

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, March 28, 1997

The Senate convened at 9:00 a.m., with President Pro Tem Holmberg presiding.

The prayer was offered by Pastor Larry G. Jahnke, New Song Community Church, Bismarck.

The roll was called and all members were present except Senators Mutzenberger, Nething, and Redlin.

A quorum was declared by the President Pro Tem.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has appointed Rep. Brandenburg to replace Rep. Christenson on the Conference Committee on SB 2173.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has appointed Rep. Christenson to replace Rep. Brandenburg on the Conference Committee on HB 1337.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

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

SB 2160: Reps. Monson; Keiser; Mahoney

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

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

SB 2344: Reps. Keiser; Murphy; Mahoney

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1435 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1435: Reps. Poolman; C. Johnsen; Delmore

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1297 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1297: Reps. Maragos; Kretschmar; Callahan

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has failed to pass: SB 2244.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and failed to pass: SB 2232.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2019, SB 2318.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2019

Page 1, line 2, remove ", to the Bank of North Dakota for economic development,"

Page 1, line 4, remove the first "and" and remove "4-01-19,"

Page 1, line 5, replace ", subsection 4 of section 10-30.5-02, and section 10-30.5-05" with "and 57-43.1-03.1"

Page 1, line 6, remove "the pride of Dakota program,"

Page 1, line 7, replace ", and administration and management of the North Dakota development fund" with "and tax refunds for fuel used for agricultural purposes; and to provide for application"

Page 1, line 15, replace "1,634,811" with "2,421,849"

Page 1, line 16, replace "1,591,673" with "1,581,995"

Page 1, remove line 20

Page 1, line 21, replace "5,598,107" with "4,097,462"

Page 1, replace line 22 with:

"North Dakota development fund 1,909,875"

Page 1, line 23, replace "12,457,802" with "12,084,012"

Page 2, line 1, replace "4,812,671" with "3,312,026"

Page 2, line 2, replace "7,645,131" with "8,771,986"

Page 2, remove lines 3 through 9

Page 2, line 11, after "Act" insert "relating to agricultural products utilization commission activities"

Page 2, line 19, replace "\$3,007,000" with "\$1,507,000"

Page 2, line 21, replace "\$3,000,000" with "\$1,500,000"

Page 2, line 22, after "to" insert "the Grafton,", after "Dakota" insert a comma, and replace "plants" with "plant"

Page 3, line 3, after the period insert "If any ethanol plant that did not receive production incentives during the fiscal year ending June 30, 1997, is eligible for production incentives on July 1, 1998, for the fiscal year ending June 30, 1999, incentive payments, only fifty percent of the authorized production incentives, up to a total of \$250,000, may be provided to an ethanol plant that produced fifteen million gallons or more of ethanol in the previous fiscal year."

Page 3, line 15, replace "\$1,410,380" with "\$1,909,875"

Page 3, line 16, replace "technology transfer" with "North Dakota development"

Page 3, line 23, replace "president of the Bank of North Dakota" with "director of the department of economic development and finance" and replace "president of the Bank of North" with "director of the department of economic development and finance"

Page 3, line 24, remove "Dakota"

Page 4, remove lines 10 through 28

Page 5, replace lines 8 through 24 with:

"SECTION 10. AMENDMENT. Section 57-43.1-03.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-43.1-03.1. (Effective until December 31, 1999) Refund of tax for fuel used for agricultural purposes - ~~Reduction for agricultural fuel tax fund~~ Reductions. Any person who buys or uses any motor vehicle fuel for agricultural purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of this state on which the motor vehicle fuel tax has been paid, must be reimbursed or repaid within the time provided in this chapter, the amount of the tax paid upon the presentation to and the approval of the commissioner of a claim for refund. The amount of the tax refund provided for in this section must be reduced by ~~four~~ seven cents per gallon [3.79 liters] except for those fuels used in aircraft or with respect to refunds claimed by aircraft fuel

users, ~~two~~. Two cents per gallon [3.79 liters] withheld from the refund must be deposited in the agricultural fuel tax fund ~~and two cents, one cent per gallon [3.79 liters]~~ withheld from the refund must be retained in the highway tax distribution fund, and four cents per gallon [3.79 liters] withheld from the refund must be deposited in the agricultural research fund. Those persons who have a valid tax assignment permit issued by the commissioner under section 57-43.1-11 must be charged ~~four~~ eight cents per gallon [3.79 liters] by the dealer and the ~~four~~ eight cents charged must be remitted to the commissioner by the dealer when the dealer submits the tax assigned invoices for credit.

(Effective January 1, 2000) Refund of tax for fuel used for agricultural purposes - ~~Reduction for agricultural fuel tax fund~~ Reductions. Any person who buys or uses any motor vehicle fuel for agricultural purposes, except motor vehicle fuel used in motor vehicles operated or intended to be operated in whole or in part upon any of the public highways of this state on which the motor vehicle fuel tax has been paid, must be reimbursed or repaid within the time provided in this chapter, the amount of the tax paid upon the presentation to and the approval of the commissioner of a claim for refund. The amount of the tax refund provided for in this section must be reduced by ~~two~~ six cents per gallon [3.79 liters] except for those fuels used in aircraft or with respect to refunds claimed by aircraft fuel users, ~~two~~. Two cents per gallon [3.79 liters] withheld from the refund must be deposited in the agricultural fuel tax fund and four cents per gallon [3.79 liters] withheld from the fund must be deposited in the agricultural research fund. Those persons who have a valid tax assignment permit issued by the commissioner under section 57-43.1-11 must be charged ~~two~~ six cents per gallon [3.79 liters] by the dealer and the ~~two~~ six cents charged must be remitted to the commissioner by the dealer when the dealer submits the tax assigned invoices for credit.

SECTION 11. APPLICATION. Section 10 of this Act applies to refund claims for motor vehicle fuel taxes paid after December 31, 1996."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - DEPARTMENT OF ECONOMIC DEVELOPMENT AND FINANCE

HOUSE - This amendment makes the following changes:

1997-99 EXECUTIVE RECOMMENDATION	SENATE CHANGES	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$ (787,038)	\$ 1,634,811	\$ 787,038	\$ 2,421,849
Operating expenses		1,591,673	(9,678)	1,581,995
Equipment		34,000		34,000
Grants		1,313,141		1,313,141
General allocation grants		725,690		725,690
Technology Transfer, Inc.		1,410,380	(1,410,380)	
Development fund	(1,909,875)		1,909,875	1,909,875
Agricultural Products		5,598,107	(1,500,645)	4,097,462
Utilization				
Pride of Dakota	-----	150,000	(150,000)	-----
Total	\$ (2,696,913)	\$12,457,802	\$ (373,790)	\$12,084,012
General fund	\$ (2,696,913)	\$ 7,645,131	\$ 1,126,855	\$ 8,771,986
Special funds		4,812,671	(1,500,645)	3,312,026
FTE	(9)	21	6	27
Other changes -				

This amendment:

Restores the transfers made by the Senate from the Department of Economic Development and Finance to the Bank of North Dakota, including funding for five FTE positions relating to the fund (\$490,577), and removes related Sections 14 and 15, added by the Senate.

Restores general fund appropriation authority to the Department of Economic Development and Finance in lieu of an appropriation to the Bank of North Dakota from the Bank's earnings for the North Dakota development fund line item as contained in the Senate version.

Restores the authority for four FTE positions and related general fund appropriation authority of \$296,461.

Removes \$1,410,380 from the general fund and three related FTE positions to delete funding for Technology Transfer, Inc.

Removes funding of \$150,000 from the general fund for the Pride of Dakota program to be funded in the Department of Agriculture.

Removes Sections 10, 11, and 12 of the reengrossed bill, added by the Senate, relating to legislative intent for Technology Transfer, Inc., funds, a Bank of North Dakota development specialist, and the Pride of Dakota program, respectively.

Reduces operating expenses by \$9,678 from the general fund and the Agricultural Products Utilization Commission line item by \$645 of special funds to remove risk management premiums.

Reduces the ethanol production incentives appropriation, contained in the agricultural products utilization line item, from the highway tax distribution fund by \$1,500,000, from \$3,007,000 to \$1,507,000. Related changes are made to Section 5 regarding the amount of funds available from the highway tax distribution fund for the ethanol production incentives program.

Adds Section 10 which provides for a refund of tax for fuel used for agricultural purposes. Effective until December 31, 1999, the amount of the tax refund must be reduced by seven cents per gallon. Effective January 1, 2000, the amount of the tax refund must be reduced by six cents per gallon.

Adds Section 11 which provides an application date for refund claims for motor vehicle fuel taxes for refunds after December 31, 1996.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2318

In lieu of the amendments adopted by the House as printed on pages 902 and 903 of the House Journal, Engrossed Senate Bill No. 2318 is amended as follows:

Page 1, line 4, remove "to amend and reenact section 53-06.1-12.1 of the North"

Page 1, line 5, remove "Dakota Century Code, relating to the use of gaming and excise taxes;"

Page 1, remove the underscore under lines 10 through 12

Page 1, line 13, replace "Qualifying" with "Qualified treatment" and remove the underscore under "service provider" means an entity based in North Dakota which is"

Page 1, line 14, remove the underscore under "experienced in and capable of delivering compulsive gambling" and remove "education,"

Page 1, remove the underscore under lines 15 through 17

Page 1, line 20, remove the underscore under "**Compulsive gambling**", remove "**education**", and remove the underscore under "**prevention, awareness, crisis intervention**,"

Page 1, remove the underscore under line 21

Page 1, line 22, replace "a qualifying service provider" with "qualified treatment service providers" and remove the underscore under "for the development and implementation of a program for gambling"

Page 1, line 23, remove "education," and remove the underscore under "prevention, awareness, crisis invention, rehabilitation, and financial counseling"

Page 2, remove the underscore under lines 1 and 2

Page 2, line 3, remove the underscore under "consultation", remove "and educational", and remove the underscore under "services; or other forms of preventative, rehabilitative, or treatment"

Page 2, line 4, remove the underscore under "services for compulsive gamblers." and remove "Educational services may include expanding the state's"

Page 2, remove line 5

Page 2, line 6, remove "engaged in counseling, treating, and rehabilitating compulsive gamblers." and remove the underscore under "An individual who"

Page 2, line 7, remove the underscore under "provides treatment services must" and replace "complete at least sixty hours of a nationally accredited" with "meet the minimum standards for certification as a gambling counselor as established by the national council on problem gambling"

Page 2, remove line 8

Page 2, line 9, remove "gamblers," and remove the underscore under "and be a mental health professional as defined in section 25-03.1-02. An individual"

Page 2, remove the underscore under lines 10 through 13

Page 2, line 14, remove the underscore under "compulsive gambling. Any service fee collected by", replace "a qualifying service provider" with "qualified treatment service providers", and remove the underscore under "for services"

Page 2, remove the underscore under lines 15 and 16

Page 2, remove lines 17 through 31

Page 3, remove lines 1 through 7

Page 3, line 8, replace "from special funds" with "out of any moneys in the general fund in the state treasury, not otherwise appropriated"

Page 3, remove line 9

Page 3, line 10, remove "services operating fund" and replace "\$750,000" with "\$150,000"

Page 3, remove lines 13 through 16

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

HOUSE - This amendment removes the \$750,000 appropriation from gaming and excise tax collections for gaming enforcement grants.

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

HOUSE - This amendment removes provisions which would have transferred gaming and excise tax collections to a special fund rather than the general fund for gaming enforcement grants and compulsive gambling treatment services.

The amendment replaces the \$750,000 special funds appropriation with a \$150,000 general fund appropriation for compulsive gambling treatment services.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)
MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2064.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2064

Page 1, line 3, after the semicolon insert "to provide a contingent appropriation;"

Page 1, line 4, after "enact" insert "six new sections to chapter 4-05.1 and" and replace "subsection to section 54-44-04" with "section to chapter "4-22"

Page 1, line 5, after the first "to" insert "the state board of agricultural research and" and replace "director of the office of management and budget" with "extension service"

Page 1, line 6, after "sections" insert "4-05.1-01, 4-05.1-02, 4-05.1-03, 4-05.1-04, 4-22-02, 4-22-03,", remove the second "and", and after "4-22-22" insert ", 4-22-47, and 4-22-48"

Page 1, line 7, after "state" insert "agricultural experiment station and state"

Page 1, line 20, replace "20,665,371" with "20,679,960"

Page 1, line 21, replace "3,547,204" with "3,489,064"

Page 1, line 22, replace "450,000" with "450,000"

Page 1, after line 22, insert:

"Soil conservation district grants 650,000"

Page 1, line 23, replace "24,662,575" with "25,269,024"

Page 2, line 2, replace "11,644,577" with "12,251,026"

Page 2, line 6, replace "121,231" with "118,650"

Page 2, line 8, replace "974,359" with "971,778"

Page 2, line 10, replace "638,382" with "635,801"

Page 2, line 14, replace "1,530,665" with "1,526,794"

Page 2, line 17, replace "4,857,793" with "4,853,922"

Page 2, line 19, replace "454,376" with "450,505"

Page 2, line 22, replace "40,678,794" with "40,592,544"

Page 2, line 23, replace "40,678,794" with "40,592,544"

Page 2, line 25, replace "10,082,075" with "14,127,692"

Page 2, after line 25, insert:

"Hettinger research center 63,473
Langdon research center 66,152"

Page 2, line 26, replace "45,787" with "85,663"

Page 2, line 27, replace "151,483" with "325,821"

Page 2, line 28, replace "10,279,345" with "14,668,801"

Page 2, line 29, replace "30,399,449" with "25,923,743"

Page 3, line 1, replace "4,727,617" with "4,638,480"

Page 3, line 3, replace "1,158,800" with "1,123,800"

Page 3, line 5, replace "special" with "all", remove "appropriation", and replace "7,554,163" with "7,430,026"

Page 3, after line 5, insert:

"Less estimated income 3,508,546
Total general fund appropriation \$3,921,480"

Page 3, line 8, replace "467,618" with "463,503"

Page 3, after line 9, insert:

"Capital improvements	35,000"
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Page 3, line 11, replace "621,694" with "652,579"

Page 3, line 13, replace "90,018" with "120,903"

Page 3, line 16, replace "390,156" with "388,543"

Page 3, line 19, replace "575,349" with "573,736"

Page 3, line 21, replace "121,949" with "122,336"

Page 3, line 24, replace "230,608" with "228,027"

Page 3, line 27, replace "443,208" with "440,627"

Page 3, line 28, replace "301,068" with "237,595"

Page 3, line 29, replace "142,140" with "203,032"

Page 4, line 1, replace "175,181" with "173,002"

Page 4, line 3, replace "217,981" with "215,802"

Page 4, line 4, replace "178,350" with "112,198"

Page 4, line 5, replace "39,631" with "103,604"

Page 4, line 8, replace "325,439" with "323,503"

Page 4, line 11, replace "special" with "all", remove "appropriation", and replace "631,639" with "629,703"

Page 4, after line 11, insert:

"Less estimated income	<u>591,763</u>
Total general fund appropriation	\$37,940"

Page 4, line 14, replace "303,213" with "300,632"

Page 4, line 16, replace "463,113" with "460,532"

Page 4, line 18, replace "229,990" with "227,409"

Page 4, line 21, replace "652,890" with "610,712"

Page 4, line 22, replace "182,500" with "151,250"

Page 4, line 24, replace "935,390" with "861,962"

Page 4, after line 24, insert:

"Less estimated income	<u>761,052</u>
Total general fund appropriation	\$100,910"

Page 4, line 28, replace "598,468" with "597,500"

Page 5, line 1, replace "1,253,699" with "1,252,731"

Page 5, line 2, replace "44,422,512" with "44,148,689"

Page 5, line 3, replace "40,107,245" with "42,206,277"

Page 5, line 4, replace "84,529,757" with "86,354,966"

Page 5, replace lines 5 through 11 with:

"SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the agricultural research fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the agricultural experiment station for the purpose of distributing agricultural research grants.

SECTION 3. CONTINGENT APPROPRIATION - WILLISTON RESEARCH CENTER. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, and from special funds derived from other income, the sum of \$100,000, or so much of the sum as may be necessary, to the Williston research center for the purpose of defraying a portion of the construction costs relating to the Ernie French center, for the biennium beginning July 1, 1997, and ending June 30, 1999. The general fund appropriation provided in this section may only be spent upon certification with the state treasurer that the Williston research center has received commitments to provide the \$100,000 of special funds derived from the other income for the project."

Page 5, line 26, replace "for agriculture" with "of agricultural affairs"

Page 5, line 27, replace "5" with "6" and after the period insert "The office of management and budget shall establish a salaries and wages line item for each entity of the agricultural experiment station for the 1997-99 biennium and shall transfer appropriation authority included in subdivision 4 of section 1 of this Act to the salaries and wages line item for each entity as requested by the vice president for agriculture at North Dakota state university."

Page 5, line 30, replace "for agriculture" with "of agricultural affairs"

Page 6, line 17, replace "ninety-five" with "ninety"

Page 6, line 19, replace "for agriculture" with "of agricultural affairs"

Page 7, after line 16, insert:

"SECTION 12. UNEXPENDED FUNDS - EXEMPTION. Capital improvements funds contained in subdivision 2 of section 1 of chapter 5 of the 1995 Session Laws for the northern crops institute and capital improvements funds contained in subdivision 8 of section 1 of chapter 5 of the 1995 Session Laws for the north central research center are not subject to the provisions of section 54-44.1-11 and any unexpended funds from these appropriations are available during the biennium beginning July 1, 1997, and ending June 30, 1999."

Page 7, line 23, replace "study" with "consider studying"

Page 7, replace lines 28 through 31 with:

"SECTION 15. AMENDMENT. Section 4-05.1-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-05.1-01. Definitions. In this chapter, unless the context otherwise requires:

1. "Agricultural experiment station" means the North Dakota state university main research ~~station~~ center, the Dickinson research extension center, the Williston research extension center, the Langdon research extension center, the central grasslands research extension center, the Carrington research extension center, the Hettinger research extension center, the north central research extension center, the agronomy seed farm, and any other department or agency designated by the state board of higher education.
2. ~~"Director" means the director of the North Dakota agricultural experiment station.~~
3. ~~"Superintendent"~~ "Center director" means an administrator in charge of a research or research extension center.
3. "Station director" means the administrator of the agricultural experiment station.

