments, special education per student payments, and English language learner payments;
 - b. Determining the total amount of state dollars received by each district during the 2007-09 biennium as per student payments, provided that neither equity payments under section 15.1-27-11 nor contingency distributions are to be included in the total; and
 - c. Subtracting the amount arrived at under subdivision a from the amount arrived at under subdivision b.
3. School districts providing educational services under a cooperative agreement approved by the superintendent of public instruction must, for purposes of this section, be treated as a single district.
4.
 - a. The provisions of this section do not apply to a school district if the board of the school district, after a public hearing at which public testimony and documentary evidence are accepted, determines in its discretion and by an affirmative vote of two-thirds of the members of the board that complying with the provisions of subsection 1 would place the school district in the position of having insufficient fiscal resources to meet the school district's other obligations.
 - b. Within ten days of the vote required by subdivision a, the school board shall notify the superintendent of public instruction of its action and shall file a report detailing the grounds for its determination and action.
 - c. The superintendent of public instruction shall report all notices received under this subsection to an interim committee designated by the legislative council.

SECTION 51. MILITARY INSTALLATION SCHOOL DISTRICTS - ELIGIBILITY FOR STATE AID AND EQUITY PAYMENTS. If at any time the board of a United States military installation school district assumes responsibility for the direct provision of education to its students, the superintendent of public instruction shall include all students being educated by the board in the district's average daily membership, both for purposes of determining any state aid to which the district is entitled and for purposes of

determining any equity payments to which the district is entitled under section 15.1-27-11.

SECTION 52. AREA CAREER AND TECHNOLOGY CENTERS - ESTABLISHMENT GRANTS - COST-SHARE INCENTIVES.

1. The state board for career and technical education shall use \$1,200,000 from the grants line item in section 3 of House Bill No. 1019, as approved by the sixtieth legislative assembly, to award grants for the purpose of assisting with the establishment of at least two new area career and technology centers in areas of the state that, as of July 1, 2007, are not served by an existing center. The board shall award the grants on a competitive basis and shall require a twenty-five percent match by a number of students who will be served and to alignment of the proposed area career and technology center with existing educational associations governed by joint powers agreements.
2. The state board for career and technical education shall use \$800,000 from the grants line item in section 3 of House Bill No. 1019, as approved by the sixtieth legislative assembly, to increase cost-share incentives for area career and technology centers.

SECTION 53. CONTINGENT MONEY. If any money appropriated to the superintendent of public instruction for state aid payments to school districts remains after the superintendent complies with all statutory payment obligations imposed for the biennium beginning July 1, 2007, and ending June 30, 2009, the superintendent shall:

1. Use the first \$1,000,000, or so much of that amount as may be necessary, to pay any state obligations in excess of the amount appropriated for special education contract charges;
2. Use the next \$1,000,000, or so much of that amount as may be necessary, for the purpose of providing additional per student payments to school districts participating in educational associations that are governed by a joint powers agreement and which have been reviewed by the superintendent of public instruction and verified as meeting the requirements of section 15.1-07-28;
3. Use the next \$450,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts serving English language learners and new immigrant English language learners, in accordance with chapter 15.1-38;
4. Use the next \$200,000, or so much of that amount as may be necessary, for the purpose of providing additional payments to school districts offering an adult education program during the 2007-09 biennium; and
5. Use the remainder of the moneys to provide additional per student payments on a prorated basis according to the latest available average daily membership of each school district.

SECTION 54. CONTINGENT TRANSFER BY BANK OF NORTH DAKOTA FOR SPECIAL EDUCATION. If during the biennium beginning July 1, 2007, and ending June 30, 2009, the superintendent of public instruction determines that, using all available sources, there are insufficient funds with which to fully reimburse school districts for the excess costs of serving the one percent of special education students statewide who require the greatest school district expenditures in order to be provided with special education and related services, the industrial commission shall transfer from the earnings and accumulated and undivided profits of the Bank of North Dakota the amount the superintendent of public instruction certifies is necessary to provide the statutorily required level of reimbursement. The superintendent of public instruction shall file for introduction legislation requesting that the sixty-first legislative assembly return any amount transferred under this section to the Bank of North Dakota.

