

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, April 6, 1999

The Senate convened at 9:00 a.m., with President Myrdal presiding.

The prayer was offered by Pastor David Thompson, United Presbyterian Church, Jamestown.

The roll was called and all members were present except Senators Bercier and Tallackson.

A quorum was declared by the President.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1158.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1175, HB 1256, HB 1444, HCR 3075.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1007 and HB 1043 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1007: Reps. Delzer; Bernstein; Hoffner

HB 1043: Reps. Delzer; DeKrey; Nichols

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

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

SB 2016: Reps. Dalrymple; Boehm; Kerzman

SB 2038: Reps. Price; Delzer; Eckre

SB 2114: Reps. Price; Svedjan; Metcalf

SB 2188: Reps. Grosz; Tollefson; Kerzman

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2068, SB 2088.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SCR 4059.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2009, SB 2168.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009

In lieu of the amendments adopted by the House as printed on pages 1056-1060 of the House Journal, Engrossed Senate Bill No. 2009 is amended as follows:

Page 1, line 2, replace the first "and" with "to provide for crop protection product task force; to provide a statement of legislative intent; to provide for a transfer;"; replace "section" with "sections", and after "4-01-21" insert "and 19-18-04"

Page 1, line 3, after "commissioner" insert "and pesticide registration fees; and to declare an emergency"

Page 1, remove line 11

Page 1, line 13, replace "3,053,452" with "3,083,452"

Page 1, line 14, replace "828,957" with "628,957"

Page 1, line 18, replace "851,681" with "776,681"

Page 1, line 24, replace "553,907" with "573,907"

Page 2, line 2, replace "8,599,579" with "8,374,579"

Page 2, line 3, replace "4,068,216" with "4,033,216"

Page 2, line 4, replace "4,531,363" with "4,341,363"

Page 2, after line 11, insert:

"SECTION 3. AMENDMENT. Section 19-18-04 of the North Dakota Century Code is amended and reenacted as follows:

19-18-04. Registration - Fees. Any person before selling or offering for sale any pesticide for use within this state shall file biennially with the commissioner an application for registration of the pesticide. The application must:

1. Give the name and address of each manufacturer or distributor.
2. Give the name and brand of each product registered.
3. Be accompanied by a current label of each product so registered.
4. Be accompanied by a registration fee of ~~three~~ four hundred dollars for each product registered. At the close of each calendar month, the commissioner shall transmit to the state treasurer all moneys received for the registrations. The state treasurer shall credit ~~fifty~~ sixty-seven dollars for each registered product to the general fund in the state treasury and the remainder of the registration fee for each registered product to the environment and rangeland protection fund.
5. Be accompanied by a material safety data sheet.

The commissioner may require an applicant or registrant to provide efficacy, toxicity, residue, and any other data necessary to determine if the pesticide will perform its intended function without unreasonable adverse effects on the environment. If the commissioner finds that the application conforms to law, the commissioner shall issue to the applicant a certificate of registration of the product. If after public hearing before the commissioner the application is denied, the product may not be offered for sale.

Each registration covers a two-year period beginning January first and expiring December thirty-first of the following year. A certificate of registration may not be issued for a term longer than two years, and is not transferable from one person to another, or from the ownership to whom issued to another ownership, or from one place to another place or location. A penalty of fifty percent of the license or registration fee must be imposed if the license or certificate of registration is not applied for on or before January thirty-first following the expiration date, or within the same month the pesticides are first manufactured or sold within this state. Each product must go through a two-year discontinuance period in order to clear all outstanding products in the channel of trade.

This section does not apply to a pesticide sold by a retail dealer if the registration fee has been paid by the manufacturer, jobber, or any other person, as required by this section."