SECTION 16. AMENDMENT. Section 4-05.1-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-05.1-02. Agricultural experiment station. ~~The state board of agricultural research and the president of North Dakota state university shall control and administer the North Dakota agricultural experiment station is under the control of and subject to the supervision of the state board of higher education. The agricultural experiment station shall develop research programs involving the basic and applied biological, physical, and social sciences that will enhance agricultural systems and improve the quality of life.~~ Funds appropriated to the agricultural experiment station may not be commingled with funds appropriated to North Dakota state university. Appropriation requests to defray expenses of the agricultural experiment station must be separate from appropriation requests to defray expenses of North Dakota state university.

SECTION 17. AMENDMENT. Section 4-05.1-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-05.1-03. Director—Superintendents Center directors - Research station and research extension centers - Records and information. ~~The director is under the direction of the president of the North Dakota state university of agriculture and applied science. The research station and research extension centers of the North Dakota agricultural experiment station are under the jurisdiction of the station director. Each research or research extension center must be administered by a superintendent center director who shall report to the station director. Each research or research extension center shall keep detailed records of all research activities and publish and disseminate research results and information for the benefit of this state.~~

SECTION 18. AMENDMENT. Section 4-05.1-04 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-05.1-04. Reports to director and state board of higher education. ~~Each superintendent center director shall submit a biennial an annual report to the station director on or before the first day of August of each odd numbered year as directed by the state board of agricultural research. Each report must set forth in detail the investigations and experiments made during the preceding fiscal biennium year, recommendations for the welfare of the center, the financial condition of the center, how all moneys have been expended, and the results of experiments. The station director shall submit these reports, with a biennial report of the North Dakota state university main research station center, to the state board of agricultural research and the state board of higher education on or before the first day of September of each odd numbered year. If the state board of higher education submits a biennial report to the governor and the secretary of state in accordance with section 54-06-04, the report must include a composite of the reports from the main research station center and each research extension center.~~

SECTION 19. A new section to chapter 4-05.1 of the North Dakota Century Code is created and enacted as follows:

State board of agricultural research - Membership - Terms.

1. The state board of agricultural research consists of:
 - a. The president of North Dakota state university;
 - b. The vice president of agricultural affairs at North Dakota state university;
 - c. The administrator of the agricultural experiment station;
 - d. The five persons appointed to the agricultural consultation board by the ag coalition and serving in that capacity on July 1, 1997;
 - e. The five persons appointed to the agricultural consultation board by the extension service's multicounty program units and serving in that capacity on July 1, 1997;
 - f. The two persons appointed to the agricultural consultation board by the president of North Dakota state university as representatives of

1. Determine the causes of any adverse economic impacts on crops and livestock produced in this state;
2. Develop ongoing strategies for the provision of research solutions to negate adverse economic impacts on crops and livestock produced in this state;
3. Make available financial resources, including grants and salaries, and make available equipment and facilities to implement the strategies developed under subsection 2, subject to approval by the state board of higher education;
4. Develop an annual budget for the operation of the agricultural experiment station;
5. Develop a biennial budget request and submit that request to the state board of higher education on or before March first of each even-numbered year;
6. Maximize the use of existing financial resources, equipment, and facilities to generate the greatest economic benefit from research efforts and to promote efficiency;
7. Annually evaluate the results of research activities and expenditures and report the findings to the legislative council and the state board of higher education;
8. Advise the administration of North Dakota state university regarding the recruitment and selection of the vice president of agricultural affairs and the station director; and
9. Advise the director of the extension service regarding the dissemination of research information and the best practices for management of the extension service.

SECTION 23. A new section to chapter 4-05.1 of the North Dakota Century Code is created and enacted as follows:

Agricultural research fund. The agricultural research fund is a special fund in the state treasury. The moneys in the fund must be expended for purposes of agricultural research.

SECTION 24. A new section to chapter 4-05.1 of the North Dakota Century Code is created and enacted as follows:

State board of agricultural research - Apportionment of research funds.

1. The state board of agricultural research annually shall apportion the proceeds of the agricultural research fund as follows:
 - a. Seventy percent to North Dakota agricultural commodity groups that raise research moneys through perpetual fundraising mechanisms, provided that:
 - (1) The commodity represented accounts for at least two percent of the gross sales of all agricultural commodities grown or produced in the state; and
 - (2) The percentage of the dollars available for each agricultural commodity group under this section may not exceed the percentage that the gross sales of the agricultural commodity bear to the North Dakota gross sales of all agricultural commodities grown or produced during the previous year, as determined by the agricultural statistics service;
 - b. Eighteen percent to North Dakota agricultural groups representing animal agriculture; and

- c. Twelve percent to North Dakota agricultural groups representing new and emerging crops.
2. The state board of agricultural research shall solicit proposals for research from the public and private sectors and shall appoint committees to review the proposals and award the agricultural research grants on a competitive basis. Each committee must consist of a majority of agricultural producers selected in consultation with the agricultural commodity groups representing commodities that are the subjects of the proposed research and may include researchers and other individuals knowledgeable about the proposed area of research. Whenever possible, the committees shall require that a grant recipient commit matching funds.
3. The state board of agricultural research shall develop policies regarding the award of research grants, including requirements for matching funds, cooperation with other in-state and out-of-state researchers, and coordination with other in-state and out-of-state proposed or ongoing research projects.

SECTION 25. AMENDMENT. Section 4-22-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-22-02. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. ~~"Agency of this state" includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.~~
2. ~~"Committee" or "state soil conservation committee" means the state soil conservation committee established by this chapter.~~
3. ~~2. "District" or "soil conservation district" means a governmental subdivision of this state, and a public body, corporate and politic, organized in accordance with the provisions of this chapter for the purposes, with the powers, and subject to the restrictions hereinafter set forth provided by law.~~
3. "Director" means the director of the North Dakota state university extension service.
4. "Due notice" means notice published at least twice, with an interval of at least seven days between the two publication dates, in a newspaper or other publication of general circulation within the appropriate area, or if no such. If this type of publication of general circulation is not available, by posting the term means notice posted at a reasonable number of conspicuous places within the appropriate area, such the posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. At any hearing held pursuant to such due notice, at the time and place designated in such the notice, adjournment may be made from time to time without the necessity of renewing the notice for the adjourned dates.
5. ~~"Government" or "governmental" includes the government of this state, the government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise, of either of them.~~
6. ~~"Land occupier" or "occupier of land" includes any person, firm, corporation, or limited liability company who that holds title to or is in possession of any lands lying within a district organized under the provisions of this chapter, whether as owner, lessee, renter, tenant, or otherwise, and whether or not the person, firm, corporation, or limited liability company is living or located in a rural or urban area within the district.~~
7. ~~"Petition" means a petition filed under the provisions of this chapter for the creation of a soil conservation district.~~
8. ~~"Qualified elector" means every person of the age of an individual who is at least eighteen or upwards who years old, is a citizen of the United States, and who has resided in the state and in the precinct thirty days next~~

preceding any election, whether or not the ~~person~~ individual is living in a rural or urban area.

9. ~~"State" means the state of North Dakota.~~
10. ~~"Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with the provisions of this chapter.~~
11. ~~"United States" or "agencies of the United States" includes the United States of America, the soil conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.~~

SECTION 26. AMENDMENT. Section 4-22-03 of the North Dakota Century Code is amended and reenacted as follows:

4-22-03. State soil conservation committee - Elective and appointive members - Records and seal.

1. ~~The state soil conservation committee must be maintained as an agency of this state to~~ shall perform the functions conferred upon it in this chapter within the limits of legislative appropriations. The committee consists of seven voting members, of whom five must be elected and two must be appointed by the governor ~~as provided herein.~~
4. ~~Elective members:~~
 2. For the purpose of electing the five elective members of the committee, the state ~~of North Dakota~~ is ~~hereby~~ divided into five areas, ~~as follows:~~
 - A.a. (1) Area I includes ~~the counties of~~ Benson, Cavalier, Eddy, Foster, Grand Forks, Nelson, Pembina, Ramsey, Towner, Walsh, and Wells counties.
 - B: (2) Area II ~~shall include the counties of~~ includes Barnes, Cass, Dickey, Griggs, LaMoure, Ransom, Richland, Sargent, Steele, and Traill counties.
 - C: (3) Area III ~~shall include the counties of~~ includes Bottineau, Burke, Divide, McHenry, Mountrail, Pierce, Renville, Rolette, and Ward counties.
 - D: (4) Area IV ~~shall include the counties of~~ includes Burleigh, Emmons, Kidder, Logan, McIntosh, McLean, Morton, Oliver, Sheridan, Sioux, and Stutsman counties.
 - E: (5) Area V ~~shall include the counties of~~ includes Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, McKenzie, Mercer, Stark, Slope, and Williams counties.
 - b. One member of the committee must be elected from each of the five areas by vote of the members of the boards of supervisors of the ~~conservation~~ districts in that area. Every voting member of a board of supervisors of a ~~conservation~~ district organized under this chapter is eligible to vote in the election for a member of the committee in the area in which the district is located.
 - c. Elections must be held under ~~regulations to be issued~~ rules adopted by the committee and in cooperation with and at the time of the North Dakota association of soil conservation districts area meetings. In those cases where the territory of a district does not lie wholly within the boundaries of one of the five areas established under this section, the ~~regulations~~ rules must provide for the assignment of ~~such~~ the district by the committee for the purposes of ~~such~~ the elections, to the area within which most of its population resides.
 - d. The committee shall conduct the election of members of the committee ~~must be conducted by the committee and~~. The election need not be held on the same dates or in the same places as the general elections for state or local officers.

2. ~~Appointive members:~~
3. ~~Two~~ The governor shall appoint two members of the committee ~~must be appointed by the governor, who.~~ The governor shall select appointees appoint individuals who can represent those interests within the state not already represented, or less fully represented, by one or more of the five elected members of the committee. The governor shall attempt, so far as feasible, to make possible suitable representation for all interests in the state in the membership of the committee, including the interests of, ~~but not limited to,~~ farmers, livestock growers, rural areas, small towns, cities, and industry and business, recognizing that any single member of the committee may sometimes appropriately be regarded as representing more than one of these interests.
4. The committee shall invite representatives of the state association of soil conservation districts, North Dakota ~~cooperative~~ state university extension service, ~~the~~ soil conservation service, ~~North Dakota~~ state water commission, ~~the~~ commissioner of agriculture, and ~~the~~ game and fish department to serve as advisory, nonvoting members of the committee.
5. The term of office of every member of the committee is three years and until a successor is elected or appointed. ~~The governor has the power to extend the terms of one or more members of the committee in office upon the effective date of this chapter, in order to provide for overlapping terms for the members of the committee.~~ A member of the committee is eligible for reelection and reappointment, but no member may serve for more than two full, successive terms. ~~Vacancies~~ The governor may fill a vacancy in either an elective or appointive terms may be filled term for the unexpired term by appointment by the governor. ~~The committee shall keep a record of its official actions, shall adopt a seal, which seal must be judicially noticed, and may perform such acts, hold such public hearings, and adopt such rules as may be necessary for the execution of its functions under this chapter.~~

SECTION 27. AMENDMENT. Section 4-22-04 of the North Dakota Century Code is amended and reenacted as follows:

4-22-04. Committee - Chairman - Quorum - Compensation –~~Provision for surety bonds and annual audit.~~ The committee shall meet annually and select its chairman, ~~who.~~ The chairman shall serve for one year from the date of his selection and ~~who~~ is not eligible for a second term as chairman. Additional meetings may be held by the committee as considered necessary by the chairman, at a time and place to be fixed by the chairman. ~~Special~~ The chairman shall call special meetings must be called by the chairman upon written request of any four members. ~~A majority of the committee constitutes a quorum, and the concurrence of a majority in any matter within its duties is required for its determination.~~ The members of the committee shall are entitled to receive forty-five dollars per day as compensation for their services on the committee, and are entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties on the committee, in the same manner and at the same rate as prescribed by law for state employees and officials. ~~The committee shall provide for the execution of surety bonds, which may be issued by the state bonding fund, for all employees who are entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, rules, and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements.~~

SECTION 28. AMENDMENT. Section 4-22-06 of the North Dakota Century Code is amended and reenacted as follows:

4-22-06. Duties and powers generally. ~~In addition to the duties and powers hereinafter conferred upon the state soil conservation~~ The committee, it has the following duties and powers:

1. To offer such assistance as may be appropriate to the supervisors of ~~soil conservation~~ districts in the carrying out of any of their powers and programs.
2. To keep the supervisors of each of the several districts informed of the activities and experience of all other districts, and to facilitate an

interchange of advice and experience between such districts and cooperation between them.

3. ~~To coordinate the programs of the several conservation districts so far as this may be done by advice and consultation.~~
4. To secure the cooperation and assistance of state, federal, regional, interstate, and local, public, and private agencies with ~~conservation~~ districts; and to facilitate arrangements under which ~~conservation~~ districts may assist or serve county governing bodies and other agencies in the administration of any activity concerned with the conservation of natural resources.
5. ~~To disseminate information throughout the state concerning the activities and programs of the soil conservation districts, and to encourage the formation of such districts in areas where their organization is desirable.~~
6. ~~To review district programs, to coordinate the programs of the several districts, and to coordinate programs and activities as they relate to other special purpose districts.~~
7. 4. To review agreements, or forms of agreements, proposed to be entered into by districts with other districts or with state, federal, interstate, or other public or private organizations, and advise the districts concerning such agreements or forms of agreement.
8. 5. To recommend ~~to the inclusion in annual and longer term director biennial budgets of funds necessary from the legislative assembly to finance the activities of the committee and districts; and to distribute such moneys appropriated by the legislative assembly according to applicable state laws or regulations for grants to soil conservation districts.~~
9. ~~To compile information and make studies, summaries, and other analyses of district programs in relation to each other and to other resource conservation programs on a statewide basis.~~
10. ~~To represent the state in matters affecting soil conservation.~~
11. 6. To require annual reports from ~~conservation~~ districts, ~~the form and content of which must be developed by the committee on consultation with district supervisors.~~
12. 7. To establish uniform accounting methods which must be used by ~~soil~~ ~~conservation~~ districts, and to establish a uniform auditing reporting system.
13. 8. ~~Pursuant to procedures developed mutually by the committee and other state and local agencies that are authorized to plan or administer activities significantly affecting the conservation of natural resources, to receive from such~~ To receive from other state and local agencies for review and comment suitable descriptions of their plans, programs, and activities affecting the conservation of natural resources for purposes of coordination with district conservation programs; to arrange for and participate in conferences necessary to avoid conflict among such plans and programs; to call attention to omissions; and to avoid duplication of effort.
14. ~~To develop and administer policy guidelines which the districts shall follow in the operation of district activities.~~

SECTION 29. A new section to chapter 4-22 of the North Dakota Century Code is created and enacted as follows:

Soil conservation - Duties. The North Dakota state university extension service shall assist the committee in performing the committee's duties, within the limits of legislative appropriation."

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 30

Page 10, remove lines 1 through 4

Page 11, replace lines 24 through 27 with:

"SECTION 31. AMENDMENT. Section 4-22-47 of the North Dakota Century Code is amended and reenacted as follows:

4-22-47. Consolidation of districts - Petition - Referendum - Conduct of referendum. Two or more ~~soil conservation~~ districts may be consolidated into one district by compliance with ~~the provisions of~~ this chapter. A petition ~~or petitions~~ for consolidation of soil conservation districts must be filed with the ~~secretary of the state~~ soil conservation committee and must be signed by at least twenty-five qualified electors living in each district. Upon the filing of ~~such a petition or petitions~~, the state committee ~~shall~~ by resolution shall fix a date for a referendum to be held in each such district and shall direct the ~~board of supervisors thereof~~ to cause notice of ~~such the~~ referendum to be posted in at least five conspicuous places within the district and to be published once each week for two consecutive weeks ~~prior to before~~ the referendum in a newspaper of general circulation ~~therein in the districts involved~~. Only qualified electors living within the district are eligible to vote at the referendum. ~~Such The~~ notice must state the date of the referendum, ~~the identify each polling place or places~~ for holding ~~such the~~ referendum, the time when the polls will open and close, and the question to be submitted to the qualified electors. ~~Such The~~ notice must be substantially in the following form:

~~Notice is hereby given that on~~ On the ____ day of _____, 19 ____ a referendum will be held at _____
 (Designate polling place or places)
 the purpose of submitting to the qualified electors within
 _____ soil conservation district
 (Name of district)
 the question as to whether _____ soil conservation districts
 (Names of districts)
 embracing the following townships _____
 (Designate townships, by number and range)
 shall be consolidated into one soil conservation district.

The ballot ~~will~~ must be in the following form:

Shall _____ soil conservation districts embracing the
 (Names of districts)
 following townships _____ be
 (Designate townships, by number and range)
 consolidated into one soil conservation district?
 Yes _____
 No _____

The board of supervisors of the district shall appoint the board of election for each polling place ~~must be appointed by the board of supervisors of the district and consists~~. The board of election must consist of one inspector, one judge, and one clerk. Members of such the election board shall are entitled to receive the sum of five dollars for their services.

SECTION 32. AMENDMENT. Section 4-22-48 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-22-48. Conduct of referendum - Canvass of votes. A referendum upon the question of consolidating two or more soil conservation districts must be conducted in accordance with the laws of the state prescribing the conduct of general elections. After the polls are closed, the board of election shall ~~proceed to canvass the votes and the clerk of the board shall certify to the board of supervisors of the clerk's district and to the state committee the result of the referendum. The clerk shall then securely wrap the ballots cast at the referendum and shall express or mail the ballots to the secretary of the state committee. The committee shall also canvass the ballots and verify the result. The secretary of the committee shall file the ballots in the secretary's office. Upon the expiration of two years after such ballots were canvassed by the state committee they may be destroyed.~~ The state committee shall publish the results of the referendum after having canvassed the ballots and if the committee finds that. If a majority of the ballots cast on the question in each district are for consolidation, the committee shall file with the secretary of state a statement certifying that the consolidated district has been duly and regularly established."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

HOUSE - This amendment removes the \$660,000 from the general fund added in the Senate for the Office of Management and Budget to distribute technician grants (\$650,000) and for committee expenses (\$10,000). The section added in the Senate is removed which provided that the Office of Management and Budget provide support services for the committee.