SECTION 55. REPEAL. Section 15.1-09-46 of the North Dakota Century Code is repealed.

SECTION 56. REPEAL. Sections 15.1-27-05, 15.1-27-06, 15.1-27-07, 15.1-27-12, 15.1-27-14, 15.1-27-21, 15.1-27-32, 15.1-27-36, 15.1-27-37, and 15.1-27-38 of the North Dakota Century Code are repealed.

SECTION 57. EXPIRATION DATE. Section 28 of this Act is effective through June 30, 2007, and after that date is ineffective.

SECTION 58. EMERGENCY. Sections 28, 49, 55, and 57 of this Act are declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2202, as amended, Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (23 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2202, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2205, as reengrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2205, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1004 and 1005 of the House Journal, Reengrossed Senate Bill No. 2205 is amended as follows:

Page 1, line 1, after "50-09" insert "and a new subdivision to subsection 3 of section 57-15-01.1"

Page 1, line 2, after "general" insert "and to property tax reductions"

Page 1, line 3, after the first "sections" insert "11-23-01," and after "14-09-09.10" insert a comma

Page 1, line 10, after the first semicolon insert "to provide for a legislative council study;"; remove "and", and after the second "appropriation" insert "; and to provide an expiration date"

Page 1, after line 11, insert:

"SECTION 1. AMENDMENT. Section 11-23-01 of the North Dakota Century Code is amended and reenacted as follows:

11-23-01. Officers required to furnish commissioners with departmental budget.

1. Every officer in charge of any institution, office, or undertaking supported wholly or in part by the county shall file with the board of county commissioners a departmental budget that is prescribed by the state auditor. The departmental budget must include an itemized statement of the estimated amount of money that will be required for the maintenance, operation, or improvement of the institution, office, or undertaking for the ensuing year. The board of county commissioners may require additional information to clarify the departmental budget.

2. The departmental budget submitted by the county social service board in 2007 must identify the reduction in county funding derived from transfer of administration of the child support enforcement program from the county social service board to the department of human services on July 1, 2007. The amount reported must equal the full amount budgeted for administration of the child support enforcement program in the budget submitted by the county social service board and approved by the board of county commissioners in 2006. The budget must include a recommendation of how that reduction in county funding responsibility will be passed on to the property taxpayers of the county.

Page 10, after line 17, insert:

"SECTION 14. A new subdivision to subsection 3 of section 57-15-01.1 of the North Dakota Century Code is created and enacted as follows:

Reduced by the amount in dollars levied by a county in the base year for administration of the child support enforcement program by the county social service board and increased by section 16 of this Act."

Page 11, line 2, replace "16" with "19"

Page 11, line 21, replace "16" with "19"

Page 11, after line 22, insert:

"SECTION 18. LEGISLATIVE COUNCIL STUDY - LOCALLY ADMINISTERED ECONOMIC ASSISTANCE PROGRAMS. The legislative council shall consider studying, during the 2007-08 interim, the success and effects of the laws enacted by the fifty-fifth legislative assembly in House Bill No. 1041 and Senate Bill No. 2052, referred to in testimony as the "swap proposal", which required counties to pay the entire cost of the local administration of medicaid, energy assistance, basic care assistance, child care assistance, and temporary assistance for needy families in exchange for the state's assumption of the full responsibility for paying the grant costs associated with those programs. If conducted, the study should include a review of sections 50-01.2-00.1, 50-01.2-03.1, 50-01.2-03.2, 50-01.2-06, 50-03-00.1, 50-03-08, 50-03-09, and 50-03-10, subsection 28 of section 50-06-05.1, and sections 50-06-20, 50-24.1-14, and 50-24.5-08 to determine if those provisions have created a more understandable and sustainable division of responsibility between the state and counties in the delivery and financing of these economic assistance programs. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-first legislative assembly."