Page 2, line 14, replace "\$1,860,576" with "\$1,880,576"

Page 2, after line 21, insert:

"SECTION 6. ESTIMATED INCOME - GAME AND FISH FUND. The estimated income line item in section 1 of this Act includes the sum of \$200,000, or so much of the sum as may be necessary, from the game and fish department operating fund for the waterbank program for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 7. LEGISLATIVE INTENT - PROJECT SAFE SEND. It is the intent of the legislative assembly that the agriculture commissioner not accept products under project safe send from wholesalers or manufacturers unless the full cost of disposal is

recovered from the wholesaler or manufacturer. It is also the intent of the legislative assembly that products which are not a direct danger to the public should be disposed of by the owner in a proper manner. The agriculture commissioner may distribute educational materials on the proper and safe disposal of appropriate materials by the original purchaser for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 8. PROJECT SAFE SEND - FEES. The agriculture commissioner may charge wholesalers and manufacturers a fee for the disposal of pesticides located in North Dakota. The fee may not be less than the cost of disposal. All fees collected under this section must be deposited in the environment and rangeland protection fund for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 9. TRANSFER. The office of management and budget shall transfer \$85,000 from the environment and rangeland protection fund to the minor use pesticide fund for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 10. LINE ITEM TRANSFERS. Notwithstanding section 54-16-04, the director of the office of management and the state treasurer shall make transfers of funds between line items in section 1 of this Act of up to a cumulative sum of \$100,000 as may be requested by the agriculture commissioner for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 11. CROP PROTECTION PRODUCT TASK FORCE - MEMBERSHIP - DUTIES. The crop protection product task force consists of the agriculture commissioner, the chairman of the house agriculture committee, the chairman of the senate agriculture committee, and three individuals appointed by the governor. The governor shall call the task force together for its initial meeting, at which time the task force members shall select a member to be chairman. Every meeting thereafter is at the call of the chairman. The task force shall:

1. Identify and prioritize crop protection product labeling needs;
2. Determine which crop protection compounds should be considered for registration by this state and submitted for environmental protection agency approval and allocate funds, as needed, to accomplish the registration and approval; and
3. Work in a coordinated and cooperative fashion with the manufacturers of crop protection products to ensure prompt and consistent labeling of products for use in the United States, Canada, and Mexico.

SECTION 12. APPROPRIATION. There is hereby appropriated out of any moneys in the environment and rangeland protection fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary, to the crop protection product task force for the purpose of addressing crop protection product registration and labeling as provided for in section 11 of this Act for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 13. APPROPRIATION - BOARD OF ANIMAL HEALTH - 1997-99 BIENNIUM. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of paying an indemnity and other expenses associated with destroying a herd of cattle infected with bovine tuberculosis for the period beginning with the effective date of this Act and ending June 30, 1999.

SECTION 14. EMERGENCY. Section 13 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - AGRICULTURE DEPARTMENT

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$3,130,530	\$3,053,452	\$30,000	\$3,083,452
Operating expenses	828,957	828,957	(200,000)	628,957
Equipment	22,900	22,900		22,900

Grants	161,700	161,700		161,700
Board of Animal Health	506,818	502,922		502,922
Ag mediation	857,818	851,681	(75,000)	776,681
Ag in the classroom	96,000	96,000		96,000
Anhydrous ammonia storage	8,154	8,154		8,154
Waterbank program	414,000	414,000		414,000
Pride of Dakota	151,841	151,516		151,516
Wildlife services	779,694	779,694		779,694
Safe Send	554,363	553,907	20,000	573,907
Noxious weeds	<u>1,174,696</u>	<u>1,174,696</u>		<u>1,174,696</u>
Total all funds	\$8,687,471	\$8,599,579	(\$225,000)	\$8,374,579
Less special funds	<u>4,080,342</u>	<u>4,068,216</u>	<u>(35,000)</u>	<u>4,033,216</u>
General fund	\$4,607,129	\$4,531,363	(\$190,000)	\$4,341,363
FTE	46.00	47.00	(1.00)	46.00

Detail of House changes to the Senate version includes:

	RESTORE FUNDING FOR PLANT SERVICES PROGRAM	REDUCE OPERATING EXPENSES	ADD FUNDING FOR COMPUTERS	REMOVE AG MEDIATION NEGOTIATOR	TOTAL HOUSE CHANGES
Salaries and wages	\$30,000 ¹				\$30,000
Operating expenses		(\$200,000) ²			(200,000)
Equipment					
Grants					
Board of Animal Health					
Ag mediation				(\$75,000) ⁴	(75,000)
Ag in the classroom					
Anhydrous ammonia storage					
Waterbank program					
Pride of Dakota					
Wildlife services					
Safe Send			\$20,000 ³		20,000
Noxious weeds					
Total all funds	\$30,000	(\$200,000)	\$20,000	(\$75,000)	(\$225,000)
Less special funds			<u>20,000</u>	<u>(55,000)</u>	<u>(35,000)</u>
General fund	\$30,000	(\$200,000)	\$0	(\$20,000)	(\$190,000)
FTE	0.00	0.00	0.00	(1.00)	(1.00)