DEPARTMENT 627 - UPPER GREAT PLAINS TRANSPORTATION INSTITUTE

HOUSE - The operating expenses line item is reduced by \$3,871 from the general fund to remove funding for risk management premiums.

DEPARTMENT 630 - NDSU EXTENSION SERVICE

HOUSE - This amendment makes the following changes:

	SENATE VERSION	ADD SOIL CONSERVATION COMMITTEE	REMOVE RISK MANAGEMENT PREMIUMS	REMOVE FAMILY ECONOMICS SPECIALIST	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$20,665,371	\$122,007		\$(107,481)	\$ 14,589	\$20,679,960
Operating expenses	3,547,204	18,000	\$(76,140)		(58,140)	3,489,064
Equipment	450,000	650,000		650,000	650,000	450,000
Grants						
Total	\$24,662,575	\$790,007 ¹	\$(76,140)	\$(107,418) ²	\$606,449	\$25,269,024
General fund	\$11,644,577	\$790,007	\$(76,140)	\$(107,418)	\$606,449	\$12,251,026
Special funds	<u>13,017,998</u>					<u>13,017,998</u>
Total	\$24,662,575	\$790,007	\$(76,140)	\$(107,418)	\$606,449	\$25,269,024
FTE	229.00	1.50	0.00	-1.00	0.50	229.50

¹ Adds funding relating to duties associated with the Soil Conservation Committee as follows:

Salaries and wages	\$ 87,807
1 FTE staff position	30,000
.5 FTE secretary	4,200
Committee member per diem	<u>\$122,007</u>
Total	18,000
Operating expenses	650,000
District grants	
Total	\$790,007

The Senate provided \$660,000 from the general fund for district grants of \$650,000 and for committee expenses of \$10,000 to be administered by the Office of Management and Budget.

² Removes a family economics specialist position involved with family financial planning workshops and associated funding.

Sections are added changing the duties of the Soil Conservation Committee and providing that the NDSU Extension Service assist the Soil Conservation Committee in administering its duties.

DEPARTMENT 638 - NORTHERN CROPS INSTITUTE

HOUSE - The operating expenses line item is reduced by \$2,581 from the general fund to remove funding for risk management premiums.

DEPARTMENT 640 - AGRICULTURAL EXPERIMENT STATION

HOUSE - This amendment makes the following changes:

ALL FUNDS CHANGES									
	SENATE VERSION	FUNDING SOURCE SHIFTS FOR POOLED SALARIES	BOARD OF AGRICULTURAL RESEARCH	REMOVE RISK MANAGEMENT PREMIUMS	SALARIES AND WAGES REDUCTION	AGRICULTURE RESEARCH GRANTS	OTHER CHANGES	TOTAL CHANGES	HOUSE VERSION
Main Research Station	\$ 7,554,163		\$20,000	\$(109,137)			\$(35,000)5	\$(124,137)	\$ 7,430,026
Dickinson Research Center	621,694			(4,115)			35,000 5	30,885	652,579
Central Grasslands Research Center	575,349			(1,613)				(1,613)	573,736
Hettinger Research Center	443,208			(2,581)				(2,581)	440,627
Langdon Research Center	217,981			(2,179)				(2,179)	215,802
North Central Research Center	631,639			(1,936)				(1,936)	629,703
Williston Research Center	463,113			(2,581)			150,000 6	147,419	610,532
Carrington Research Center	935,390			(4,678)			(68,750)7	(73,429)	861,962
Agronomy Seed Farm Agricultural Experiment Station	1,253,699 40,678,794		20,000	(968)	\$(100,000)	\$2,000,000	(6,250)7	(968)	1,252,731 42,592,544
Total all funds	\$53,375,030	\$ 0	\$40,000*	\$(129,788)	\$(100,000)*	\$2,000,0004	\$ 75,000	\$1,885,212	\$55,260,242
FTE	411.22	0.00	0.00	0.00	-1.00		0.00	-1.00	410.22
GENERAL FUND CHANGES									
	SENATE VERSION	FUNDING SOURCE SHIFTS FOR POOLED SALARIES	BOARD OF AGRICULTURAL RESEARCH	REMOVE RISK MANAGEMENT PREMIUMS	SALARIES AND WAGES REDUCTION	AGRICULTURE RESEARCH GRANTS	OTHER CHANGES	TOTAL CHANGES	HOUSE VERSION
Main Research Station		\$ 4,045,617	\$20,000	\$(109,137)			\$(35,000)5	\$(3,921,480)	\$ 3,921,480
Dickinson Research Center	\$ 90,018			(4,115)			35,000 5	30,885	120,903
Central Grasslands Research Center	123,949			(1,613)				(1,613)	122,336
Hettinger Research Center	142,140	63,473		(2,581)				60,892	203,032
Langdon Research Center	39,631	66,152		(2,179)				63,973	103,604
North Central Research Center		39,876		(1,936)				37,940	37,940
Williston Research Center	229,990			(2,581)			50,000 6	47,419	277,409
Carrington Research Center		174,338		(4,678)			(68,750)7	100,910	100,910
Agronomy Seed Farm Agricultural Experiment Station	30,399,449	(4,389,456)	20,000		\$(100,000)		(6,250)7	(4,475,706)	25,923,743
Total general fund	\$31,025,177	\$ 0	\$40,000*	\$(128,820)	\$(100,000)*	\$ 0	\$(25,000)	\$(213,820)	\$30,811,357

1 Provides that the respective funding sources for the pooled salaries and wages of the Agricultural Experiment Station be appropriated in the subdivision with the pooled salaries. The Senate version transferred the maximum amount of general fund appropriations to the pooled salaries subdivision.

The guidelines added by the Senate relating to the allocation of the pooled salaries to the entities of the Agricultural Experiment Station for the 1997-99 biennium provided that each entity must receive at least 95 percent of the salaries and wages funding it received during the 1995-97 biennium. The House version reduces this percentage to 90 percent.

2 Provides funding to support the activities of the Board of Agricultural Research, including per diem and expense reimbursement for board members. The board is being established by provisions of this bill. This funding is not to be spent until the \$8,800 provided in North Dakota State University's 1997-99 appropriation for paying per diem and travel expenses of Agriculture Consultation Board members is spent for paying expenses of the Board of Agricultural Research members during the 1997-99 biennium.

3 Removes one FTE undesignated position and \$100,000 from the general fund associated with the position.

4 Provides in a separate section, a \$2,000,000 appropriation from the agricultural research fund for agriculture research grants. Grant committees appointed by the Board of Agricultural Research will determine the distribution of the grants. See "Other Sections" below for additional information.

5 Reduces the capital improvements line item of the Main Research Station by \$35,000 from the general fund, from \$1,158,800 to \$1,123,800. A capital improvements line item of \$35,000 from the general fund is added to the Dickinson Research Center for providing sanitation and decontamination facilities at the ranch headquarters of the Dickinson Research Center.

6 A contingent appropriation section is added providing a \$150,000 appropriation, \$50,000 of which is from the general fund, to the Williston Research Center to pay a portion of the costs associated with the construction of the Brnie French Center for the 1997-99 biennium. The general fund moneys are contingent on the center raising at least \$100,000 of other funds for the project.

7 Funding added in the Senate of \$125,000 from the general fund for a bison research program at the Carrington Research Center is reduced by \$75,000, to the level requested by the Agricultural Experiment Station.

Other Sections:

Sections are added which:

- Continue the 1995-97 appropriation authority for capital improvement projects at the Northern Crops Institute of \$1,500,000 of special funds for the food processing pilot plant project and at the North Central Research Center of \$600,000, \$300,000 of which is from the general fund and \$300,000 of special funds for the headquarter building project.

- Establish a Board of Agricultural Research that is responsible for the budgeting, supervision, and policymaking of the Agricultural Experiment Station.

- Establish an agricultural research fund. Revenue to the fund is generated from withholding four cents from agriculturally related motor vehicle fuel tax refund claims (the four-cent withholding provision is included in Senate Bill No. 2019).

- Provide that the Board of Agricultural Research appoint grant committees to determine the distribution of research grants from the funds available in the agricultural research fund as follows:

70 percent to agriculture commodity groups that raise research money.

18 percent to agriculture groups representing animal agriculture.

12 percent to agriculture groups representing new and emerging crops.

GENERAL FUND COMPARISON

AGENCY	EXECUTIVE BUDGET	SENATE VERSION	HOUSE VERSION	SENATE INCREASE (DECREASE) TO EXECUTIVE BUDGET	HOUSE INCREASE (DECREASE) TO EXECUTIVE BUDGET	HOUSE INCREASE (DECREASE) TO SENATE VERSION
Office of Management and Budget	\$ 454,376	\$ 660,000	\$ 450,505	\$ 660,000	\$ (3,871)	\$(660,000)
Transportation Institute	12,107,136	454,376	12,251,026	(462,559)	143,890	(3,871)
NDSU Extension Service	638,382	11,644,577	635,801		(2,581)	606,449
Northern Crops Institute	29,994,177	31,025,177	30,811,357	1,031,000	817,180	(2,581)
Agricultural Experiment Station						(213,820)
Total general fund	\$43,194,071	\$44,422,512	\$44,148,689	\$1,228,441	\$954,618	\$(273,823)

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2011, SB 2016, SB 2017.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2011

Page 1, line 9, replace "1,977,042" with "1,871,111"

Page 1, line 13, replace "23,880,225" with "23,774,294"

Page 1, line 14, replace "23,630,225" with "23,649,294"

Page 1, line 15, replace "250,000" with "125,000"

Page 1, line 17, replace "\$22,089,483" with "\$21,983,552"

Page 2, after line 18, insert:

"SECTION 7. ADDITIONAL INFORMATION. Included in the program-based performance budget appropriation in section 1 of this Act is anticipated funding for the following: \$17,925,294 for salaries and wages; \$4,637,000 for operating expenses; \$755,000 for equipment; \$32,000 for capital improvements; and \$425,000 for grants. These amounts are provided for informational purposes only."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 504 - HIGHWAY PATROL

HOUSE - The funding for developing a comprehensive public communications plan of \$250,000 from the general fund provided in the executive budget and the Senate version is changed to \$125,000 from the general fund and \$125,000 of other funds for developing the plan.

Operating expenses in the administration program are reduced by \$105,931 from the highway fund relating to the removal of risk management premiums.

A section is added providing information on object-code amounts appropriated to the Highway Patrol, as a performance budgeting pilot agency.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2016

Page 1, line 2, replace "15-40.1 and a new" with "12-46"

Page 1, line 3, remove "subsection to section 15-40.2-08"

Page 1, line 4, replace "in cases of residential placements and to the transfer of funds appropriated for" with "for students committed to the youth correctional center"

Page 1, line 5, remove "foundation aid" and remove "; to provide an effective date"

Page 1, line 17, replace "77,929" with "73,713"

Page 1, line 19, replace "880,823" with "876,607"

Page 1, line 21, replace "781,924" with "777,708"

Page 2, line 2, replace "4,188,200" with "4,127,066"

Page 2, after line 5, insert:

"Delinquency prevention consortium 100,000"

Page 2, line 7, replace "14,902,468" with "14,941,334"

Page 2, line 8, replace "5,006,447" with "5,456,447"

Page 2, line 9, replace "9,896,021" with "9,484,887"

Page 2, line 12, replace "20,392,705" with "20,202,555"

Page 2, line 13, replace "8,921,787" with "8,479,128"

Page 2, line 21, replace "45,833,323" with "45,200,514"

Page 2, line 23, replace "35,350,206" with "34,717,397"

Page 2, line 27, replace "5,964,326" with "5,951,678"

Page 2, line 30, replace "8,699,211" with "8,686,563"

Page 2, line 31, replace "46,028,151" with "44,979,992"

Page 3, line 1, replace "24,287,674" with "24,725,026"

Page 3, line 2, replace "70,315,825" with "69,705,018"

Page 3, replace lines 16 through 26 with:

"SECTION 5. A new section to chapter 12-46 of the North Dakota Century Code is created and enacted as follows:

Youth correctional center - Payment of tuition. The superintendent shall charge a student's school district of residence tuition as follows:

1. The amount of tuition must be determined pursuant to this section for each student under the age of eighteen who is committed to the youth correctional center.
2. The amount of tuition is the average net foundation aid payment for all high schools for the fiscal year during which the student is committed to the youth correctional center, multiplied by the number of instructional days the student has been committed to the youth correctional center during the period for which the district is being charged, divided by one hundred eighty.
3. The average net foundation aid payment for all high schools is the average per student foundation aid payment for all high school districts, reduced by the average mill deduct per student, as determined by the superintendent of public instruction."

Page 3, replace lines 30 and 31 with "to grant recipients that the amount of funds appropriated for crime victims' grants for the 1997-99 biennium may not continue at the same level during the 1999-2001 biennium. The fifty-sixth legislative assembly is not obligated to provide an appropriation from the state general fund to continue the crime victims' grant program at the"

Page 4, remove line 1

Page 4, line 5, after "of" insert "section 1 of"

Page 4, after line 9, insert:

"SECTION 8. PURCHASE OF LAND AND BUILDINGS - EXEMPTION FROM CHAPTERS 48-01.1 AND 54-44.7. The department of corrections and rehabilitation may purchase, within the limits of legislative appropriations provided for that purpose, the forensic unit building, the extended treatment building, a gymnasium building, and surrounding real property at the state hospital for development of a medium security correctional facility. The department of corrections and rehabilitation is not subject to the provisions of chapters 48-01.1 and 54-44.7, relating to public improvement contract bids and architect, engineer, and land surveying services, for construction and renovation relating to the medium security correctional facility.

SECTION 9. DELINQUENCY PREVENTION CONSORTIUM. During the 1997-99 biennium, the department of corrections and rehabilitation, the department of human services, and the department of public instruction shall develop a delinquency prevention consortium, including representatives of those departments, other state agencies, and private organizations. The delinquency prevention consortium shall study, develop, and implement, during the 1997-99 biennium, programs to prevent crime and delinquency and reduce incarceration. The consortium shall consider crime prevention programs other than incarceration, such as the following programs identified

in the 1996 research report "Diverting Children from a Life of Crime - Measuring Costs and Benefits": early childhood interventions for children at risk of developing antisocial behavior, interventions for families with children exhibiting aggressive or antisocial behavior, providing graduation incentives for disadvantaged high school students, and early monitoring of youth exhibiting delinquent behavior. The delinquency prevention consortium shall, during the 1997-99 biennium, present reports to the legislative council or its designated committee on programs studied, developed, and implemented and recommendations for the 1999-2001 biennium."

Page 4, remove line 10

Page 4, line 12, replace "is" with "and section 8 of this Act are"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

HOUSE - This amendment removes risk management premiums of \$210,807 (\$198,159 general fund, \$12,648 other funds) from the Department of Corrections and Rehabilitation.

This amendment transfers \$90,150 general fund appropriation authority from salaries and wages to operating expenses for a .3 FTE physician position. The Senate transferred the authority for the .3 FTE position from the State Hospital to the Department of Corrections and Rehabilitation. However, the position will not be transferred. The Department of Corrections and Rehabilitation will contract for these services.

This amendment increases other fund appropriation authority for the Juvenile Services Division by \$350,000 and decreases general fund appropriation authority by the same amount to reflect tuition payments that the Youth Correctional Center will receive from school districts.

This amendment removes Sections 5 and 6 of the reengrossed bill. Section 5, which was effective on July 1, 1999, prohibited the transfer of foundation aid to the Youth Correctional Center. Section 6 provided that school districts were not liable for tuition for students at the Youth Correctional Center.

This amendment adds a new section which provides that school districts are responsible for the payment of tuition for students at the Youth Correctional Center. The tuition payment is equal to the statewide average foundation aid payment for high school districts, based on the number of days the student is at the Youth Correctional Center.

This amendment also reduces general fund appropriation authority for the Adult Services Division by \$500,000 (\$400,000 operating expenses, \$100,000 salaries and wages). The operating expenses reduction is for programmatic reductions to be determined by the Department of Corrections and Rehabilitation. The salaries and wages reduction is to encourage the department to postpone filling unspecified positions relating to the proposed medium security facility in Jamestown.

This amendment directs the Department of Corrections and Rehabilitation, the Department of Human Services, and the Department of Public Instruction to develop a delinquency prevention consortium. The consortium will study, develop, and implement programs to prevent crime and delinquency through early intervention methods and present results and recommendations to a Legislative Council committee. This amendment also appropriates \$100,000 of federal or other funds to the Department of Corrections and Rehabilitation for the delinquency prevention consortium.

This amendment clarifies the legislative intent contained in Section 7 of the reengrossed bill, relating to crime victims' grants. This section provides legislative intent that crime victims' grant recipients be provided a notice that the federal funds available for grants during the 1997-99 biennium may not be available during the 1999-2001 biennium and may not be replaced with state funds.

This amendment also adds a new section which allows the Department of Corrections and Rehabilitation to purchase, from the State Hospital, the buildings and land for the medium security facility and exempts the department from the provisions of Chapters 48-01.1 and 54-44.7, relating to bidding requirements and architect, engineer, and land surveying services.