Page 11, line 31, after "moneys" insert "in the general fund in the state treasury, not otherwise appropriated, the sum of \$6,873,169, or so much of the sum as may be necessary, and"

Page 12, line 1, replace "\$12,796,830" with "\$5,615,123"

Page 12, line 4, remove "Of the \$12,796,830, \$7,181,707 is from the permanent oil tax trust fund."

Page 12, after line 10, insert:

"SECTION 22. EXPIRATION DATE. Section 1 of this Act is effective through December 31, 2007, and after that date is ineffective and section 14 of this Act is effective through December 31, 2009, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2225, as reengrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (17 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2225, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2243: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to amend and reenact section 29-26-22 of the North Dakota Century Code, relating to community service supervision fees; and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 29-26-22 of the North Dakota Century Code is amended and reenacted as follows:

29-26-22. Judgment for fines and court - Court administration fee - Community service supervision fee - Special fund funds - Docketing and enforcement.

1. In all criminal cases except infractions, upon a plea or finding of guilt, the court shall impose a court administration fee in lieu of the assessment of court costs. The court administration fee must include a fee of one hundred twenty-five dollars for a class B misdemeanor, two hundred dollars for a class A misdemeanor, four hundred dollars for a class C felony, six hundred fifty dollars for a class B felony, and nine hundred dollars for a class A or AA felony.
2. In addition, in all criminal cases except infractions, the court administration fee must include one hundred dollars. Of the additional one hundred dollar court administration fee, the first seven hundred fifty thousand dollars collected per biennium must be deposited in the indigent defense administration fund, which must be used to contract for indigent defense services in this state, and the next four hundred sixty thousand dollars collected per biennium must be deposited in the court facilities improvement and maintenance fund. After the minimum thresholds have been collected, one-half of the additional court administration fee must be deposited in each fund.
3. In addition to any court administration fees that may be imposed under subsections 1 and 2, the court shall impose upon each defendant who receives a sentence that includes community service a community service supervision fee of fifty dollars. The community service supervision fee must be deposited in the community service supervision fund. The fees deposited in this fund must be used to provide community service supervision grants subject to legislative appropriations.
4. A court may waive the administration fee or community service supervision fee upon a showing of indigency as provided in section 25-03.1-13. District court administration fees, exclusive of amounts deposited in the indigent defense administration fund and the court facilities and improvement fund, and forfeitures must be deposited in the state general fund. A judgment that the defendant pay a fine or court administration fee fees, or both, may be docketed and if docketed constitutes a lien upon the real estate of the defendant in like manner as a judgment for money rendered in a civil action. The court may allow the defendant to pay any assessed administration fee or community service supervision fee in installments. When a defendant is assessed administration fees or a community service supervision fee, the court may not impose at the same time an alternative sentence to be served if the fees are not paid.

SECTION 2. COMMUNITY SERVICE SUPERVISION PROGRAM - CITIES AND COUNTIES PARTICIPATION. The department of corrections and rehabilitation shall charge cities and counties participating in the community service supervision program on a per case basis an amount sufficient to generate income of \$35,000 from participating cities and \$220,000 from participating counties for the period beginning July 1, 2007, and ending June 30, 2009. All moneys collected by the department of corrections and rehabilitation under this section must be deposited in the community services supervision fund."

Page 1, line 5, replace "general" with "community service supervision"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment establishes a community service supervision fee and a community service supervision fund and gives the Department of Corrections and Rehabilitation authority to use the funds deposited in the community service supervision fund for grants.