House changes narrative:

- ¹ Restores funding reduced by the Senate for temporary and overtime salaries in the plant services program.
- ² Reduces operating expenses. The commissioner may determine the specific areas to reduce within the budget. A section is added authorizing the Agriculture Commissioner to transfer up to \$100,000 of appropriation authority between line items without Emergency Commission approval.
- ³ Adds funding from the environment and rangeland protection fund for purchasing computers and related costs for the Safe Send program.
- ⁴ Removes 1 FTE agriculture mediation negotiator position.

Sections are added providing that the Agriculture Commissioner may charge wholesalers and manufacturers for the actual costs of disposing of their products under project Safe Send and that products which are not a direct danger to the public should be disposed of by the owner in a proper manner rather than under project Safe Send.

A section is added providing for an \$85,000 transfer from the environment and rangeland protection fund to the minor use pesticide fund.

A section is added increasing the biennial pesticide registration fee from \$300 to \$400. Of the \$400, \$67 is deposited in the general fund and \$333 in the environment and rangeland protection fund.

A section is added appropriating \$25,000 from the general fund for the remainder of the 1997-99 biennium for indemnifying the owner and paying other expenses associated with destroying a herd of cattle infected with bovine tuberculosis.

Sections are added establishing a crop protection task force and appropriating \$300,000 from the environment and rangeland protection fund to the task force for addressing crop protection product registration and labeling issues.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2168

Page 1, line 4, replace "adult residential" with "basic"

Page 1, line 8, after the third semicolon insert "to provide an expiration date;"

Page 1, line 16, replace "adult residential" with "basic"

Page 5, remove lines 1 through 21

Page 5, line 22, replace "2" with "1"

Page 5, replace lines 24 through 26 with:

2. "Assisted living facility" has the meaning provided in section 50-24.5-01, but if the term is not defined in that section, the term means a facility that:
 - a. Makes response staff available at all times;
 - b. Provides housing and:
 - (1) Congregate meals;
 - (2) Kitchen facilities in each resident's living quarters; or
 - (3) Any combination of congregate meals and kitchen facilities in each resident's living quarters sufficient to assure each resident adequate access to meals;
 - c. Assures provision of:
 - (1) Personal care, therapeutic care, and social and recreational programming;
 - (2) Supervision, safety, and security;
 - (3) Medication services; and
 - (4) Transportation services;
 - d. Fosters dignity, respect, and independence by allowing, to the maximum extent feasible, each resident to determine the resident's service providers, routines of care provision, and service delivery; and
 - e. Services five or more adult residents, unrelated to the proprietor, on a specified premises not licensed under chapter 23-20 or 25-16, which meets the requirements of the national fire protection association 101 Life Safety Code, as applicable.
3. "Basic care facility" has the meaning provided in section 23-09.3-01."

Page 5, line 29, replace "adult residential" with "basic"

Page 6, line 1, replace "an adult residential" with "a basic"

Page 7, line 10, replace "an adult residential" with "a basic"

Page 7, line 13, replace "an adult residential" with "a basic"

Page 7, line 15, replace "adult" with "basic"

Page 7, line 16, remove "residential"

Page 7, line 21, after the period insert "The department's share of the total cost of any conversion is limited to one million dollars or eighty percent of the project cost, whichever is less."

Page 7, line 26, replace "an adult" with "a basic"

Page 7, line 27, remove "residential"

Page 8, line 1, replace "Adult residential" with "Basic"

Page 8, line 13, replace "an adult residential" with "a basic"

Page 8, line 16, replace "an adult residential" with "a basic"

Page 9, line 11, replace "an adult residential" with "a basic"

Page 9, line 23, replace "\$20,543,942" with "\$12,409,448" and replace "\$6,058,739" with "\$3,618,391"

Page 9, line 25, after "Act" insert "and including \$226,238 for department administrative costs for the biennium beginning July 1, 1999, and ending June 30, 2001" and replace "\$20,543,942" with "\$12,409,448"

Page 10, line 2, replace "\$14,785,540" with "\$8,715,279, including an estimated \$190,460 of fund interest earnings"

Page 10, line 4, after the period insert "Of the first \$8,524,820 deposited in the health care trust fund, \$4,262,410 must be allocated by the department of human services for loans and grants pursuant to section 3 of this Act and \$4,262,410 must be available for funding the service payments to the elderly and disabled program to be appropriated in Senate Bill No. 2012. If additional amounts in excess of \$8,715,279 become available during the biennium based on the calculation of section 2 of this Act, the department of human services may increase the amount paid and the funds are hereby appropriated, subject to emergency commission and budget section approval."