Total	\$39,373,953	\$ 0	\$45,833,323	\$(132,809)	\$ 0	\$ 0	\$(500,000)	\$ 0	\$ (632,809)	\$45,200,514
General fund	\$34,513,731	\$ 836,475	\$35,350,206	\$ (132,809)			\$(500,000)		\$ (632,809)	\$34,717,397
Other funds	<u>4,860,222</u>	<u>5,622,895</u>	<u>10,483,117</u>							<u>10,483,117</u>
Total	\$39,373,953	\$ 6,459,370	\$45,833,323	\$(132,809)	\$ 0	\$ 0	\$(500,000)	\$ 0	\$ (632,809)	\$45,200,514
ROUGHRIIDER INDUSTRIES										
Salaries and wages	\$ 2,427,773		\$ 2,427,773							\$ 2,427,773
Operating expenses	5,964,326		5,964,326	\$ (12,648)					\$ (12,648)	5,951,678
Equipment	221,000		221,000							221,000
Capital improvements	<u>50,000</u>	<u>36,112</u>	<u>86,112</u>							<u>86,112</u>
Total	\$ 8,663,099	\$ 36,112	\$ 8,699,211	\$ (12,648)	\$ 0	\$ 0	\$ 0	\$ 0	\$ (12,648)	\$ 8,686,563
General fund	<u>\$ 8,663,099</u>	<u>\$ 36,112</u>	<u>\$ 8,699,211</u>	<u>\$ (12,648)</u>					<u>\$ (12,648)</u>	<u>\$ 8,686,563</u>
Other funds										
Total	\$ 8,663,099	\$ 36,112	\$ 8,699,211	\$ (12,648)	\$ 0	\$ 0	\$ 0	\$ 0	\$ (12,648)	\$ 8,686,563
DCR total general fund	\$44,396,111	\$ 1,632,040	\$46,028,151	\$ (198,159)			\$(500,000)	\$(350,000)	\$ (1,048,159)	\$44,979,992
DCR total other funds	<u>19,424,232</u>	<u>4,863,442</u>	<u>24,287,674</u>	<u>(12,648)</u>	\$100,000			350,000	<u>437,352</u>	<u>24,725,026</u>
DCR total all funds	\$63,820,343	\$ 6,495,482	\$70,315,825	\$(210,807)	\$100,000	\$ 0	\$(500,000)	\$ 0	\$ (610,807)	\$69,705,018
FTE	431.14	87.80	518.94			(0.30)			(0.30)	518.64

HOUSE AMENDMENTS TO SENATE BILL NO. 2017

Page 1, line 2, after "Dakota" insert "; to provide that job service North Dakota and the workers compensation bureau conduct mutual auditing assistance; to provide that student participation in school-to-work and work force 2000 is voluntary; to create and enact a new section to chapter 44-04 and a new section to chapter 52-02 of the North Dakota Century Code, relating to records of the North Dakota occupational information coordinating committee and audits of job service North Dakota; and to declare an emergency"

Page 1, line 10, replace "8,391,544" with "8,246,905"

Page 1, line 14, replace "2,000,754" with "1,700,754"

Page 1, line 16, replace "51,208,194" with "50,763,555"

Page 1, line 17, replace "49,207,440" with "49,062,801"

Page 1, line 18, replace "2,000,754" with "1,700,754"

Page 1, line 23, replace "\$2,000,754" with "\$1,700,754"

Page 2, after line 2, insert:

"SECTION 4. WORKERS COMPENSATION BUREAU AND JOB SERVICE NORTH DAKOTA - MUTUAL AUDITING ASSISTANCE. The workers compensation bureau and job service North Dakota shall establish a cooperative program under which each agency, during the performance of employer audits, gathers employer audit information relevant to the other agency. The workers compensation bureau shall coordinate training of the auditors of both agencies on the technical aspects and needs of the audit processes. The training must include training on the use of the form developed under section 2 of chapter 523 of the 1995 Session Laws for reporting workers' compensation and job service information on a single form. Training must be completed by December 31, 1997. The auditing program must begin in January 1998. The program must operate within federal funding requirements and any other applicable federal statutes and regulations affecting job service North Dakota, as well as within titles 52 and 65. The program's agreement must identify the amount and method of reimbursement between the workers compensation bureau and job service North Dakota for the mutual auditing services. The agreement also must identify a means by which the agencies will identify the employers to be audited by each to avoid a duplication of efforts by the agencies and to reduce the administrative burden on employers subject to the audits.

SECTION 5. SCHOOL-TO-WORK - STUDENT PARTICIPATION VOLUNTARY. Before any elementary or secondary school student may participate in any course, program, or project offered under the auspices of the School-to-Work Opportunities Act of 1994, Public Law No. 103-239 [108 Stat. 568; 20 U.S.C. 2394 et seq.], the student's school principal shall obtain the written consent of the student's parent or legal guardian. Participation by a student is voluntary and may not be deemed a condition of graduation. Neither school personnel, school district personnel, nor the superintendent of public instruction may impose any academic penalties or any other sanctions on a student for failure to participate. A student's participation in a course, program, or project offered under the auspices of the School-to-Work Opportunities Act of 1994 is subject to all state and federal child labor laws.

SECTION 6. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Certain records of occupational information coordinating committee - Exempt. Records provided to the North Dakota occupational information coordinating committee by any person for use in the followup information on North Dakota education and training system for research or statistical purposes may only be used to prepare aggregate data compilations that do not identify any individual and may not be disclosed to the public by the occupational information coordinating committee. A request for disclosure of the records under section 44-04-18 or section 6 of article XI of the Constitution of North Dakota must be directed to the person or entity that has provided the records to the occupational information coordinating committee.

SECTION 7. A new section to chapter 52-02 of the North Dakota Century Code is created and enacted as follows:

Independent audit. The state auditor shall appoint on a biennial basis an independent audit firm, with extensive expertise in job service practices and standards, to complete a performance audit of the divisions of job service North Dakota. The audit must evaluate divisions of job service North Dakota, as determined necessary by the state auditor, to determine whether the divisions are providing quality service in an efficient and cost-effective manner. The audit report must contain recommendations for divisional improvement or an explanation of why no recommendations are being made. The executive director of job service North Dakota and the auditor shall present the audit report and any action taken as a result of the audit to the legislative council's legislative audit and fiscal review committee and to the house and senate industry, business and labor standing committees during the next regular session of the legislative assembly following the audit. The executive director shall also provide a copy of the audit report to the state auditor.

SECTION 8. EMERGENCY. Section 6 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 380 - JOB SERVICE NORTH DAKOTA

HOUSE - This amendment reduces the operating expenses line item by \$144,639 of other funds due to the removal of risk management premiums. The amendment also reduces the general fund appropriation for Work Force 2000 by \$300,000, from \$2,000,754 to \$1,700,754.

This amendment also adds new Sections 4, 5, 6, 7, and 8 as follows:

Section 4 requires that Job Service North Dakota and the Workers Compensation Bureau begin a joint employer auditing program.

Section 5 provides that student participation in school-to-work programs is to be on a voluntary basis.

Section 6 creates a new section in North Dakota Century Code Chapter 44-04 relating to records provided to the North Dakota Occupational Information Coordinating Committee.

Section 7 creates a new section in North Dakota Century Code Chapter 52-02 relating to audits of Job Service North Dakota.

Section 8 makes Section 6 an emergency measure.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2002, SB 2004, SB 2005, SB 2007, SB 2012, SB 2014, SB 2018, SB 2020, SB 2214, SB 2338, SB 2353.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, line 3, after "reenact" insert "subsection 1 of section 11-17-04,", replace the third "and" with a comma, and after "27-05-03" insert ", 27-11-17, 27-11-22, and 27-12-04"

Page 1, line 4, after "to" insert "filing fees," and after "judges" insert ", and attorney license fees"

Page 1, line 14, replace "4,721,870" with "4,644,087"

Page 1, line 15, replace "1,511,006" with "1,490,790"

Page 1, line 19, replace "6,722,981" with "6,624,982"

Page 1, line 21, replace "6,714,018" with "6,616,019"

Page 2, line 2, replace "8,132,820" with "7,851,086"

Page 2, line 5, replace "31,265,142" with "30,983,408"

Page 2, line 7, replace "30,881,053" with "30,599,319"

Page 2, after line 7, insert:

"Subdivision 3."

Page 2, line 9, replace "Salaries and wages" with "Judicial conduct commission and disciplinary board" and replace "394,078" with "460,000"

Page 2, remove lines 10 and 11

Page 2, line 12, replace "523,629" with "460,000"

Page 2, line 13, replace "72,000" with "360,000"

Page 2, line 14, replace "451,629" with "100,000"

Page 2, line 15, replace "38,046,700" with "37,315,338"

Page 2, line 16, replace "465,052" with "753,052"

Page 2, line 17, replace "38,511,752" with "38,068,390"

Page 2, after line 31, insert:

"SECTION 5. COURT AUTOMATION. The supreme court and the district courts may not require any county to spend county funds on computer equipment relating to the automation of the court system."

Page 3, replace lines 1 through 3 with:

"SECTION 6. AMENDMENT. Subsection 1 of section 11-17-04 of the North Dakota Century Code is amended and reenacted as follows:

1. The clerk of the district court shall charge and collect the following fees in civil cases:
 - a. For filing a case for decision that is not a small claims action, eighty dollars.
 - (1) ~~Ten~~ Fifteen dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund.
 - (2) For the filing of a petition for dissolution of marriage, annulment, or separation from bed and board, fifty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account created by section 14-06.1-14 and fifteen dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
 - (3) For all other filings, ~~fifty~~ sixty-five dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
 - b. For filing an answer to a case that is not a small claims action, fifty dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund in the state treasury.
 - c. For filing a small claims action in district court, ten dollars.
 - d. For filing any matter authorized to be filed in the office of the clerk of court other than under subdivision a, b, or c, five dollars.
 - e. For preparing, certifying, issuing, or transmitting any document, five dollars; or such lesser fee as may be set by a schedule to be promulgated by the state court administrator.
 - f. For filing a motion or an answer to a motion to modify an order for alimony, property division, child support, or child custody, thirty dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund of the state treasury."

Page 3, after line 24, insert:

"SECTION 9. AMENDMENT. Section 27-11-17 of the North Dakota Century Code is amended and reenacted as follows:

27-11-17. Fee payable by all applicants for admission to bar - Disposition of fees. The state bar board shall receive a fee to be determined from time to time by the state bar board with the approval of the supreme court of an amount not to exceed fifty dollars from each applicant for admission to the bar of this state who submits to examination by the state bar board and shall receive a fee to be determined from time to time by the state bar board with the approval of the supreme court of an amount not to exceed ~~two~~ four hundred dollars from each applicant for admission to the bar of this state who seeks admission upon motion in accordance with state law or supreme court rule. All such fees received must be deposited and disbursed in accordance with section 54-44-12.

SECTION 10. AMENDMENT. Section 27-11-22 of the North Dakota Century Code is amended and reenacted as follows:

27-11-22. Annual licenses to practice law and to serve on certain courts - Requirement - Issuance - Fees. Every person who has an unrevoked certificate of admission to the bar of this state and who desires to engage in the practice of law, or who is to serve as a judge of a court of record, shall secure an annual license from the state bar board on or before January first of each year. The secretary-treasurer of the board shall issue the license upon compliance with the rules adopted or approved by the supreme court to assure the professional competence of attorneys, and upon payment of a fee established by the state bar association at its annual meeting, by a majority vote of its members in attendance at the meeting, not to exceed ~~two~~ four hundred ~~forty~~ fifty dollars. The license is valid for the calendar year for which it is issued. Issuance of an annual license to practice law may not be conditioned upon payment of any surcharge, assessment, or fee in excess of the maximum fee established by this section. This section does not prohibit imposition of a reasonable fee for filing and processing reports of compliance with continuing education requirements.

SECTION 11. AMENDMENT. Section 27-12-04 of the North Dakota Century Code is amended and reenacted as follows:

27-12-04. Moneys payable from state bar fund to state bar association. The state bar association of North Dakota, out of the state bar fund, ~~annually shall~~ must receive one hundred dollars of each annual license fee for the operation of the attorney discipline board, and eighty percent of the remaining amount of the annual license fees paid by licensed members, for the purpose of paying for the printing and distribution of the annual report and proceedings of said the association and for the payment of other necessary expenses of the association. ~~Such sum~~ These sums must be paid quarterly to the association by the state bar board upon vouchers drawn in accordance with section 54-44-12."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 180 - JUDICIAL BRANCH

HOUSE - This amendment makes the following changes:

Supreme Court changes:

Salaries and wages	1997-99 AGENCY REQUEST	SENATE CHANGES	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	REMOVE NEW 5 FTE COMPUTER PROGRAMMER	REMOVE EXISTING 5 FTE COMPUTER PROGRAMMER	HOUSE CHANGES	HOUSE VERSION
Operating expenses	\$4,765,332	\$ (43,462)	\$4,721,870	\$ (20,216)	\$ (35,260)	\$ (42,523)	\$ (77,783)	\$4,644,087
Equipment	1,525,506	(14,500)	1,511,006				(20,216)	1,490,790
Judges retirement	132,700		132,700					132,700
Dispute resolution options	342,416	(5,011)	337,405					337,405
	<u>20,000</u>		<u>20,000</u>					<u>20,000</u>
Total all funds	\$6,785,954	\$ (62,973)	\$6,722,981	\$ (20,216)	\$ (35,260)	\$ (42,523)	\$ (97,999)	\$6,624,982
Less estimated income	<u>8,963</u>		<u>8,963</u>					<u>8,963</u>
General fund	\$6,776,991	\$ (62,973)	\$6,714,018	\$ (20,216)	\$ (35,260)	\$ (42,523)	\$ (97,999)	\$6,616,019
FTE	45.50	0.00	45.50		(0.50)	(0.50)	(1.00)	44.50

District court changes:

	1997-99 AGENCY REQUEST	SENATE CHANGES	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	DECREASE INDIGENT DEFENSE COSTS	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$21,640,674	\$(122,538)	\$21,518,136				\$21,518,136
Operating expenses	8,178,820	(46,000)	8,132,820	\$(81,734)	\$(200,000)	\$(281,734)	7,851,086
Equipment	654,954		654,954				654,954
Judges retirement	973,584	(14,352)	959,232				959,232
Total all funds	\$31,448,032	\$(182,890)	\$31,265,142	\$(81,734)	\$(200,000)	\$(281,734)	\$30,983,408
Less estimated income	384,089		384,089				384,089
General fund	\$31,063,943	\$(182,890)	\$30,881,053	\$(81,734)	\$(200,000)	\$(281,734)	\$30,599,319
FTE	190.50	0.00	190.50			0.00	190.50

Judicial Conduct Commission changes:

	1997-99 AGENCY REQUEST	SENATE CHANGES	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	CHANGE FUNDING FOR THE JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD TO A SINGLE LINE ITEM*	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$394,078		\$394,078		\$(394,078)	\$(394,078)	
Operating expenses	119,551		119,551	\$(2,151)	(117,400)	(119,551)	
Equipment	13,000	\$(3,000)	10,000		(10,000)	(10,000)	
Judicial Conduct Commission and disciplinary board					460,000	46,000	\$460,000
Total all funds	\$526,629	\$(3,000)	\$523,629	\$(2,151)	\$(61,478)	\$(63,629)	\$46,000
Less estimated income	72,000		72,000		288,000	288,000	360,000
General fund	\$454,629	\$(3,000)	\$451,629	\$(2,151)	\$(349,478)	\$(351,629)	\$100,000
FTE	4.00		4.00			0.00	4.00

* The change also reduces the general fund support by \$61,478 and increases the other funds by \$288,000 to a total of \$360,000. The other funds of \$360,000 are to be generated from a \$100 annual assessment on license fees to practice law in the state of North Dakota.

This amendment also:

- Adds a new Section 5 providing that neither the Supreme Court or the district courts can require counties to purchase, with county funds, computer equipment relating to court automation.
- Removes the current Section 5 which provided for the maximum authorized FTE levels.
- Adds a new Section 6 changing the distribution of the \$80 filing fee for a case that is not a small claims action. The following table shows the change in the distribution of the \$80 filing fee:

	CURRENT DISTRIBUTION		PROPOSED DISTRIBUTION		CHANGE	
	Divorce Filings	All other Filings	Divorce Filings	All other Filings	Divorce Filings	All other Filings
Civil legal services fund	\$10	\$10	\$15	\$15	\$ 5	\$ 5
Displaced homemaker fund	50		50			
State general fund	<u>20</u>	50	15	65	15	15
County		<u>20</u>			<u>(20)</u>	<u>(20)</u>
Total filing fee	\$80	\$80	\$80	\$80	\$ 0	\$ 0

The proposed change will have the following revenue impacts:

Civil legal services fund	\$131,805
State general fund	395,415
County revenues	<u>(527,220)</u>
Total	\$0

- Adds Sections 9, 10, and 11 relating to the maximum annual license fee to practice law in this state. The amendments increase the maximum annual license fee from \$250 to \$400. The amendments also provide that \$100 of the annual license fee is to be for the operation of the attorney discipline board.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2004

Page 1, line 4, remove "23-09-17,"

Page 1, line 7, replace "an expiration date" with "legislative intent"

Page 1, line 16, replace "25,038,634" with "24,851,601"

Page 1, line 17, replace "31,421,679" with "31,307,181"

Page 1, line 18, replace "1,280,850" with "1,230,440"

Page 1, line 20, replace "19,777,146" with "19,498,646"

Page 1, line 21, replace "77,546,452" with "76,916,011"

Page 1, line 22, replace "62,063,038" with "62,020,071"

Page 1, line 23, replace "15,483,414" with "14,895,940"

Page 2, line 2, replace "\$400,000" with "\$300,000"

Page 3, line 27, remove "Food processing plant means a commercial operation that manufactures."

Page 3, remove lines 28 and 29

Page 3, line 30, remove "7."

Page 4, line 4, remove the overstrike over "~~7.~~" and remove "8."

Page 4, line 11, remove the overstrike over "~~8.~~" and remove "9."

Page 4, line 13, remove the overstrike over "~~9.~~" and remove "10."

Page 4, line 16, remove the overstrike over "~~10.~~" and remove "11."

Page 4, line 18, remove the overstrike over "~~11.~~" and remove "12."

Page 4, line 23, remove the overstrike over "~~12.~~" and remove "13."

Page 4, line 30, remove the overstrike over "~~13.~~" and remove "14."

Page 5, line 4, remove the overstrike over "~~14.~~" and remove "15."

Page 5, line 7, remove the overstrike over "~~15.~~" and remove "16."