REPORT OF STANDING COMMITTEE

SB 2260, as amended, Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (24 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2260, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 985 and 986 of the House Journal, Senate Bill No. 2260 is amended as follows:

Page 1, line 3, remove "a new subsection to section 43-28-06,"

Page 1, line 5, after the third comma insert "15.1-06-06,"

Page 3, line 6, overstrike "The agencies", remove ", officials," and overstrike "and entities named in subsection 2 shall require each" and insert immediately thereafter "Each"

Page 3, line 7, remove "or name change" and overstrike the first "to" and insert immediately thereafter "or name change who is subject to a criminal history record check under subsection 2 shall"

Page 4, line 6, after "each" insert "final"

Page 4, line 18, after "The" insert "department of" and overstrike "department"

Page 4, line 26, after "The" insert "department of" and overstrike "department"

Page 5, line 15, after "each" insert "final"

Page 5, line 17, after "each" insert "final"

Page 5, line 19, overstrike "employees assigned duties related to"

Page 5, line 20, overstrike "bioterrorism and homeland security issues" and insert immediately thereafter "each final applicant for or employee in a specified occupation with the department"

Page 5, line 21, overstrike "a nurse aide seeking to have a finding of neglect removed from the"

Page 5, line 22, overstrike "nurse aide registry; or" and overstrike "state"

Page 5, line 23, overstrike "of health who holds a license, certificate, or registration in a"

Page 5, line 24, overstrike "health-related field" and insert immediately thereafter "; or, when requested by the department, an applicant for registration, certification, or licensure by the department"

Page 5, line 25, remove "The state board of dental examiners for initial and credential application for a"

Page 5, remove lines 26 through 28

Page 5, line 29, remove "p."

Page 6, line 1, replace "q." with "p."

Page 6, line 5, replace "r." with "q."

Page 6, line 8, replace "s." with "r."

Page 6, line 11, replace "t." with "s."

Page 6, line 12, after "or" insert "final"

Page 6, line 15, replace "u." with "t."

Page 6, line 17, replace "v." with "u."

Page 6, line 18, after the first "and" insert "final"

Page 6, line 19, after "or" insert "final"

Page 6, line 22, replace "w." with "v."

Page 6, line 23, after "and" insert "final"

Page 6, line 26, after "or" insert "final"

Page 6, line 30, replace "x." with "w." and after "each" insert "final"

Page 6, line 31, remove the second "or"

Page 7, line 1, remove "for each student applying for or admitted to a specified program of study."

Page 7, line 3, replace "y." with "x.", after "The" insert "governing", after "a" insert "public", replace "district" with "or, for a nonpublic school, the superintendent of public instruction.", and replace "or individuals seeking" with "designated by the governing board or nonpublic school. The governing board or the nonpublic school is"

Page 7, remove lines 4 through 7

Page 7, line 8, remove "individuals must be" and remove the second "for"

Page 7, after line 9, insert:

"y. The governing board of a public school or, for a nonpublic school, the superintendent of public instruction, for individuals seeking employment with the school or otherwise providing services to the school, if those individuals have unsupervised contact with the students. For purposes of this subdivision, "unsupervised contact" with students means being in proximity to one or more students, on school grounds or at school functions, outside the presence of an individual who has been subject to a criminal background check. The governing board or the nonpublic school is responsible for paying the costs associated with obtaining a background check."

Page 7, after line 13, insert:

"SECTION 5. AMENDMENT. Section 15.1-06-06 of the North Dakota Century Code is amended and reenacted as follows:

15.1-06-06. Approval of public and nonpublic schools. Each public and nonpublic school in this state offering elementary or secondary education to students must be approved by the superintendent of public instruction. Except as otherwise provided by law, the superintendent may not approve a school unless:

1. Each classroom teacher is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
2. Each classroom teacher is teaching only in those course areas or fields for which the teacher is licensed or for which the teacher has received an exception under section 15.1-09-57;
3. The students are offered all subjects required by law; ~~and~~
4. The school is in compliance with all local and state health, fire, and safety laws; and
5. The school has conducted all criminal history record checks required by section 12-60-24."