Page 10, line 9, after the period insert "The continuation of these positions, if required, must be requested of the fifty-seventh legislative assembly."

Page 10, after line 12, insert:

"SECTION 9. EXPIRATION DATE. This Act is effective through June 30, 2001, and after that date is ineffective."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

HOUSE - This amendment changes Section 3 to reflect changes to Senate Bill No. 2036, amends Section 4 to reflect a revised total of \$12,409,448, of which \$3,618,391 is from the general fund, related to the government nursing facility funding pool in Section 2, amends Section 5 to reflect total trust fund deposits of \$8,524,820, of which \$4,262,410 will be appropriated in Senate Bill No. 2012 for the SPED program and \$4,262,410 for the trust fund loans and grants with an additional \$190,460 of trust fund earnings for loans and grants, limits Department of Human Services share of a project to \$1 million or 80 percent of project costs, whichever is less, and provides an expiration date.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2162, SB 2171, SB 2381, SB 2404.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2162

In lieu of the amendments adopted by the House as printed on pages 959 and 960 of the House Journal, Reengrossed Senate Bill No. 2162 is amended as follows:

Page 1, line 2, after "enact" insert "a new section to chapter 15-29 of the North Dakota Century Code, or in the alternative to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, and to create and enact"

Page 1, line 3, remove "contingent per student payments and" and after "programs" insert "and nonoperating school districts"

Page 1, line 6, after the second semicolon insert "to provide for a legislative council study;"

Page 1, after line 8, insert:

"**SECTION 1.** If House Bill No. 1034 does not become effective, a new section to chapter 15-29 of the North Dakota Century Code is created and enacted as follows:

School district superintendent - Joint employment - Accreditation. The superintendent of public instruction may not impose through the accreditation process any penalties or sanctions on a school district for employing a superintendent jointly with one or more other districts. The superintendent may not require, through the accreditation process, that an employee of a school district having fewer than one hundred students in high school spend more than thirty-three percent of the employee's time performing the duties of a school principal.

Page 1, line 18, after the second underscored comma insert "transportation aid,"

Page 1, overstrike line 24

Page 2, line 3, replace "thirty-nine" with "thirty-four"

Page 2, line 5, replace "ten" with "forty"

Page 2, line 8, remove "The superintendent of public instruction shall monitor student enrollments. If"

Page 2, remove lines 9 through 14

Page 2, line 15, remove "c."

Page 2, line 20, remove the overstrike over "e." and remove "d."

Page 3, line 5, remove the overstrike over "d." and remove "e."

Page 11, remove lines 29 and 30

Page 12, remove lines 1 through 5

Page 12, after line 27, insert:

"**SECTION 7.** A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Nonoperating school districts - Education of students - State payments.

1. Notwithstanding the provisions of any other law, a school district operating on the effective date of this Act may become a nonoperating district, provided:
 - a. The board of the district terminates the operation of all public schools in the district;
 - b. The board provides for the education in other school districts of all kindergarten, elementary, and secondary school students residing in the district; and
 - c. The board pays to other school districts educating its students the full per student cost of education in the receiving district.
2. The board of a nonoperating school district shall continue to employ, on a full-time or a part-time basis, one person qualified to manage the finances of the district.
3. The board of a nonoperating school district is governed by all laws applicable to the board of an operating school district.
4. A nonoperating district under this section is entitled to receive all per student payments, supplemental payments, tuition apportionment payments, transportation aid payments, special education payments, vocational education payments, and any other state payments to school districts, for each resident student, in the same manner that the payments would be made had the district remained operational.

5. Total state payments made annually to a nonoperating district under this section may not be less than the total state payments received by the district during its final year of operation.
6. A school district may be nonoperational for no more than five school years.