Page 10, line 29, replace "year" with "two years"

Page 12, remove line 27

Page 13, remove lines 10 through 31

Page 14, remove lines 1 through 23

Page 15, line 22, remove "- **EXPIRATION DATE**"

Page 15, line 23, remove ", and expires as of January 1, 1999" and remove "Section 20 of this"

Page 15, replace line 24 with:

"SECTION 26. LEGISLATIVE INTENT. It is the intent of the legislative assembly that women, infants, and children food payments be budgeted as a separate line item in the department of health's 1999-2001 budget request."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 301 - DEPARTMENT OF HEALTH

HOUSE - This amendment removes a proposed \$50 annual fee for food processing plants and makes the following changes:

	1997-99 EXECUTIVE BUDGET	TOTAL SENATE CHANGES	SENATE RECOMMENDED AMOUNTS	REDUCE LOCAL HEALTH DISTRICTS AND COMPUTER EQUIPMENT FUNDING	REMOVE RISK MANAGEMENT PREMIUMS	REDUCE ABANDONED AUTO GRANTS	RESTORE TRAUMA CARE FTE POSITION	REMOVE 5 FTE POSITIONS	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS
Salaries and wages	\$25,101,601	\$ (62,967)	\$25,038,634				\$ 62,967	\$(250,000)	\$(187,033)	\$24,851,601
Operating expenses	32,106,219	(684,540)	31,421,679		\$ (171,531)		57,033		(114,498)	31,307,181
Equipment	1,293,480	(12,630)	1,280,850	\$ (50,410)					(50,410)	1,230,440
Capital improvements	28,143		28,143							28,143
Grants	<u>19,623,646</u>	<u>153,500</u>	<u>19,777,146</u>	<u>(178,500)</u>		<u>\$ (100,000)</u>			<u>(278,500)</u>	<u>19,498,646</u>
Total all funds	\$78,153,089	\$ (606,637)	\$77,546,452	\$ (228,910)	\$ (171,531)	\$ (100,000)	\$120,000	\$(250,000)	\$(630,441)	\$76,916,011
Less estimated income	<u>62,483,338</u>	<u>(420,300)</u>	<u>62,063,038</u>			<u>(100,000)</u>	<u>57,033</u>		<u>(42,967)</u>	<u>62,020,071</u>
Total general fund appropriation	\$15,669,751	\$ (186,337)	\$15,483,414	\$ (228,910)	\$ (171,531)	\$ 0	\$ 62,967	\$(250,000)	\$(587,474)	\$14,895,940
FTE	311.00	(1.00)	310.00				1.00	(5.00)	(4.00)	306.00

In addition, this amendment:

- Provides that the department's reduction of five FTE positions required by this amendment not include the one new FTE chemist for methamphetamine cases and the one new FTE chemist for the forensic unit authorized in the budget.
- Amends Section 16 to allow the department to inspect food establishments once every two years rather than once every year.
- Removes Section 20, which would have provided a license fee increase on January 1, 1999, for food and lodging establishments, a reduction of general fund revenue of \$30,250 from the Senate level. Total additional general fund revenue would be \$70,949 rather than \$101,199.
- Adds a new section of legislative intent that the Department of Health include the WIC food payments as a separate line item in the 1999-2001 budget request.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2005

Page 1, line 11, replace "34,963" with "33,888"

Page 1, line 13, replace "465,373" with "464,298"

Page 1, line 15, replace "264,979" with "263,904"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 316 - INDIAN AFFAIRS COMMISSION

HOUSE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	SENATE CHANGES	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$230,410		\$230,410			\$230,410
Operating expenses	34,963		34,963	\$(1,075)	\$(1,075)	33,888
Grants	<u>145,500</u>	\$ 54,000	<u>200,000</u>			<u>200,000</u>
Total all funds	\$410,873	\$ 54,500	\$465,373	\$(1,075)	\$(1,075)	\$464,298
Less estimated income	<u>394</u>	<u>200,000</u>	<u>200,394</u>			<u>200,394</u>
General fund	\$410,479	\$(145,500)	\$264,979	\$(1,075)	\$(1,075)	\$263,904
FTE	3.00	0.00	3.00		0.00	3.00

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2007

Page 1, line 14, replace "1,827,906" with "1,797,976"

Page 1, line 17, replace "7,351,993" with "7,322,063"

Page 1, line 18, replace "5,304,809" with "5,283,559"

Page 1, line 19, replace "2,047,184" with "2,038,504"

Page 1, line 23, replace "81,186" with "79,611"

Page 2, line 1, replace "451,313" with "449,738"

Page 2, line 3, replace "424,968" with "423,393"

Page 2, line 4, replace "2,472,152" with "2,461,897"

Page 2, line 5, replace "5,331,154" with "5,309,904"

Page 2, line 6, replace "7,803,306" with "7,771,801"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**DEPARTMENT 313 - VETERANS' HOME**

HOUSE - This amendment reduces the operating expenses line item by \$29,930, \$8,680 from the general fund, to remove risk management premiums.

DEPARTMENT 321 - VETERANS' AFFAIRS

HOUSE - This amendment changes the operating expenses line item as follows:

	GENERAL FUND
Add funds for computer telephone hookup	\$ 1,500
Remove funds for risk management premiums	<u>(3,075)</u>
Net change	\$(1,575)

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 2, after "transportation" insert "; to limit expenditures on certain streets; to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to cooperating with other states; to amend and reenact subsection 3 of section 24-02-37, sections 24-02-37.1, 39-12-02, and 54-06-09 of the North Dakota Century Code, relating to the special road fund, special trip permits, and state employee vehicle usage; to repeal section 24-02-37.1 of the North Dakota Century Code, relating to the special road advisory committee; and to provide an effective date"

Page 1, line 9, replace "24,084,794" with "22,383,770"

Page 1, line 12, replace "382,681,779" with "384,910,803"

Page 1, line 14, replace "452,824,778" with "453,352,778"

Page 1, after line 23, insert:

"SECTION 4. LEGISLATIVE INTENT - BUDGET SECTION REPORT. It is the intent of the legislative assembly that the department of transportation evaluate the continued use of its 1978 model cessna airplane. The evaluation should include an analysis of the costs of continued maintenance and repair of the airplane and options for replacement of the airplane which may include selling or trading the airplane and leasing or purchasing a new or used airplane. The department shall present a report on its evaluation to the budget section by November 1998.

SECTION 5. EXPENDITURES FOR SCHAFFER STREET LIMITED. No funds from any source may be used to widen Schaffer street in the city of Bismarck. However, funds may be used to maintain or improve the street.

SECTION 6. A new section to chapter 24-02 of the North Dakota Century Code is created and enacted as follows:

Intergovernmental cooperation - Infrastructure bank. The director may contract and cooperate with other states, with political subdivisions of this state, and with the United States government to establish, maintain, and operate a multistate infrastructure bank pursuant to section 350 of the National Highway System Designation Act of 1995 [Pub. L. 104-59; 109 Stat. 568, 618-622]; the Department of Transportation and Related Agencies Appropriations Act of 1997 [Pub. L. 104-205, Title I]. The director may transfer and commit to the multistate infrastructure bank state and federal-aid highway funds, up to a maximum of ten percent of eligible federal-aid highway funds and the required state matching funds. All funds and revenue allocated or generated under this section must be used for purposes of funding eligible projects as determined by agreement of the members of the multistate infrastructure bank and as authorized by state and federal law.

SECTION 7. AMENDMENT. Subsection 3 of section 24-02-37 of the North Dakota Century Code is amended and reenacted as follows:

3. ~~The state treasurer shall deposit the moneys in the state highway fund in an interest-bearing account at the Bank of North Dakota. The state treasurer shall deposit any~~ Any income derived from the deposit of the moneys in a special fund in the state treasury known as the special road must be retained in the state highway fund. Moneys, and any earnings on the moneys, in the special road fund may be used, within the limits of legislative appropriation, exclusively for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas as designated by the commissioner with the advice of the special road advisory committee. Requests by political subdivisions or state agencies for funding from the special road fund must be made to the commissioner on forms designated by the commissioner. The commissioner may require the political subdivision or state agency to contribute to the cost of the project as a condition of any expenditure authorized from the special road fund.

SECTION 8. AMENDMENT. Section 24-02-37.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-02-37.1. Special road advisory committee - Special road fund. The special road advisory committee consists of one member of the senate transportation committee and one member of the senate appropriations committee appointed by the chairman of the legislative council and one member of the house of representatives transportation committee and one member of the house of representatives appropriations committee appointed by the chairman of the legislative council and also the director of the game and fish department, the director of the parks and recreation department, the director of the department of economic development and finance, and the commissioner.

The special road fund is a special fund in the state treasury that consists of moneys deposited in the fund through June 30, 1997. Moneys, and any earnings on the moneys, in the special road fund may be used, within the limits of legislative appropriation, exclusively for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas as designated by the commissioner with the advice of the special road advisory committee. Requests by political subdivisions or state agencies for funding from the special road fund must be made to the commissioner on forms designated by the commissioner. The commissioner may require the political subdivision or state agency to contribute to the cost of the project as a condition of any expenditure authorized from the special road fund. The state treasurer shall transfer any moneys remaining in the fund on June 30, 1999, to the state highway fund.

The committee shall meet at the call of the commissioner, who is chairman of the committee, to review requests for funding from the special road fund and to advise the commissioner regarding funding requested projects. The commissioner shall provide staff services to the committee. All final decisions regarding funding requested projects are in the sole discretion of the commissioner. The members of the commission who are members of the legislative assembly must be compensated by the department, from moneys appropriated from the special road fund, for attendance at committee meetings at the rate provided in section 54-35-10 and are entitled to

reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.

SECTION 9. AMENDMENT. Section 39-12-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-12-02. Special permits for vehicles of excessive size and weight issued - Contents - Fees.

1. The highway patrol and local authorities in their respective jurisdictions, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home or modular unit of a size or weight exceeding the maximum specified by this chapter, upon a highway under the jurisdiction of the body granting the permit. Every ~~such~~ permit may designate the route to be traversed, and may contain any other restrictions or conditions deemed necessary by the body granting ~~such the~~ permit. Every ~~such~~ permit must be carried in the vehicle to which it refers and must be opened to inspection by any peace officer or agent of the superintendent of the highway patrol unless prior approval is obtained from the highway patrol. It is a violation of ~~the provisions of~~ this chapter for any person to violate any of the terms or conditions of ~~such special the~~ permit. All permits for the movement of excessive size and weight on state highways must be single trips only. The highway patrol and local authorities may adopt rules governing the movement of oversize and overweight vehicles.
2. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund ~~and are hereby appropriated~~ for use in the construction and maintenance of highways and operating expenses of the department of transportation. ~~For each permit for the movement of a mobile home or modular unit, the fee is ten dollars.~~ Official or publicly owned vehicles may not be required to pay charges for permits. The minimum fee for selected charges is as follows:
 - a. The fee for a seasonal permit, harvest and wintertime, is fifty dollars per year.
 - b. The fee for a non-self-issuing interstate permit is ten dollars.
 - c. The fee for special mobile equipment is twenty-five dollars per trip.
 - d. The fee for engineering is twenty-five dollars.
 - e. The fee for filing a permit is five dollars.
 - f. The fee for a single trip permit is twenty dollars.
3. The director of tax equalization of the county of destination must be furnished a copy of the permit for the movement of an overdimensional mobile home.

SECTION 10. AMENDMENT. Section 54-06-09 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-06-09. Mileage and travel expense of state officers and employees.

1. State officials, whether elective or appointive, and their deputies, assistants, and clerks, or other state employees, entitled by law to be reimbursed for mileage or travel expense, must be allowed and paid for mileage and travel expense the following amounts:
 - a. The sum of twenty-five cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle or twenty-seven cents per mile [1.61 kilometers] if the travel is by truck, the use of which is required by the employing subdivision, agency, bureau, board, or commission. The sum of thirty-five cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily

traveled in the performance of official duty when such travel is by private airplane. Mileage by private aircraft must be computed by actual air mileage when only one state employee or official is traveling; if two or more state employees or officials are traveling by private aircraft, the actual mileage must be based on the road mileage between the geographical points. Reimbursement for private airplane travel must be calculated as follows:

- a- (1) If reimbursement is for one properly authorized and reimbursable passenger, reimbursement must be paid on a per-mile basis as provided in this subsection.
- b- (2) If reimbursement is claimed for a chartered private aircraft, reimbursement may not exceed the cost of regular coach fare on a commercial flight, if one is scheduled between the point of departure, point of destination, and return, for each properly authorized and reimbursable passenger on the charter flight; or, where there is no such regularly scheduled commercial flight, the actual cost of the charter.
- b. Except as provided in subdivision a, when travel is by rail or certificated air taxi commercial operator or other common carrier, including regularly scheduled flights by airlines, the amount actually and necessarily expended therefor in the performance of official duties.
- 2. No reimbursement may be paid for leased private aircraft, except for leased or rented private aircraft from a recognized fixed base aviation operator who is in the business of leasing and renting private aircraft and is located on an airport open for public use.
- 3. If only one person ~~shall engage~~ engages in such travel in a motor vehicle exceeding at any geographical point one hundred fifty miles [241.40 kilometers] beyond the borders of this state, reimbursement must be limited to eighteen cents per mile [1.61 kilometers] for the out-of-state portion of the travel beyond the first one hundred fifty miles [241.40 kilometers].
- 4. An official, deputy, assistant, clerk, or other employee, when required to travel by motor vehicle or truck in the performance of official duty, shall use a state-owned vehicle whenever possible unless exempted under section 24-02-03.3. When official travel is by motor vehicle or airplane owned by the state or by any department or political subdivision thereof, no allowance may be made or paid for such mileage.
- ~~2.~~ ~~Except as provided in subsection 1, when travel is by rail or certificated air taxi commercial operator or other common carrier, including regularly scheduled flights by airlines, the amount actually and necessarily expended therefor in the performance of official duties.~~
- ~~3.~~ 5. Notwithstanding the other provisions of this section, state employees permanently located outside the state or on assignments outside the state for an indefinite period of time, exceeding at least thirty consecutive days, must be allowed and paid twenty-five cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle, and the one-hundred-fifty-mile [241.40-kilometer] restriction imposed by subsection 4 ~~3~~ 5 does not apply.
- 6. Before any allowance for any such mileage or travel expenses may be made, the official, deputy, assistant, clerk, or other employee shall file with the employee's department, institution, board, commission, or agency an itemized statement showing the mileage traveled, the hour of departure and return, the days when and how traveled, the purpose thereof, and such other information and documentation as may be prescribed by rule of the employee's department, institution, board, commission, or agency. The statement must be submitted to the employee's department, institution, board, commission, or agency for approval and must be paid only when approved by the employee's department, institution, board, commission, or agency.

SECTION 11. REPEAL. Section 24-02-37.1 of the 1995 Supplement to the North Dakota Century Code is repealed.

SECTION 12. EFFECTIVE DATE. Section 11 of this Act becomes effective on July 1, 1999."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 801 - DEPARTMENT OF TRANSPORTATION

HOUSE - This amendment makes the following changes:

Changes by line item include:

	SENATE VERSION	REDUCE ADMINISTRATIVE COSTS	REMOVE RISK MANAGEMENT PREMIUMS	INCREASE HIGHWAY CONSTRUCTION	TOTAL CHANGES	HOUSE VERSION
Salaries and wages	\$ 82,900,450					\$ 82,900,450
Operating expenses	79,300,558	\$ (1,200,000)	\$(501,024)		\$(1,701,024)	77,599,534
Equipment	21,597,257					21,597,257
Capital improvements	243,554,813	1,200,000	501,024	\$528,000	2,229,024	245,783,837
Grants	25,471,700					25,471,700
Total special funds	\$452,824,778	\$ 0*	\$ 0*	\$528,000*	\$ 528,000	\$453,352,778
FTE	1,042.00				0.00	1,042.00

Changes by program include:

	SENATE VERSION	REDUCE ADMINISTRATIVE COSTS	REMOVE RISK MANAGEMENT PREMIUMS	INCREASE HIGHWAY CONSTRUCTION	TOTAL CHANGES	HOUSE VERSION
Administration	\$ 24,084,794	\$(1,200,000)	\$(501,024)		\$(1,701,024)	\$ 22,383,770
Motor vehicle	6,525,312					6,525,312
Driver's license	8,870,358					8,870,358
Highways	382,661,779	1,200,000	501,024	\$528,000	2,229,024	384,910,803
Fleet services	30,662,535					30,662,535
Total special funds	\$452,824,778	\$ 0*	\$ 0*	\$528,000*	\$ 528,000	\$453,352,778

* Operating expenses in the administration program are reduced by \$1,200,000 for savings resulting from anticipated program efficiencies and the funding is added in the highways program for highway construction and maintenance costs.

* Funding for risk management premiums is removed and funding is added in the highways program for highway construction and maintenance costs.

* Adds funding for highway construction and maintenance costs resulting from additional highway fund revenue which is generated by increasing special permit fees.

Sections are added which:

Provide that the department evaluate the cost-effectiveness of the continued use of one of its airplanes and report to the Budget Section regarding the department's options.

Preclude any funding to be used to widen Schafer Street in Bismarck.

Increase special permit fees for oversize and overweight vehicles. The fee increases are estimated to generate up to \$528,000 to the highway fund during the 1997-99 Biennium.

Provide that state employees use state vehicles, whenever possible, when traveling by car or truck on state business.

Discontinue, on July 1, 1997, the deposit of interest earned on the highway fund into the special road fund for the construction and maintenance of roads relating to recreational, tourist, and historical areas. The interest earned will remain in the highway fund. This will result in an estimated increase of \$2.2 million of revenue to the highway fund during the 1997-99 biennium. The special road fund and the Special Road Advisory Committee will remain in effect until June 30, 1999, to advise the expenditure of moneys remaining in the special road fund on June 30, 1997.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2014

Page 1, line 15, replace "97,445" with "83,757"

Page 1, line 17, replace "all" with "special", after "funds" insert "appropriation", and replace "5,643,444" with "5,629,756"

Page 2, after line 11, insert:

"SECTION 5. LEGISLATIVE INTENT - PARTICIPATING ENTITIES. It is the intent of the legislative assembly that the department of human services inform eligible organizations that are not currently participating in "refinancing" activities of the benefits and the opportunity to participate in the program for the biennium beginning July 1, 1997, and ending June 30, 1999.

SECTION 6. LEGISLATIVE INTENT - REGIONAL CONSOLIDATION - REPORT TO BUDGET SECTION. It is the intent of the legislative assembly that because of relatively high administrative expenses as compared to income of some regional and tribal children's services coordinating committees, the Children's Services Coordinating Committee conduct an analysis and develop a plan to reduce, by consolidation, the administrative costs of the regional and tribal committees during the biennium beginning July 1, 1997, and ending June 30, 1999. The committee shall present its report and recommendations to the budget section by October 1, 1998."