Page 11, remove lines 1 through 13

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 125 - Attorney General

HOUSE - This amendment includes the amendments as approved by the House Judiciary Committee except that provisions are added specifying that only final applicants are subject to background checks and provisions allowing background checks on university students and the appropriation are removed.

REPORT OF STANDING COMMITTEE

SB 2276, as reengrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (14 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed SB 2276, as amended, was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the House as printed on page 1075 of the House Journal, Reengrossed Senate Bill No. 2276 is further amended as follows:

Page 1, line 10, after the underscored period insert "Funding appropriated for the purpose of this section may not be used for costs associated with an initiated measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2288, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (22 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2288, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2298: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (23 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2298 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2313, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (24 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2313, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1007 and 1008 of the House Journal, Engrossed Senate Bill No. 2313 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a statement of legislative intent."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE INTENT. It is the intent of the sixtieth legislative assembly that funding for the purpose of purchasing automated external defibrillators and placing one in each school in the state be provided from the contingent distributions of per student and transportation state school aid payments for the 2005-07 biennium as provided for in section 28 of chapter 167 of the 2005 Session Laws and amended by the sixtieth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2323, as amended, Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (24 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2323, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 955 and 956 of the House Journal, Senate Bill No. 2323 is amended as follows:

Page 1, line 2, remove "; and to provide an appropriation"

Page 1, line 6, overstrike "**(Effective through June 30, 2007)**"

Page 2, overstrike line 15

Page 2, line 16, remove "1." and overstrike "Any person before selling or offering for sale any pesticide for use within this state"

Page 2, overstrike lines 17 and 18

Page 2, line 19, remove "a." and overstrike "Give the name and address of each manufacturer or distributor."

Page 2, line 20, remove "b." and overstrike "Give the name and brand of each product to be registered."

Page 2, line 21, remove "c." and overstrike "Be accompanied by a current label of each product to be registered."

Page 2, line 22, remove "d." and overstrike "Be accompanied by a registration fee of three hundred dollars for each"

Page 2, line 23, overstrike "product to be registered."

Page 2, line 29, remove "e." and overstrike "Be accompanied by a material safety data sheet for each product to be"

Page 2, line 30, overstrike "registered."

Page 3, line 1, remove "2." and overstrike "The commissioner may require an applicant or registrant to provide efficacy,"

Page 3, overstrike lines 2 through 4

Page 3, line 5, remove "3." and overstrike "If the commissioner finds that the application conforms to law, the commissioner"

Page 3, overstrike line 6

Page 3, line 7, remove "4." and overstrike "Each registration covers a designated two-year period beginning January first of"

Page 3, overstrike lines 8 through 15

Page 3, remove lines 16 through 18

Page 3, line 19, remove "6." and overstrike "This section does not apply to a pesticide sold by a retail dealer if the registration"

Page 3, overstrike lines 20 and 21

Page 3, remove lines 22 through 26

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment removes the expiration date of the \$350 pesticide registration fee and removes the appropriation for the endangered species program.

REPORT OF STANDING COMMITTEE

SB 2326, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (16 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2326 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2338, as amended, Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2338, as amended, was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the House as printed on page 880 of the House Journal, Senate Bill No. 2338 is amended as follows:

Page 1, line 11, replace "\$114,000" with "\$90,836"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces the general fund appropriation for the animal tracking data base from \$114,000 to \$90,836.

REPORT OF STANDING COMMITTEE

SB 2339: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (18 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING). SB 2339 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2340, as amended, Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (22 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2340, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2341, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2341 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first comma with "and" and replace ", and legislative" with "; and to provide a contingent appropriation to the office of management and budget for the heritage center expansion project."