SECTION 8. A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

School district superintendent - Joint employment - Accreditation. The superintendent of public instruction may not impose through the accreditation process any penalties or sanctions on a school district for employing a superintendent jointly with one or more other districts. The superintendent may not require, through the accreditation process, that an employee of a school district having fewer than one hundred students in high school spend more than thirty-three percent of the employee's time performing the duties of a school principal.

Page 15, line 20, replace "the effective date of" with "July 1, 1999,"

Page 15, line 21, remove "sections 1 through 8 of this Act"

Page 15, line 23, after "reorganization" insert "and that for subsequent years the district receives amounts determined pursuant to section 15-40.1-07.3"

Page 15, replace lines 24 through 31 with:

"SECTION 12. LEGISLATIVE COUNCIL STUDY OF EDUCATIONAL EQUITY AND FUTURE EDUCATIONAL DELIVERY. The legislative council shall study the provision of education to public school students in this state and shall examine the manner in which education to public school students will be delivered in the ensuing five, ten, and twenty years. Within this study, the council shall address demographic changes as they affect equity of educational opportunities with respect to courses, facilities, and extracurricular activities; equity with respect to teacher availability and qualifications; equity with respect to the organization and administration of school districts; and taxpayer equity in both rural and urban school districts. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the fifty-seventh legislative assembly."

Page 16, remove lines 1 through 4

Page 16, line 6, replace "\$3,000,000 with "\$1,500,000"

Page 16, line 14, replace "Section 9" with "Sections 6 and 11" and replace "is" with "are"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2171

In lieu of the amendments adopted by the House as printed on page 858 of the House Journal, Engrossed Senate Bill No. 2171 is amended as follows:

Page 1, line 6, remove the second "and"

Page 1, line 8, remove "subsection 3 of section 27-20-24, sections"

Page 1, line 10, after "1997" insert "; and to provide for a legislative council study"

Page 4, line 16, replace "24" with "23"

Page 4, line 27, replace "Whether" with "In cases in which a compelling reason has been shown that it would not be in the child's best interests to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, whether"

Page 6, remove lines 28 and 29

Page 7, remove lines 1 through 3

Page 9, line 7, replace "Establish" with "In cases in which a compelling reason has been shown that it would not be in the child's best interests to return home, to have parental rights"

terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, establish"

Page 9, line 28, after "within" insert "thirty days after a court determines that reasonable efforts of the type described in subsection 2 of section 5 of this Act are not required, or"

Page 14, line 25, remove "or"

Page 14, line 27, after "care" insert "; or"

(3) The date a child is placed in foster care voluntarily and with the consent of the child's parent"

Page 15, line 3, replace "15" with "14"

Page 21, line 24, replace "22" with "21" and replace "23" with "22"

Page 22, line 25, replace "23" with "22"

Page 23, line 24, replace "22" with "21"

Page 26, line 12, replace "24" with "23"

Page 31, after line 5, insert:

"SECTION 26. LEGISLATIVE COUNCIL STUDY - IMPACT OF THE ADOPTION AND SAFE FAMILIES ACT. The legislative council shall consider studying, during the 1999-2000 interim, the impact to the state department of human services, counties, court system, division of juvenile services, adoption agencies, and families of the Adoption and Safe Families Act of 1997 including related state and county staffing requirements, court costs, adoption-related costs and issues, foster care-related impacts, and the impacts on families."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2381

Page 1, line 2, replace "; and to provide an" with a period

Page 1, remove line 3

Page 1, remove lines 21 through 23

Page 2, remove lines 1 and 2

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2404

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

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 6 of section 15-10-01 and subsection 13 of section 15-10-17 of the North Dakota Century Code, relating to name changes of institutions of higher education; to repeal section 15-11-02.1 of the North Dakota Century Code, relating to supervision of the college at Devils Lake;"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 6 of section 15-10-01 of the North Dakota Century Code is amended and reenacted as follows:

6. The following ~~junior colleges and off-campus educational center~~: Bismarck state college, ~~university of North Dakota~~— Lake Region state college, and ~~the university of North Dakota~~— Williston center state college.