Page 2, line 26, replace "Regional" with "Children's services coordinating committee - Grants to regional" and replace "18 percent" with "\$1,080,000 (estimated at 18 percent)"

Page 2, line 27, replace "- Administration" with "for administrative costs"

Page 2, line 28, replace "59.5" with "62" and replace "25" with "15"

Page 2, line 31, replace "10" with "7.5"

Page 3, after line 1, insert "If less than \$6,000,000 is generated as a result of participating entities claiming federal administrative cost reimbursements for the 1997-99 biennium, the children's services coordinating committee shall proportionately reduce the percentage allocations for statewide grants and regional and tribal children's services coordinating committee grants to generate the funds necessary to provide a total of \$1,080,000 for the 1997-99 biennium for grants to regional and tribal committees for administrative costs under this section."

Page 3, remove lines 7 and 8

Page 3, line 9, replace "83.5" with "90"

Page 3, line 10, replace "25" with "15"

Page 3, line 12, replace "14" with "10"

Page 3, line 18, remove the overstrike over "~~the attorney general or a designee of the attorney general,~~"

Page 3, line 19, remove the overstrike over the third "~~the~~"

Page 3, line 20, remove the overstrike over "~~superintendent of public instruction~~" and insert immediately thereafter an underscored comma

Page 3, line 24, remove the overstrike over "~~the director of the department of~~"

Page 3, remove the overstrike over line 25

Page 3, line 26, remove the overstrike over "~~rehabilitation,~~"

Page 4, line 27, overstrike "charter", remove "up to twelve ", overstrike "public corporations", remove the overstrike over "~~designate~~" and insert immediately thereafter "up to twelve", and remove the overstrike over "~~organizations~~"

Page 4, line 31, overstrike "corporations or" and after the period insert "The committee shall discontinue the designation of regional and tribal committees if grant funds are not available for distribution to the regional and tribal committees."

Page 5, line 14, remove "temporary"

Page 5, line 21, replace "twenty-five" with "fifteen"

Page 5, line 25, replace "five" with "twenty"

Page 5, line 26, after "balance" insert ", excluding income received during the final thirty days of each fiscal year"

Page 5, line 27, replace "twenty-two" with "fifty", remove "five hundred", and after "dollars" insert "or twenty percent of annual gross income, whichever is less,"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 324 - CHILDREN'S SERVICES COORDINATING COMMITTEE

HOUSE - The amendment reduces the operating expenses line item by \$13,688 of special funds, \$645 of which relates to removing funds for risk management premiums and \$13,043 to reducing operating expenses to match the 2.5 percent administrative expense limit based on federal funds generated by "refinancing" activities.

The amendment changes the membership of the Children's Services Coordinating Committee and selected duties and responsibilities of the committee and of regional and tribal committees.

The amendment clarifies that the state Children's Services Coordinating Committee will determine the allocation of the 18 percent of the "refinancing" funds received to the regional and tribal committees for their administrative costs.

The amendment adds sections of legislative intent regarding informing local eligible organizations of the opportunity to participate in the "refinancing" activities and regarding options for reducing administrative costs of the regional and tribal committees.

The amendment changes the method by which the Children's Services Coordinating Committee distributes its grants as follows:

	HOUSE VERSION	SENATE VERSION	CURRENT METHOD
Department of Human Services	10 percent up to a maximum of \$600,000	10 percent up to a maximum of \$600,000	10 percent
Children's Services Coordinating Committee - Administration	2.5 percent up to a maximum of \$150,000	2.5 percent	5 percent
Regional and tribal children's services coordinating committees	N/A	N/A	70 percent
Participating entities generating federal funds	15 percent	25 percent of total	15 percent
Children's Services Coordinating Committee - Statewide grants	7.5 percent	10 percent	
Children's Services Coordinating Committee - Grants to regional and tribal children's services coordinating committees for administrative costs	\$1,080,000 (estimated at 18 percent)	18 percent up to a maximum of \$1,080,000	
Regional and tribal children's services coordinating committees - Grants to providers	47 percent	34.5 percent	
Children's services providers	As approved by the Legislative Assembly or Budget Section based on Children's Services Coordinating Committee or	As approved by the Legislative Assembly or Budget Section based on Children's Services Coordinating Committee or	As allocated from the regional or tribal children's services coordinating committees

	other requests and as distributed by regional and tribal committees	other requests and as distributed by regional and tribal committees	
Total	100 percent	100 percent	100 percent

Any federal fund reimbursements received by the state in excess of \$6,000,000 during the 1997-99 biennium will be distributed, subject to Emergency Commission approval, as follows:

	HOUSE VERSION	SENATE VERSION
Children's Services Coordinating Committee - Administration	0 percent	2.5 percent
Participating entities generating federal funds	15 percent	25 percent
Regional and tribal children's services coordinating committees - Grants	75 percent	58.5 percent
Children's Services Coordinating Committee - Statewide grants	10 percent	14 percent
Total	100 percent	100 percent

HOUSE AMENDMENTS TO SENATE BILL NO. 2018

Page 1, line 2, after "hearings" insert "; to create and enact a new section to chapter 54-57 of the North Dakota Century Code, relating to hearings by the office of administrative hearings; and to amend and reenact subsections 1 and 2 of section 54-57-07 of the North Dakota Century Code, relating to payment for administrative hearings"

Page 1, line 5, remove "in the general fund in"

Page 1, line 6, remove "the state treasury, not otherwise appropriated, and"

Page 1, line 10, replace "708,993" with "707,251"

Page 1, line 12, replace "all" with "special", after "funds" insert "appropriation", and replace "1,351,903" with "1,350,161"

Page 1, replace lines 13 and 14 with:

"SECTION 2. A new section to chapter 54-57 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

Hearings after judgment. The office of administrative hearings may not hold hearings on the same issue involving the same parties as the original hearing after a judgment has been rendered by a court concerning that issue unless authorized to or directed to by that court.

SECTION 3. AMENDMENT. Subsections 1 and 2 of section 54-57-07 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. The office of administrative hearings ~~may~~ shall require payment for services rendered by any administrative law judge provided by it to any agency, to any unit of local government in this state, to any tribal government in this state, or to the judicial branch, in the conduct of an administrative hearing and related proceedings, and those entities must make the required payment to the office. Payment ~~may~~ must include payment for support staff necessary to render administrative law judge services. General fund moneys may not be used for payment by state agencies pursuant to this subsection except for those payments required of the department of human services and the state department of health. Moneys received by the office of administrative hearings in payment for providing an administrative law judge to conduct an administrative hearing and related proceedings must be deposited into the operating fund of the office of administrative hearings.
2. The office of administrative hearings ~~may~~ shall require payment for mileage, meals, and lodging in connection with services rendered by an

administrative law judge provided to any agency, to any unit of local government in this state, to any tribal government in this state, or to the judicial branch, in the conduct of an administrative hearing and related proceedings, and those entities must make the required payment to the office. Payment for meals and lodging must be in the amounts allowable under section 44-08-04. Payment for mileage when using state vehicles must be in amounts set for user charges under section 24-02-03.5. All other payments must be in amounts allowed for other state officials and employees. Either general fund or special fund moneys, or other income, may be used for the payment of mileage, meals, and lodging under this subsection."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 140 - OFFICE OF ADMINISTRATIVE HEARINGS

HOUSE - This amendment removes the \$248,196 general fund appropriation, provides the office's appropriation entirely from special funds from billing agencies for services, and reduces operating expenses by \$1,742 of special funds to remove risk management premiums.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2020

Page 1, line 16, replace "565,366" with "555,204"

Page 1, line 22, replace "25,773,782" with "25,763,620"

Page 1, line 23, replace "14,252,780" with "14,247,597"

Page 1, line 24, replace "11,521,002" with "11,516,023"

Page 2, line 27, overstrike "The" and remove "state"

Page 2, line 28, overstrike "board", remove "for vocational and technical education", and overstrike "may not allocate more than forty"

Page 2, overstrike line 29

Page 3, line 13, replace "commissioner" with "executive director"

Page 3, line 14, replace "labor" with "job service North Dakota"

Page 3, line 15, overstrike ", acting through the office of the superintendent of public instruction,"

Page 3, line 18, overstrike ", acting through the"

Page 3, line 19, overstrike "office of the superintendent of public instruction,"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 270 - VOCATIONAL AND TECHNICAL EDUCATION

HOUSE - This amendment removes risk management premiums of \$10,162 (\$4,979 general fund, \$5,183 other funds) and changes the proposed membership of the State Board for Vocational and Technical Education to include the executive director of Job Service North Dakota, rather than the Commissioner of Labor. This amendment removes the requirement that no more than 40 percent of the funds generated by the farm management delivery system be allocated to any one of the entities involved in the system. This amendment also removes the requirement that the State Board for Vocational and Technical Education act through the office of the Superintendent of Public Instruction to appoint a director and designate assistants to the director.

	1997-99 EXECUTIVE RECOMMENDATION	TOTAL SENATE CHANGES	SENATE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	HOUSE VERSION
Salaries and wages	\$ 2,567,463		\$ 2,567,463		\$ 2,567,463
Operating expenses	565,366		565,366	\$ (10,162)	555,204
Equipment	108,000		108,000		108,000
Grants	21,619,356		21,619,356		21,619,356
Adult farm management	219,802	\$225,958	445,760		445,760
Postsecondary education grants	368,600		368,600		368,600
Small business management	99,237		99,237		99,237
Total	\$25,547,824	\$225,958	\$25,773,782	\$ (10,162)	\$25,763,620
General fund	\$11,521,002		\$11,521,002	\$ (4,979)	\$11,516,023
Other funds	14,026,822	\$225,958	14,252,780	5,183	14,247,597
Total	\$25,547,824	\$225,958	\$25,773,782	\$ (10,162)	\$25,763,620
FTE	29.50		29.50		29.50

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2214

Page 1, line 3, remove "; and to provide an"

Page 1, line 4, remove "appropriation to the indigent civil legal services fund"

Page 2, remove lines 20 through 26

Re-number accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2338

Page 1, line 3, remove "; and to provide an appropriation"

Page 1, line 19, replace "forty-two" with "forty-six"

Page 1, line 21, replace "eleven" with "forty-seven"

Page 4, line 19, replace "sixty-five" with "eighty"

Page 4, line 24, overstrike "1.625"

Page 4, overstrike line 25

Page 4, line 26, overstrike "representing" and insert immediately thereafter "that which represents"

Page 4, line 31, replace "sixty-five" with "eighty"

Page 5, line 5, overstrike "1.335 adjusted by sixty-five percent of the difference"

Page 5, line 6, overstrike "between 1.335 and the factor representing" and insert immediately thereafter "that which represents"

Page 5, line 12, replace "sixty-five" with "eighty"

Page 5, line 17, overstrike "1.24 adjusted by sixty-five percent of the difference"

Page 5, line 18, overstrike "between 1.24 and the factor representing" and insert immediately thereafter "that which represents"

Page 5, line 24, replace "sixty-five" with "eighty"

Page 5, line 29, overstrike "1.14 adjusted by sixty-five percent of the difference"

Page 5, line 30, overstrike "between 1.14 and the factor representing" and insert immediately thereafter "that which represents"

Page 7, line 21, replace "sixty-five" with "eighty"

Page 8, line 6, overstrike "1.28 adjusted by sixty-five percent of the difference"

Page 8, line 7, overstrike "between 1.28 and" and insert immediately thereafter "that which represents"

Page 8, line 11, replace "sixty-five" with "eighty"

Page 8, line 19, overstrike "1.09 adjusted by sixty-five percent of the difference between 1.09 and" and insert immediately thereafter "that which represents"

Page 8, line 26, replace "sixty-five" with "eighty"

Page 9, line 3, overstrike ".905 adjusted by sixty-five percent of the difference between"

Page 9, line 4, overstrike ".905 and" and insert immediately thereafter "that which represents"

Page 9, line 9, replace "sixty-five" with "eighty"

Page 9, line 16, overstrike ".95 adjusted by sixty-five percent of the difference"

Page 9, line 17, overstrike "between .95 and" and insert immediately thereafter "that which represents"

Page 9, line 22, replace "sixty-five" with "eighty"

Page 9, line 30, overstrike "1.01 adjusted by sixty-five percent of the difference between 1.01 and" and insert immediately thereafter "that which represents"

Page 10, line 6, replace "sixty-five" with "eighty"

Page 10, line 12, overstrike "1.01 adjusted by"

Page 10, line 13, overstrike "sixty-five percent of the difference between 1.01 and" and insert immediately thereafter "that which represents"

Page 10, line 18, replace "sixty-five" with "eighty"

Page 10, line 29, overstrike ".50 adjusted by sixty-five"

Page 10, line 30, overstrike "percent of the difference between .50 and" and insert immediately thereafter "that which represents"

Page 11, remove lines 8 through 19

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2353

Page 1, line 1, replace "two" with "a" and replace "sections" with "section"

Page 1, line 2, remove "a wireless 911"

Page 1, line 3, remove "service fee," and replace the second comma with "of telecommunications providers"

Page 1, line 4, replace "sections" with "section" and remove ", 57-40.6-05, and 57-40.6-06"

Page 1, line 5, after "service" insert "definitions"

Page 2, remove lines 4 through 31

Page 3, line 26, replace "an eleven-member" with "a nine-member"

Page 4, line 1, replace "911 association" with "wireless telephone service industry"

Page 4, line 2, after "Dakota" insert "association of" and after "telephone" insert "cooperatives, one representative of counties with public safety answering points"

Page 4, line 3, remove "association, two members of the North Dakota house of representatives" and replace the second "two" with "one representative of counties served by state radio 911"

Page 4, line 4, remove "members of the North Dakota senate"

Page 4, line 7, remove "The legislative council is responsible for paying the expenses of"

Page 4, remove line 8

Page 4, line 9, remove "services to the committee."

Page 4, replace lines 11 through 16 with:

"2. The advisory committee shall study the feasibility of implementing an automatic number identification and automated location identification system. The study must include the estimated cost of the system and a proposed funding plan.

3. The committee shall submit a report of its work to the budget section of the legislative council by August 1998."

ReNUMBER accordingly

REPORT OF CONFERENCE COMMITTEE

SEN. LEE MOVED that the conference committee report on Reengrossed SB 2042 as printed on SJ page 928 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2042, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2042: A BILL for an Act to create and enact a new section to chapter 26.1-45 of the North Dakota Century Code, relating to qualifications of qualified service providers; to amend and reenact section 57-38-29.2 of the North Dakota Century Code, relating to an income tax credit for premiums paid for long-term care insurance coverage; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mutzenberger; Nothing; Redlin

Reengrossed SB 2042, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the conference committee report on Engrossed SB 2112 as printed on SJ page 928 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2112, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2112: A BILL for an Act to provide for extradition proceedings regarding those subject to tribal arrest warrants; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mutzenberger; Nothing; Redlin

Engrossed SB 2112, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. COOK MOVED that the conference committee report on Engrossed SB 2159 as printed on SJ page 928 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SEN. C. NELSON MOVED that the conference committee report on Engrossed SB 2213 as printed on SJ pages 928-929 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2213, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2213: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to fees for the use of computer equipment and associated software by legislators.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mutzenberger; Nothing; Redlin

Engrossed SB 2213, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. FREBORG MOVED that the conference committee report on Engrossed SB 2351 as printed on SJ page 929 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2351, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2351: A BILL for an Act to amend and reenact section 38-16-01.1 of the North Dakota Century Code, relating to gravel and sand surface mining operations and reclamation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Christmann

ABSENT AND NOT VOTING: Mutzenberger; Nothing; Redlin

Engrossed SB 2351, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. WOGSLAND MOVED that the conference committee report on Engrossed SB 2037 as printed on SJ page 972 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2037, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act to create and enact a new section to chapter 32-03 and a new section to chapter 49-10.1 of the North Dakota Century Code, relating to the liability of the owner or operator of a railroad for injury of an individual riding on a locomotive or railroad car without authority from the owner or operator and to the determination of train speeds; to amend and reenact sections 49-05-06, 49-06-01, 49-09-04.2, 49-09-04.4, and 49-11-21 of the North Dakota Century Code, relating to the regulation of railroads; and to repeal sections 49-09-04.1, 49-09-05, 49-09-08, 49-09-09, 49-09-11.1, 49-09-11.2, 49-09-11.3, 49-09-11.4, 49-09-11.5, 49-09-11.6, 49-09-11.7, 49-10.1-04, 49-10.1-06, 49-10.1-09, 49-11-10, 49-11-11, 49-11-12, 49-16-11, and 49-17.2-31 of the North Dakota Century Code, relating to the regulation of railroads.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mutzenberger; Nothing; Redlin

Engrossed SB 2037, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the conference committee report on Engrossed SB 2068 as printed on SJ page 973 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2068, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2068: A BILL for an Act to amend and reenact subsection 3 of section 27-08.1-01, sections 27-08.1-02, 27-08.1-04, and 27-08.1-05 of the North Dakota Century Code, relating to small claims judgments and the commencement and removal of small claims actions; and to repeal section 27-08.1-06 of the North Dakota Century Code, relating to docketing and execution of small claims judgments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mutzenberger; Nothing; Redlin

Engrossed SB 2068, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. COOK MOVED that the conference committee report on Reengrossed SCR 4010 as printed on SJ page 973 be adopted, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. FREBORG MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1337, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1337: Sens. Freborg, Cook, Wogsland.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do not concur in the House amendments to SB 2255 as printed on SJ pages 931-932 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2255: Sens. Christmann, Fischer, Thompson.

MOTION

SEN. G. NELSON MOVED that SB 2047 be returned to the Senate floor from the Appropriations Committee, which motion prevailed.

MOTION

SEN. G.NELSON MOVED that the Senate reconsider the action whereby the Senate concurred in the House amendments to SB 2047, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NAADEN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2047 as printed on SJ pages 879-880 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2047: Sens. Goetz, Naaden, Tallackson.

MOTION

SEN. GOETZ MOVED that Engrossed HB 1003, which is on the Sixth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, Engrossed HB 1003 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1008, as engrossed: SEN. TALLACKSON (Appropriations Committee) MOVED that the amendments on SJ pages 967-968 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1008: A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; and to amend and reenact section 49-01-05 of the North Dakota Century Code, relating to the salary of public service commissioners.