Page 1, remove line 2

Page 1, line 6, remove "favorably"

Page 1, line 9, remove "favorably"

Page 1, replace lines 16 through 20 with:

"SECTION 3. CONTINGENT APPROPRIATION - LANDS AND MINERALS TRUST FUND. There is appropriated out of any moneys in the lands and minerals trust fund the sum of \$1,500,000 on a contingency basis to the office of management and budget for the planning and design costs of the heritage center expansion project, for the biennium beginning July 1, 2007, and ending June 30, 2009. The appropriation is only available when the state historical society certifies to the office of management and budget that \$1,500,000 of private funds has been received and is available for the project. The private funds must be spent before the funds from the lands and minerals trust fund."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides a contingent appropriation of \$1,500,000 from the lands and minerals trust fund to the office of management and budget for the Heritage Center expansion project planning and design costs, if private funds of \$1,500,000 are received. The section providing for legislative participation on the Heritage Center planning and fundraising committee and providing for Budget Section reports is removed.

REPORT OF STANDING COMMITTEE

SB 2349, as reengrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (14 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2349 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2356, as engrossed: Appropriations Committee (Rep. Svedjan, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (15 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2356 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact section 54-27.2-01.1 of the North Dakota Century Code, relating to the creation of the legislative initiative fund; to amend and reenact sections 54-27.2-01 and 54-27.2-02 of the North Dakota Century Code, relating to the budget stabilization fund; to provide an effective date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-27.2-01 of the North Dakota Century Code is amended and reenacted as follows:

54-27.2-01. Budget stabilization fund. The budget stabilization fund is a special fund in the state treasury. The state investment board shall supervise investment of the budget stabilization fund in accordance with chapter 21-10. Any interest or other budget stabilization fund earnings must be deposited in the fund. Any amounts provided by law for deposit in the fund and any interest or earnings of the fund which would bring the balance in the fund to an amount greater than five percent of the current biennial state general fund budget, as finally approved by the most recently adjourned special or regular session of the legislative assembly, two hundred million dollars may not be deposited or retained in the fund but must be deposited instead in the state general fund.

SECTION 2. Section 54-27.2-01.1 of the North Dakota Century Code is created and enacted as follows:

Legislative initiative fund - Creation - Uses. The legislative initiative fund is a special fund in the state treasury. Moneys in the fund may be spent, subject to legislative appropriations, for state government initiatives as determined by the legislative assembly.

SECTION 3. AMENDMENT. Section 54-27.2-02 of the North Dakota Century Code is amended and reenacted as follows:

54-27.2-02. ~~Certain Allocation of ending general fund revenues to be deposited in the budget stabilization fund balance.~~ Notwithstanding any other provision of law except section 54-27.2-01, any amount in the state general fund in excess of sixty-five million dollars at the end of any biennium must be transferred by the state treasurer to the budget stabilization fund. For purposes of this section, "at the end of any biennium" means The state treasurer shall allocate amounts in the state general fund at the end of each biennium after cancellation of unexpended appropriations under section 54-44.1-11 as follows:

1. Up to the first sixty-five million dollars, fifty percent must be allocated to the legislative initiative fund and fifty percent must be retained in the general fund.
2. Any amounts in excess of sixty-five million dollars must be allocated to the budget stabilization fund, except that allocations may not be made that would exceed the maximum balance allowed in the fund under section 54-27.2-01.

SECTION 4. EFFECTIVE DATE. This Act becomes effective July 1, 2007, and affects the use of the ending general fund balance for the 2005-07 biennium.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2375, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (18 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2375, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2382: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO NOT PASS** (20 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2382 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2397, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (16 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING).

VOTING). Engrossed SB 2397, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2401, as engrossed and amended: Appropriations Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (23 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2401, as amended, was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE BILL

SB 2418: A BILL for an Act to provide a contingent appropriation to the veterans' home for the purpose of building a new facility; and to provide for the issuance of evidences of indebtedness.
Was read the first time and referred to the **Human Services Committee**.

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

Buell J. Reich, Chief Clerk