SECTION 2. AMENDMENT. Subsection 13 of section 15-10-17 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

13. To establish a retirement program as an alternative to chapter 15-39.1 for employees of institutions under its control subject to the following guidelines:

- a. Benefits under the program shall be provided through annuity contracts purchased by the board but which shall become the property of the participants;
- b. The cost of the annuity contracts shall be defrayed by contributions made pursuant to rules of the state board of higher education;
- c. Eligible employees appointed before July 1, 1973, shall participate in the alternate retirement program only by their individual election. When the electing eligible employee is a member of the teachers' fund for retirement, the employee's assessments and employer's contributions together with interest credited at the current rate for one-year certificates then being paid by the Bank of North Dakota shall be transferred to the employee's account in the alternate program. Such election shall be made prior to July 1, 1980, and shall relinquish all rights the eligible employee or the employee's beneficiary may have to benefits provided in chapters 15-39 and 15-39.2;
- d. Employees of Bismarck state college and ~~university of North Dakota~~—Lake Region state college coming under the jurisdiction of the board who are members of the teachers' fund for retirement may elect prior to July 1, 1985, to continue membership in the teachers' fund for retirement in lieu of the alternate retirement program. If an employee does not elect to continue membership in the teachers' fund for retirement, membership in that fund will terminate and the employee will become a member of the alternate retirement program established by the board effective July 1, 1985. An employee of the above-named colleges who becomes a member of the alternate retirement program may elect prior to July 1, 1985, to have the employee's assessments and employer's contributions in the teachers' fund for retirement with interest transferred by the board of trustees of the teachers' fund for retirement to the employee's account in the alternate retirement program. If an employee elects to transfer the employee's assessment and employer's contributions together with interest to the alternate retirement program, the employee relinquishes all rights the employee or the employee's beneficiary may have to benefits provided in chapters 15-39, 15-39.1, and 15-39.2; and
- e. Employees of institutions under the control of the state board of higher education who are members of the public employees retirement system and who become entitled to participate in the alternate retirement program are entitled to a special annuity purchase in the alternate retirement program in accordance with this subdivision. An eligible employee who consents to have that employee's contribution included is entitled to have that employee's contribution and employer's contribution, with interest, in the public employees retirement system fund, used by the retirement board of the public employees retirement system to purchase for that employee an annuity in the alternate retirement program in lieu of any other rights under the public employees retirement fund. However, before the employer's contribution may be used for an annuity purchase, the employee's combined years of service with the public employees retirement system and the alternate retirement program must equal or exceed the years of service necessary to be eligible for retirement benefits under the public employees retirement system. An employee who transferred from the public employees retirement system prior to March 30, 1987, and who received a refund of that employee's contribution is entitled to have the employer's contribution, with interest, used to purchase an annuity even if that employee did not purchase an annuity in the alternate employee program with the employee's contribution. If an employee makes the election allowed under this subdivision, that employee relinquishes all rights the employee or any of the employee's beneficiaries may have had to benefits provided under chapter 54-52.

The board shall provide for the administration of the alternate retirement program and establish rules therefor consistent with the foregoing

guidelines. Nothing in this subsection shall be construed in derogation of any existing retirement programs approved by the board."

Page 1, underscore line 6

Page 1, line 7, underscore "1.", replace "Job" with "Except for employers with fewer than twenty-five employees and schools, job", and underscore "service North Dakota shall assess each employer a work force training"

Page 1, line 8, underscore "investment fee of", replace "four" with "three", and underscore "one-hundredths of one percent of taxable wages paid by the"

Page 1, underscore lines 9 through 18

Page 1, line 19, underscore "investment account" and insert immediately thereafter "under the control of the state board for vocational and technical education" and underscore "and used to provide work force training programs at"

Page 1, underscore line 20

Page 1, line 21, underscore "force training", remove "as defined by the state board of higher education", and underscore ". Administrative"

Page 1, underscore lines 22 through 24

Page 2, underscore lines 1 through 4

Page 2, line 5, underscore "education shall cooperate with job service," and insert immediately thereafter "the state board for vocational and technical education," and underscore "the work force 2000 advisory board,"

Page 2, underscore lines 6 and 7

Page 2, remove lines 8 through 15

Page 2, line 16, replace "4." with "3." and underscore "The state board of higher education shall establish up to four regions reflecting the"

Page 2, underscore lines 17 through 19

Page 2, line 20, underscore "collected based upon covered employment in that region of the state." and insert immediately thereafter "The state board for vocational and technical education may reallocate up to twenty percent of the funds collected in any region to another region based upon the increased need for work force training funds in that region."