MOTION

SEN. TALLACKSON MOVED that Engrossed HB 1008, as amended, be further amended as follows:

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 49-10.1 of the North Dakota Century Code, relating to railroad property;"

Page 1, line 11, replace "4,240,958" with "4,315,991"

Page 1, line 12, replace "1,066,898" with "1,068,765"

Page 1, line 16, replace "9,041,059" with "9,117,959"

Page 1, line 17, replace "5,786,843" with "5,781,190"

Page 1, line 18, replace "3,254,216" with "3,336,769"

Page 2, after line 3, insert:

"SECTION 3. A new section to chapter 49-10.1 of the North Dakota Century Code is created and enacted as follows:

Railroad property - Rental rates - Information to public service commission. A railroad leasing property within the railroad's right of way or adjacent to the right of way to any person shall file with the public service commission information demonstrating that the rental rate is reasonable in relation to the fair market value of that property. Any party to a lease for which information is filed under this section may request the commission to make a determination as to the reasonableness of the rental rate under the procedure provided by chapter 60-06."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

SENATE - This amendment makes the following changes:

	HOUSE VERSION	RESTORE LICENSING INSPECTOR	REMOVE RISK MANAGEMENT PREMIUMS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$4,240,958	\$75,033		\$75,033	\$4,315,991
Operating expenses	1,066,898	18,000	\$(16,133)	1,867	1,068,765
Equipment	58,711				58,711
Grants	6,000				6,000
AML contractual services	<u>3,668,492</u>				<u>3,668,492</u>
Total	\$9,041,059	\$93,033	\$(16,133)	\$76,900	\$9,117,959
General fund	\$3,254,216	\$93,033	\$(10,480)	\$82,553	\$3,336,769
Special funds	<u>5,786,843</u>		<u>(5,653)</u>	<u>(5,653)</u>	<u>5,781,190</u>
Total	\$9,041,059	\$93,033	\$(16,133)	\$76,900	\$9,117,959
FTE	42.00	1.00	0.00	1.00	43.00

Restores one FTE licensing inspector which was included in the executive budget. The House removed the position.

A new section to North Dakota Century Code Chapter 49-10.1 is created which requires a railroad to file information with the Public Service Commission relating to rental rates it charges for property within or adjacent to the railroad's right of way.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed further amendments to Engrossed HB 1008, as amended, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed further amendments to Engrossed HB 1008, as amended, the roll was called and there were 16 YEAS, 30 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutch; Nelson, C.; Robinson; Tallackson; Thompson; Tomac; Yockim

NAYS: Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lips; Naaden; Nalewaja; Nelson, G.; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland

ABSENT AND NOT VOTING: Mutzenberger; Nothing; Redlin

The proposed further amendments to Engrossed HB 1008, as amended, failed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Kelsh; Mutzenberger; Nothing; Redlin

SEN. KELSH STATED that it was his intention to vote YEA on Engrossed HB 1008, as amended, so the final vote was 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

Engrossed HB 1008, as amended, passed and the title was agreed to.

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

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

HB 1337: Sens. Freborg; Cook; Wogsland

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2255 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2255: Sens. Christmann; Fischer; Thompson

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

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

SB 2202: Reps. Stenehjem; Nottestad; Fairfield

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2159, SCR 4010.

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

MR. SPEAKER: The President has signed: HB 1063, HB 1138, HB 1147, HB 1158, HB 1159.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2029, SB 2083, SB 2101, SB 2113, SB 2115, SB 2147, SB 2208, SB 2210, SB 2221, SB 2235, SB 2238, SB 2239, SB 2272, SB 2279, SB 2281, SB 2323, SB 2331, SB 2333, SB 2339, SB 2343, SB 2361, SB 2368, SB 2384, SCR 4007, SCR 4016.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2023, SB 2052, SB 2054, SB 2056, SB 2070, SB 2071, SB 2072, SB 2089, SB 2091, SB 2099, SB 2106, SB 2117, SB 2118, SB 2128, SB 2157, SB 2175, SB 2198, SB 2200, SB 2260, SB 2369, SB 2379.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2047 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2047: Sens. Goetz; Naaden; Tallackson

MOTION

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

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

REPORT OF DELAYED BILLS COMMITTEE

MADAM PRESIDENT: Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has examined and has cast a unanimous ballot in favor of the introduction of a bill for an Act to provide approval of amendments and renewals of tribal-state gaming compacts and for an open records exception for tribal gaming financial information submitted to a state agency.

The bill will be SB 2399 and will be referred to the Judiciary committee.

FIRST READING OF SENATE BILL

Sen. W. Stenehjem and Rep. Kretschmar introduced:

(Approved by the Delayed Bills Committee)

SB 2399: A BILL for an Act to provide approval of amendments and renewals of tribal-state gaming compacts and for an open records exception for tribal gaming financial information submitted to a state agency.

Was read the first time and referred to the **Judiciary Committee**.

CONSIDERATION OF AMENDMENTS

HB 1019, as engrossed: SEN. GOETZ (Appropriations Committee) MOVED that the amendments on SJ page 969 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act to make an appropriation for the distribution of state aid distribution fund revenue to political subdivisions of the state of North Dakota; to amend and reenact section 57-39.2-26.1 of the North Dakota Century Code, relating to deposit and allocation of sales tax revenues in the state aid distribution fund; to repeal sections 54-27-20.2, 54-27-20.3, and chapter 57-58 of the North Dakota Century Code, relating to state revenue sharing distribution and personal property tax replacement; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Kelsh; O'Connell; Yockim

ABSENT AND NOT VOTING: Mutzenberger; Nelson, C.; Nething; Redlin

Engrossed HB 1019, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1021, as engrossed: SEN. NALEWAJA (Appropriations Committee) MOVED that the amendments on SJ pages 969-971 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act to make an appropriation for defraying the expenses of the state game and fish department.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mutzenberger; Nelson, C.; Nething; Redlin

Engrossed HB 1021, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1047, as reengrossed: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 972 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1047: A BILL for an Act to create and enact chapter 25-03.3 of the North Dakota Century Code, relating to civil commitment of sexually dangerous individuals.

ROLL CALL

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

YEAS: Andrist; Berg; Bowman; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Christmann

ABSENT AND NOT VOTING: Mutzenberger; Nelson, C.; Nething; Redlin

Reengrossed HB 1047, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2194 as printed on SJ pages 882-883 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2194: Sens. Thane, Fischer, DeMers.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2043 as printed on SJ page 862 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2043: Sens. Thane, B. Stenehjem, DeMers.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WANZEK MOVED that the Senate do concur in the House amendments to SB 2218 as printed on SJ page 883, which motion prevailed on a voice vote.

SB 2218, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2218: A BILL for an Act to amend and reenact sections 35-05-01 and 35-05-01.1 of the North Dakota Century Code, relating to crop mortgages; and to repeal section 35-05-04 of the North Dakota Century Code, relating to security agreements covering specific crops.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mutzenberger; Nelson, C.; Nothing; Redlin

SB 2218, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to Engrossed SB 2270 as printed on SJ pages 863-864, which motion prevailed on a voice vote.

Engrossed SB 2270, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2270: A BILL for an Act to create and enact a new subsection to section 26.1-17-33.1 of the North Dakota Century Code, relating to nonprofit mutual insurance companies; to amend and reenact section 26.1-17-33.1 of the North Dakota Century Code, relating to the conversion of a nonprofit health service corporation to a nonprofit mutual insurance company; to provide for retroactive application; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

NAYS: Berg; Mathern; Wogsland

ABSENT AND NOT VOTING: Mutzenberger; Nelson, C.; Nothing; Redlin

Engrossed SB 2270, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WANZEK MOVED that the Senate do concur in the House amendments to Engrossed SB 2315 as printed on SJ page 883, which motion prevailed on a voice vote.

Engrossed SB 2315, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2315: A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to proof of financial responsibility for persons engaged in commercial chemical application; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Nalewaja; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Andrist; Kinnoin; Mutch; Naaden

ABSENT AND NOT VOTING: Mutzenberger; Nelson, C.; Nothing; Redlin

Engrossed SB 2315, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NAADEN MOVED that the Senate do concur in the House amendments to Reengrossed SB 2366 as printed on SJ page 932, which motion prevailed on a voice vote.

Reengrossed SB 2366, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2366: A BILL for an Act to provide for deposit of certain oil extraction and oil and gas gross production tax excess revenues into a permanent oil tax trust fund and deposit of interest earned on the fund to the general fund; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 10 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Mutch; Naaden; Nalewaja; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne

NAYS: Berg; DeMers; Heitkamp; Kelsh; LaFountain; Lips; Mathern; Robinson; Wogsland; Yockim

ABSENT AND NOT VOTING: Mutzenberger; Nelson, C.; Nothing; O'Connell; Redlin

Reengrossed SB 2366, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2372: A BILL for an Act to amend and reenact section 24-07-03 of the North Dakota Century Code, relating to section lines as public roads.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 20 YEAS, 24 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Cook; Goetz; Grindberg; Holmberg; Kelsh; Lee; Lips; Mathern; Nalewaja; Nelson, G.; O'Connell; Robinson; St. Aubyn; Stenehjem, W.; Tallackson; Thompson; Watne; Wogsland; Yockim

NAYS: Berg; Bowman; Christmann; Fischer; Freborg; Heitkamp; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lindaas; Mutch; Naaden; Sand; Schobinger; Solberg; Stenehjem, B.; Thane; Tomac; Traynor; Urlacher; Wanzek

ABSENT AND NOT VOTING: DeMers; Mutzenberger; Nelson, C.; Nothing; Redlin

SB 2372, as amended, lost.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2043 and SB 2194 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2043: Sens. Thane; B. Stenehjem; DeMers

SB 2194: Sens. Thane; Fischer; DeMers

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1008, HB 1019, HB 1021, HB 1047.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2037, SB 2042, SB 2068, SB 2112, SB 2213, SB 2351.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has concurred in the House amendments and subsequently failed to pass: SB 2372.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2218, SB 2270, SB 2315, SB 2366.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 1:39 p.m., March 28, 1997: SCR 4005, SCR 4041, SCR 4057, SCR 4058.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Monday, March 31, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1001: Appropriations Committee (Sen. Naaden, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1001 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "184,677" with "178,870"

Page 1, line 15, replace "1,942,237" with "1,936,430"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 101 - GOVERNOR'S OFFICE

SENATE - This amendment reduces operating expenses by \$5,807 from the general fund to remove funds related to risk management premiums.

REPORT OF STANDING COMMITTEE

HB 1004, as engrossed: Appropriations Committee (Sen. Naaden, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1004 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "260,308" with "259,483"

Page 1, line 11, replace "1,133,560" with "1,130,139"

Page 1, line 12, replace "3,318,570" with "3,448,119"

Page 1, line 13, replace "684,494" with "682,420"

Page 1, line 14, replace "5,396,932" with "5,520,161"

Page 1, line 15, replace "1,818,054" with "1,812,559"

Page 1, line 16, replace "3,578,878" with "3,707,602"

Page 1, remove lines 17 through 20

Page 1, line 22, replace "\$1,133,560" with "\$1,130,139"

Page 2, line 1, replace "\$1,133,560" with "\$1,130,139"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 117 - STATE AUDITOR

SENATE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	HOUSE CHANGES	HOUSE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	RESTORE EQUITY RAISES FOR VETERAN AUDITORS	ADD DATA PROCESSING COORDINATOR	TOTAL SENATE CHANGES	SENATE VERSION
Administration Division of local government audits	\$ 260,308 1,133,560		\$ 260,308 1,133,560	\$ (825) (3,421)			\$ (825) (3,421)	\$ 259,483 1,130,139
Division of state audits	3,591,925	\$(273,355)	\$3,318,570	(10,523)	\$76,116	\$63,956	129,549	3,448,119
Mineral royalty auditing	684,494		684,494	(2,074)			(2,074)	682,420
Total all funds Less estimated income	\$5,670,287 1,818,054	\$(273,355)	\$5,396,932 1,818,054	\$(16,843) (5,495)	\$76,116	\$63,956	\$123,229 (5,495)	\$5,520,161 1,812,559
General fund	\$3,852,233	\$(273,355)	\$3,578,878	\$(11,348)	\$76,116	\$63,956	\$128,724	\$3,707,602
FTE	57.00	(4.00)	53.00			1.00	1.00	54.00
Salaries and wages	\$5,000,837	\$(249,855)	\$4,750,982		\$76,116	\$63,956	\$140,072	\$4,891,054
Operating expenses	594,450	(13,500)	580,950	\$(16,843)			(16,843)	564,107
Equipment	75,000	(10,000)	65,000					65,000
Total all funds Less estimated income	\$5,670,287 1,818,054	\$(273,355)	\$5,396,932 1,818,054	\$(16,843) (5,495)	\$76,116	\$63,956	\$123,229 (5,495)	\$5,520,161 1,812,559
General fund	\$3,852,233	\$(273,355)	\$3,578,878	\$(11,348)	\$76,116	\$63,956	\$128,724	\$3,707,602

REPORT OF STANDING COMMITTEE

HB 1006, as engrossed: Appropriations Committee (Sen. Naaden, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1006 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "11,589,981" with "11,691,812"

Page 1, line 11, replace "4,219,055" with "4,560,817"

Page 1, line 12, replace "162,937" with "229,384"

Page 1, line 15, replace "16,325,545" with "16,835,585"

Page 1, line 17, replace "16,021,973" with "16,532,013"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 127 - TAX DEPARTMENT

SENATE - This amendment makes the following changes:

	HOUSE VERSION	COMPUTER SYSTEM FUNDING	REMOVE RISK MANAGEMENT PREMIUMS	FUNDING SHIFT	COSTS RELATING TO OTHER LEGISLATION	ADDITIONAL OPERATING FUNDS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$11,589,981			\$69,202	\$32,629 ³	\$ 71,296	\$101,831	\$11,691,812
Operating expenses	4,219,055	\$350,000	\$(50,332)	(69,202)	40,000 ⁴	66,447	341,762	4,560,817
Equipment	162,937							229,384
City tax	50,000							50,000
administration fees								
Motor fuels federal grant	303,572							303,572
Total	\$16,325,545	\$350,000 ¹	\$(50,332)	\$ 0 ²	\$72,629	\$137,743 ⁵	\$510,040	\$16,835,585
General fund	\$16,021,973	\$350,000	\$(50,332)		\$72,629	\$137,743	\$510,040	\$16,532,013
Special funds	303,572							303,572
Total	\$16,325,545	\$350,000	\$(50,332)	\$ 0	\$72,629	\$137,743	\$510,040	\$16,835,585
FTE	150.50	0.00	0.00	0.00	0.50 ³	0.00	0.50	151.00

¹ Additional funding is provided for redesigning the tax payment and return processing system. A comparison of funding for the system in various versions is listed below.

General fund	EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION
	\$1,528,500	\$750,000	\$1,100,000

² The House removed one FTE federal fund position and moved the associated funding from salaries and wages to operating expenses. Because funding for the position was not included in salaries and wages but in the motor fuels grant line item, the House change is being reversed and the funding remains in the motor fuels federal grant line item. Authorization for the FTE position, removed by the House, is not restored.

³ Adds funding for costs associated with provisions of House Bill No. 1068 (telecommunications gross receipts tax), including a .5 FTE auditor position.

⁴ Adds funding for costs associated with provisions of Senate Bill No. 2331 (financial institutions tax).

⁵ Adds additional funding for the increase in costs charged to the Tax Department by other agencies. Adds additional equipment funding to address departmental technology needs.

REPORT OF STANDING COMMITTEE

HB 1009, as engrossed: Appropriations Committee (Sen. Naaden, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1009 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "1,088,840" with "1,105,886"

Page 1, line 15, replace "434,199" with "454,199"

Page 1, remove line 20

Page 1, line 21, replace "764,694" with "784,694"

Page 1, line 24, replace "9,204,788" with "9,111,834"

Page 2, line 1, replace "4,560,594" with "4,591,594"

Page 2, line 2, replace "4,644,194" with "4,520,240"

Page 2, line 9, replace "\$1,393,902" with "\$1,424,902"

Page 2, after line 16, insert:

"SECTION 5. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the board of animal health contract for veterinary services whenever appropriate and cost effective for the biennium beginning July 1, 1997, and ending June 30, 1999."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - DEPARTMENT OF AGRICULTURE

SENATE - This amendment makes the following changes:

	HOUSE VERSION	REMOVE PRIDE OF DAKOTA	REMOVE RISK MANAGEMENT PREMIUMS	ADD OPERATING FUNDS	ADD DATA PROCESSING FUNDING	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$3,023,812						\$3,023,812
Operating expenses	1,088,840		\$ (13,954)		\$31,000	\$ 17,046	1,105,886
Equipment	32,900						32,900
Grants	561,700						561,700
Board of Animal Health	434,199			\$20,000 ²		20,000	454,199
Ag mediation	1,377,537						1,377,537
Ag in the classroom	25,000						25,000
Anhydrous ammonia storage	20,444						20,444
Waterbank program	214,000						214,000
Pride of Dakota	150,000	\$(150,000)		20,000 ³		(150,000)	784,694
Animal damage control	764,694					20,000	552,133
Safe send	552,133						552,133
Noxious weeds	959,529						959,529
Total	\$9,204,788	\$(150,000) ¹	\$(13,954)	\$40,000	\$31,000 ⁴	\$(92,954)	\$9,111,834
General fund	\$4,644,194	\$(150,000)	\$(13,954)	\$40,000	\$31,000	\$(123,954)	\$4,520,240
Special funds	4,560,594					31,000	4,591,594
Total	\$9,204,788	\$(150,000)	\$(13,954)	\$40,000	\$31,000	\$(92,954)	\$9,111,834
FTE	48.00					0.00	48.00

¹ Removes funding for the Pride of Dakota program. The executive budget and the Senate version provide for the Pride of Dakota program in the Department of Economic Development and Finance. The House version provides for the program in the Agriculture Department.

² Adds operating funds to the Board of Animal Health. The House reduced the operating funds by \$15,000 from the general fund.

³ Restores operating funds reduced in the House for the animal damage control program.

⁴ Adds funding from the environment and rangeland protection fund for updating the registration program's computer system.

A section of legislative intent is added providing that the Board of Animal Health contract for veterinary services when appropriate.