Page 2, line 21, replace "5." with "4." and underscore "Each institution of higher education providing a work force training program shall"

Page 2, line 22, underscore "submit a report annually to the", remove "legislative council, the governor, the", underscore "state board", and remove "of"

Page 2, line 23, replace "higher" with "for vocational and technical", underscore "education", remove the comma, and underscore "and the North Dakota work force development council regarding"

Page 2, underscore line 24

Page 2, after line 24, insert:

"SECTION 4. A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Institution to serve work force needs. Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall establish a division or other unit within the institution to serve the work force needs of business and industry and to serve as a broker in arranging the delivery of training.

SECTION 5. A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Work force training board - Formation. Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall appoint a work force training board consisting of representatives from businesses, labor, and industries located within the institution's delivery area. The work force training board must consist of at least seven but no more than fifteen members including at least one representative from one of the following: an Indian-owned business, the tribal government, or the tribal colleges within the designated region.

SECTION 6. A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Preparation of business plan - Revolving loans. Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall prepare an annual business plan that must include provisions for use of the training capacity of the tribal colleges within the designated region, in consultation with the work force training board. The work force training board shall approve the business plan and make recommendations for funding of the business plan to the state board of higher education. The state board of higher education may establish for each institution of higher education assigned primary responsibility for work force training a revolving loan fund for work force training program startups using the borrowing authority provided for in section 15-10-16.1.

SECTION 7. A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Performance measurements for work force training. Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall develop, in consultation with the work force training board, performance measurements for work force training. The measurements must include requirements for being time-sensitive and results-oriented and must determine how well the training needs of business and industry are being met.

SECTION 8. REPEAL. Section 15-11-02.1 of the North Dakota Century Code is repealed."

Page 2, line 26, replace "special" with "work force training investment" and remove "created in section 1 of this Act"

Page 2, line 27, replace "\$1,963,100" with "\$1,000,000" and replace "job service North Dakota for the" with "the institutions of higher education assigned primary responsibility for"

Page 2, line 28, remove "purpose of" and after "under" insert "sections 3 through 7 of"

Page 2, line 29, after the period insert "Any excess funds collected for deposit in the work force training investment account must remain in the account."

SECTION 10. INITIAL FUNDING - REPAYMENT. The Bank of North Dakota shall provide a loan of not more than \$400,000 to provide initial funds for deposit in the work force training investment account for work force training through institutions of higher education. The loan must be repaid from funds collected under section 3 of this Act by December 31, 2002."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has sustained the Governor's veto on HB 1330. The vote was 54 YEAS, 42 NAYS, 2 ABSENT AND NOT VOTING.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has overridden the Governor's veto on HB 1266. The vote was 70 YEAS, 26 NAYS, 2 ABSENT AND NOT VOTING, and your favorable consideration is requested.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2002, SB 2066, SB 2107, SB 2108, SB 2159, SB 2170, SB 2185, SB 2189, SB 2212, SB 2229, SB 2246, SB 2266, SB 2275, SB 2280, SB 2289, SB 2309, SB 2350, SB 2388.

SECOND READING OF SENATE BILL

SB 2125: A BILL for an Act to amend and reenact section 12.1-31-03 of the North Dakota Century Code, relating to the purchase, possession, and use of tobacco by minors; to provide a penalty; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson

Engrossed SB 2125, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1002, Engrossed HB 1003, Engrossed HB 1012, Engrossed HB 1013, Engrossed HB 1015, Reengrossed HB 1290, and Engrossed HB 1475, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1002: Sens. Nething, Kringstad, Robinson.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1003: Sens. St. Aubyn, Bowman, Krauter.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1012: Sens. Nething, Kringstad, Tallackson.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1013: Sens. Naaden, Andrist, Robinson.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1015: Sens. Naaden, Holmberg, Tomac.

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed HB 1290: Sens. Grindberg, Solberg, Tomac.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1475: Sens. G. Nelson, Nething, Tallackson.

REPORT OF CONFERENCE COMMITTEE

SEN. WARDNER MOVED that the conference committee report on SB 2071 as printed on SJ page 1092 be adopted, which motion prevailed on a voice vote.