REPORT OF STANDING COMMITTEE

HB 1017, as engrossed: Appropriations Committee (Sen. Naaden, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1017 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "2,724,015" with "2,650,601"

Page 1, after line 14, insert:

"Armory repair and maintenance grants 50,000"

Page 1, line 20, replace "20,941,778" with "20,918,364"

Page 1, line 22, replace "8,055,867" with "8,032,453"

Page 2, after line 6, insert:

"SECTION 4. ARMORY REPAIR AND MAINTENANCE GRANTS. The adjutant general shall distribute the armory repair and maintenance grants on an equal matching basis of up to \$15,000 per city to cities that own armories utilized by the North Dakota national guard. After June 30, 1998, the adjutant general may distribute any remaining uncommitted funds on a matching basis to eligible cities for qualified projects exceeding the \$15,000 equal match requirement. No funds may be distributed to a city unless the city has submitted a plan to the adjutant general for maintenance and repair of the armory and the adjutant general has approved the plan. A city receiving funds through this grant program shall manage the project at the armory located within that city and the funds may only be used for the specific maintenance and repair projects described in the plan approved by the adjutant general."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

SENATE - This amendment reduces the operating expenses line item by \$73,414 from the general fund for risk management premiums. The amendment also adds \$50,000 from the general fund for grants to cities for armory repairs and maintenance.

The amendment also adds a new Section 4 providing the grant requirements for the armory repair and maintenance grants.

REPORT OF STANDING COMMITTEE

HB 1025, as engrossed: Appropriations Committee (Sen. Naaden, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1025 was placed on the Sixth order on the calendar.

Page 1, line 4, after "taxes" insert "; to provide for a statewide water development program; to provide for the deposit of finance into the resources trust fund"

Page 1, line 12, replace "7,632,843" with "7,717,043"

Page 1, line 13, replace "9,527,402" with "8,176,853"

Page 1, line 16, replace "10,384,663" with "13,714,446"

Page 1, line 18, replace "63,547,158" with "65,610,592"

Page 1, line 19, replace "56,488,525" with "56,588,525"

Page 1, line 20, replace "7,058,633" with "9,022,067"

Page 2, line 15, underscore "**Payments in lieu of real estate taxes.** For land acquired for the Devils"

Page 2, underscore lines 16 through 19

Page 2, line 20, replace "**Potential damage caused by construction of Devils Lake outlet**" with "**POTENTIAL DAMAGE CAUSED BY CONSTRUCTION OF DEVILS LAKE OUTLET**"

Page 2, replace lines 30 and 31 with:

"SECTION 9. Statewide water development program. The legislative assembly finds that there is a critical need to develop a comprehensive statewide water development program. The state water commission shall develop and implement a comprehensive statewide water development program. The commission shall design the program to serve the long-term water resource needs of the state and its people and to protect the state's current usage of, and the state's claim to, its proper share of Missouri River water.

SECTION 10. Deposits of income. All income derived from the lease and management of lands acquired by the state water commission for the southwest pipeline project must be deposited in the resources trust fund.

SECTION 11. LEGISLATIVE INTENT - AGENCY OPERATIONS FUNDING. It is the intent of the fifty-fifth legislative assembly that funding for agency operations be primarily funded from the general fund."

Page 3, remove lines 1 through 13

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 770 - STATE WATER COMMISSION

SENATE - This amendment makes the following changes:

	1997-99 EXECUTIVE BUDGET	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS	REMOVE RISK MANAGEMENT PREMIUMS	INCREASE SALARIES, OPERATING EXPENSES, AND GRANTS AND FEDERAL INDIRECT FUNDS ¹	TRANSFER ATMOSPHERIC RESOURCE CONTRACTS TO GRANTS	TOTAL SENATE CHANGES	SENATE RECOMMENDED AMOUNTS
Salaries and wages	\$ 7,702,494	\$(69,651)	\$ 7,632,843		\$ 84,200		\$ 84,200	\$ 7,717,043
Operating expenses	9,527,402		9,527,402	\$(36,566)	132,785	\$(1,446,768)	(1,350,549)	8,176,853
Equipment	152,250		152,250					152,250
Capital Improvements	32,800,000		32,800,000					32,800,000
Grants	10,384,663		10,384,663		1,883,015	1,446,768	3,329,783	13,714,446
Cooperative research	3,050,000		3,050,000					3,050,000
Total all funds	\$63,616,809	\$(69,651)	\$63,547,158	\$(36,566)	\$2,100,000		\$2,063,434	\$65,610,592
Less estimated income	56,558,176	(69,651)	56,488,525		100,000		100,000	56,588,525
Total general fund appropriation	\$ 7,058,633	\$ 0	\$ 7,058,633	\$(36,566)	\$2,000,000	\$ 0	\$1,963,434	\$ 9,022,067
FTE	85.00	(3.00)	82.00					82.00

¹ These changes include:

- Salaries and wages - To fund a hydrologist position authorized in the budget
- Operating expenses - Travel \$73,000, dues \$32,000, WFT program \$27,785
- Grants - \$1,883,015
- Recognition of the \$2 million from the general fund previously in House Bill No. 1071 and to be used in this bill to fund agency operations primarily from the general fund
- Recognition of \$100,000 of federal indirect cost funds

In addition, this amendment:

- Provides for a statewide water development program;
- Provides for the deposit of income into the resources trust fund;
- Provides legislative intent that agency operations be funded primarily from the general fund; and
- Provides for a transfer of Atmospheric Resource Board contracts to the grants line item.

REPORT OF STANDING COMMITTEE

HB 1028, as engrossed: Appropriations Committee (Sen. Naaden, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1028 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "324,172" with "863,481"

Page 1, line 19, replace "349,172" with "888,481"

Page 2, line 14, replace "4,983,712" with "5,523,021"

Page 2, line 16, replace "5,228,712" with "5,768,021"

Page 4, after line 3, insert:

"SECTION 6. LEGISLATIVE INTENT. It is the intent of the fifty-fifth legislative assembly that the general fund appropriation of \$863,481 included in subdivision 1 of section 1 of this Act is to be used by the administration division of the office of management and budget to pay the United States department of health and human services for its share of fire and tornado fund money previously transferred to the general fund of the state treasury. If this appropriation is not sufficient to pay the amount due, including interest, the director of the office of management and budget may request state contingencies funding from the emergency commission, use available general fund moneys appropriated to the fiscal management division of the office of management and budget, or request a deficiency appropriation from the fifty-sixth legislative assembly to obtain funds to pay the remaining amount due."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

SENATE - This amendment increases the funding provided from the general fund for paying the federal government for its proportionate share of the fire and tornado fund money transferred to the general fund during the 1993-95 biennium by \$539,309, from \$324,172 to \$863,481.

A section of legislative intent is added providing that if the \$863,481 is not sufficient to pay the amount due, the Office of Management and Budget may request state contingency funds, use available Facility Management funds, or request a deficiency appropriation from the 1999 Legislative Assembly to obtain funds to pay the remaining amount due.

REPORT OF STANDING COMMITTEE

HB 1041, as reengrossed: Appropriations Committee (Sen. Naaden, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed HB 1041 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1067, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1067 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "54-44.8-08,"

Page 1, line 9, remove "a surcharge price change for communication-impaired services,"

Page 1, line 10, remove "49-21-01.3,"

Page 1, line 11, replace "essential" with "rates"

Page 1, line 12, remove "telecommunications service"

Page 3, line 2, after the overstruck period insert "Act" means the Communications Act of 1934 [47 U.S.C. 151 et seq.] as amended by the Telecommunications Act of 1996 [Pub. L. 104-104, 110 Stat. 56]."

Page 3, line 3, remove the overstrike over "2-" and insert immediately thereafter "Customer premises equipment" means equipment employed on the premises of a person other than a carrier to originate, route, or terminate telecommunications.

3. "Dialing parity" means that a person that is not an affiliate of a local exchange carrier is able to provide telecommunications services in a manner in which customers have the ability to route automatically, without the use of any access code, that person's telecommunications to the telecommunications services provider of the customer's designation from among two or more telecommunications services providers, including the local exchange carrier.

4. "Elementary and secondary school" means a nonprofit institution or residential school that provides elementary education and secondary education. The term does not include any institution or school that provides education beyond grade twelve.

5."

and remove the overstrike over ~~"Essential telecommunications price factor" means:~~

Page 3, remove the overstrike over lines 4 through 19

Page 3, line 20, remove the overstrike over ~~"thousand or fewer subscribers."~~ and remove "Act" means the Communications Act of 1934"

Page 3, remove lines 21 through 30

Page 4, remove lines 1 through 4

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

Page 4, line 11, after ~~"Switched"~~ insert "Exchange" and remove the overstrike over ~~"access;"~~

Page 4, line 12, remove the overstrike over ~~"b."~~

Page 4, line 21, replace "b" with "c"

Page 4, line 23, replace "c" with "d"

Page 4, line 25, replace "d" with "e"

Page 4, line 27, replace "e" with "f"

Page 5, line 2, replace "f" with "g"

Page 5, line 4, replace "g" with "h"

Page 5, after line 4, insert:

"7. "Exchange access" means the offering of access to telephone exchange services or facilities for the purpose of the origination or termination of telephone toll services."

Page 5, line 5, after the overstruck period insert "8." and remove the overstrike over ~~"Gross national product price index" means the fixed weighted price index of"~~

Page 5, remove the overstrike over lines 6 through 11

Page 5, remove lines 12 through 14

Page 5, line 15, replace "7" with "9"

Page 5, line 21, replace "8" with "10"

Page 5, line 28, replace "9" with "11"

Page 6, line 3, replace "10" with "12"

Page 6, line 7, replace "11" with "13"

Page 6, line 13, replace "12" with "14"

Page 6, line 17, replace "13" with "15"

Page 6, line 23, replace "14" with "16"

Page 6, line 25, replace "5" with "6"

Page 7, line 13, replace "15" with "17"

Page 7, line 16, replace "16" with "18"

Page 7, line 29, replace "17" with "19"

Page 8, line 13, replace "18" with "20"

Page 8, line 18, replace "19" with "21"

Page 8, line 21, replace "20" with "22"

Page 8, line 26, replace "21" with "23"

Page 8, line 29, replace "22" with "24"

Page 9, line 1, replace "23" with "25"

Page 9, line 8, replace "24" with "26"

Page 9, line 11, replace "25" with "27"

Page 17, remove lines 19 through 31

Page 18, remove lines 1 through 5

Page 19, after line 13, insert:

"4. A price increase for residential and business essential telecommunications service as determined by the public service commission to be allowable after a carrier's complaint under subsection 1 must be divided into increments that do not exceed one-fourth of the total allowable increase. There may be no more than one increment per calendar year. The first increment may not be assessed before January 1, 1999."

Page 21, line 30, replace "**collection**" with "**collocation**"

Page 23, line 19, after the underscored period insert "The price for interconnection, unbundled network elements, and collocation must be enough to recover the full cost of providing these services."

Page 25, remove lines 19 through 31

Page 26, remove lines 1 through 12

Page 26, line 23, after "reasonable" insert "and may not be increased"

Page 27, line 8, after "~~company~~" insert "carrier", remove the overstrike over "~~has charged for~~", after "~~such~~" insert "a", and remove the overstrike over "~~service a price~~"

Page 27, line 9, remove the overstrike over "~~in excess of the price permitted under section 49-21-01.3,~~" and remove "carrier"

Page 27, line 10, remove the overstrike over the comma

Page 33, remove lines 3 through 31

Page 34, remove lines 1 through 21

Page 36, line 22, remove "49-21-01.3,"

Page 36, line 24, replace "Section 24 of this" with "This"

Page 36, line 25, replace "December" with "July" and replace "2002" with "2003"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1071, as reengrossed: Appropriations Committee (Sen. Naaden, Chairman) recommends **DO NOT PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed HB 1071 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1164, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1164 was placed on the Sixth order on the calendar.

Page 1, line 2, after the sixth comma insert "43-11-24," and after the eighth comma insert "43-11-28,"

Page 1, line 4, replace "; and to repeal sections 43-11-07," with a period

Page 1, remove lines 5 through 7

Page 4, line 11, remove the overstrike over "~~The board~~"

Page 4, line 12, after "~~board~~" insert "shall publish annually the time and place of its regularly scheduled meetings" and remove the overstrike over the period

Page 4, line 13, replace "constitute" with "constitutes"

Page 4, line 19, remove the overstrike over "~~and may not be~~"

Page 4, line 20, remove the overstrike over "~~used for living or sleeping quarters~~"

Page 4, line 28, overstrike "fifty dollars for each day employed in"

Page 4, line 29, overstrike "the actual discharge of official duties, and"

Page 6, line 20, overstrike "and kit rental fee"

Page 7, after line 3, insert:

"SECTION 11. AMENDMENT. Section 43-11-24 of the North Dakota Century Code is amended and reenacted as follows:

43-11-24. Operator's license - When issued - Failure to pass examination - Reexamination - Retraining. An operator's license must be issued to any person who has:

1. Complied with section 43-11-21; and
2. Passed to the satisfaction of the board, the examination of applicants for a license to practice under this chapter.

If the applicant fails to pass the examination, the examination fee may not be returned. Within one year after failing to pass an examination, the applicant may be examined again with the payment of a reexamination fee ~~and kit rental fee~~ as set forth in section 43-11-28. ~~Anyone~~ A person who fails to pass the reexamination must complete an additional one hundred sixty hours of training at a school of cosmetology ~~prior to~~ before reapplying for examination."

Page 7, line 10, overstrike "and examination fee"

Page 9, after line 5, insert:

"SECTION 14. AMENDMENT. Section 43-11-28 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

43-11-28. Fees.

1. Fees to be paid by applicants for original registrations, original licenses, annual renewals, licenses issued upon reciprocity, and examinations as required under this chapter may not exceed the following amounts:

a. Original registrations, licenses, and annual renewals:	MAXIMUM FEE:
(1) Salons, original registration	\$ 75.00
(2) Salons, annual renewal	\$ 25.00
(3) School of cosmetology, original registration	\$500.00
(4) School of cosmetology, annual renewal	\$200.00
(5) Operator, original license	\$ 10.00
(6) Operator, annual renewal	\$ 10.00
(7) Manager-operator, original license	\$ 20.00
(8) Manager-operator, annual renewal	\$ 15.00
(9) Instructor, original license	\$ 30.00
(10) Instructor, annual renewal	\$ 15.00
(11) Demonstrators, original license	\$ 25.00
(12) Demonstrators, annual renewal	\$ 15.00
(13) Reciprocity license fee	\$100.00
(14) Registration fee for student instructor	\$ 10.00
(15) Duplicate license	\$ 5.00
(16) Penalty fee for late renewal	\$ 10.00
(17) Certification fee	\$ 15.00
b. Examinations:	
(1) Operator	\$ 20.00
(2) Operator's kit rental fee	\$ 45.00
(3) Manager-operator	\$ 20.00
(4) Instructors	\$ 50.00
(5) Instructor's kit rental fee	\$100.00
(6) (3) Reexamination fee, operator's	
(a) Practical	\$ 25.00
(b) Written	\$ 15.00
(7) Reexamination fee, manager-operator	\$ 20.00
(8) (4) Reexamination fee, instructors	
(a) Practical	\$ 50.00
(b) Written	\$ 20.00

2. Fees are not prorated or returnable. The board may charge a ten dollar penalty for license renewal applications received after December thirty-first. The board may reduce a renewal fee from the maximum amount only if ~~the board~~ applies an equal percentage of reduction to all renewal fees. The board shall sponsor an educational program for licenseholders to carry out the purposes of protecting the public health and safety and maintaining capable and skilled operators, manager-operators, and instructors. The board ~~is directed to shall~~ use such portion of the renewal fees as the board may determine for the purpose of providing the educational program."

Page 10, remove lines 8 through 10

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1179: Appropriations Committee (Sen. Naaden, Chairman) recommends **DO PASS** (8 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1179 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1342, as reengrossed and amended: Appropriations Committee (Sen. Naaden, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed HB 1342, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1431, as engrossed: Appropriations Committee (Sen. Naaden, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1431 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1433, as reengrossed: Appropriations Committee (Sen. Naaden, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed HB 1433 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1482, as engrossed and amended: Appropriations Committee (Sen. Naaden, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed HB 1482, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 777 of the Senate Journal, Engrossed House Bill No. 1482 is amended as follows:

Page 1, line 23, replace "provisions for an inlet to Devils Lake and" with "plans"

Page 2, line 22, replace "of one to four" with "most beneficial to the state"

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2032, as engrossed: Your conference committee (Sens. Freborg, Cook, Wogsland and Reps. Monson, Drovdal, Brandenburg) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 812-813, adopt amendments as follows, and place SB 2032 on the Seventh order:

That the House recede from its amendments as printed on pages 812 and 813 of the Senate Journal and pages 812 and 813 and 919 and 920 of the House Journal and that Engrossed Senate Bill No. 2032 be amended as follows:

Page 1, line 3, replace "section" with "sections 15-35-01.1 and"

Page 1, line 4, after "to" insert "required approval for school district construction projects and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 15-35-01.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-35-01.1. Approval required for certain school district construction projects.

1. Notwithstanding the powers and duties of school boards of public school districts otherwise provided by law, all construction, purchase, repair, improvement, renovation, or modernization of any school building or facility within a school district estimated by the school boards to cost in excess of twenty-five thousand dollars may not be commenced unless approved by the superintendent of public instruction. No such construction, purchase, repair, improvement, renovation, or modernization of any school building or facility may be approved unless the school district proposing the project demonstrates the need, the educational utility of the project, fiscal need, and the capacity to pay for the project under rules adopted by the superintendent of public instruction pursuant to chapter 28-32 after receiving input from the state board of public school education. In the event of disagreement between the superintendent of public instruction and the school board applying for approval of a construction project under this section, the school board may appeal the application to the state board of public school education and the decision of the state board approving or disapproving the application is final.
2. For purposes of this section, "facility" includes a parking lot, athletic complex, or any other improvement to real property owned by the school district.
3. This section does not apply to any construction, purchase, repair, improvement, renovation, or modernization required as part of a plan of correction approved by the state fire marshal under section 2 of this Act, unless the cost of the improvements exceeds seventy-five thousand dollars.

Page 1, line 17, after "designee" insert "and the local school board affected by the deficiency, but not later than the next budget period"

Renumber accordingly

Engrossed SB 2032 was placed on the Seventh order of business on the calendar.

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

William C. Parker, Secretary