SB 2071, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2071: A BILL for an Act to create and enact a new subsection to section 54-52-17 and a new section to chapter 54-52 of the North Dakota Century Code, relating to acceptance of rollovers from other qualified plans and vesting of employer contributions under the public employees retirement system; to amend and reenact subsection 1 of section 54-52-01, subdivisions b and d of subsection 3 of section 54-52-17, paragraphs 1 and 2 of subdivision a of subsection 4 of section 54-52-17, subdivision d of subsection 4 of section 54-52-17, subsections 5, 6, and 7 of section 54-52-17, sections 54-52-17.5 and 54-52-17.10 of the North Dakota Century Code, relating to definitions, determination of

retirement dates, computation of benefits, eligibility for early retirement benefits, vesting, postretirement adjustments, and prior service retiree adjustments under the public employees retirement system; to provide an appropriation; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson

SB 2071, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. SAND MOVED that the conference committee report on SB 2098 as printed on SJ pages 1092-1093 be adopted, which motion prevailed on a verification vote.

SB 2098, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2098: A BILL for an Act to amend and reenact section 43-23-08.2 of the North Dakota Century Code, relating to continuing education requirements for real estate brokers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Grindberg; Heitkamp; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner

NAYS: Andrist; Flakoll; Holmberg; Krebsbach; Lee; Mathern, T.; Nelson, C.; Solberg; Stenehjem, W.; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson

SB 2098, as amended, passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Hank Weber.

MOTION

SEN. ST. AUBYN MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1380, HB 1434, HB 1487.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SCR 4023, SCR 4036, SCR 4054, SCR 4055, SCR 4057.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1001, HB 1004, HB 1005, HB 1046, HB 1083, HB 1115, HB 1153, HB 1165, HB 1166, HB 1182, HB 1184, HB 1272, HB 1281, HB 1389, HB 1398, HB 1404, HB 1451, HB 1492, HCR 3018, HCR 3030.

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 2001, SB 2217, SB 2371.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval on April 6, 1999: SB 2002, SB 2066, SB 2107, SB 2108, SB 2159, SB 2170, SB 2185, SB 2189, SB 2212, SB 2229, SB 2246, SB 2266, SB 2275, SB 2280, SB 2289, SB 2309, SB 2350, SB 2388.

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 2071, SB 2098, SB 2125.

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 1002: Sens. Nething; Kringstad; Robinson
HB 1003: Sens. St. Aubyn; Bowman; Krauter
HB 1012: Sens. Nething; Kringstad; Tallackson
HB 1013: Sens. Naaden; Andrist; Robinson
HB 1015: Sens. Naaden; Holmberg; Tomac
HB 1290: Sens. Grindberg; Solberg; Tomac
HB 1475: Sens. G. Nelson; Nething; Tallackson

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing on April 6, 1999: SCR 4023, SCR 4036, SCR 4054, SCR 4055, SCR 4057.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has appointed Rep. Nichols to replace Rep. Aarsvold on the Conference Committee on HB 1020.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Reengrossed HB 1089, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed HB 1089: Sens. Mutch, Krebsbach, Thompson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2381, 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 2381: Sens. Flakoll, Wanzek, Redlin.

REPORT OF CONFERENCE COMMITTEE

SEN. COOK MOVED that the conference committee report on Engrossed SB 2161 as printed on SJ page 1093 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2161, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2161: A BILL for an Act to create and enact a new subsection to section 39-01-01 of the North Dakota Century Code, relating to the definition of recreational vehicle; and to amend and reenact subsection 67 of section 39-01-01, subsection 2 of section 39-04-36, section 39-05-17.2, subparagraph a of paragraph 3 of subdivision b of subsection 2 of section 39-06-14, sections 39-18-01, and 39-29.1-08 of the North Dakota Century Code, relating to vehicle registration fee credits, motor vehicle body damage disclosure, low-speed vehicles, and correction of statutory references.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson

Engrossed SB 2161, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. KREBSBACH MOVED that the conference committee report on Engrossed SB 2181 as printed on SJ page 1094 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2181, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2181: A BILL for an Act to amend and reenact sections 26.1-01-07, 26.1-11-06, 26.1-11-07, 26.1-26-01, 26.1-26-02, 26.1-26-03, 26.1-26-04, 26.1-26-05, 26.1-26-06, 26.1-26-08, 26.1-26-09, 26.1-26-10, 26.1-26-13, 26.1-26-14, 26.1-26-20, 26.1-26-21, 26.1-26-22, 26.1-26-23, 26.1-26-24, 26.1-26-25, 26.1-26-31, 26.1-26-32, 26.1-26-34, 26.1-26-37, 26.1-26-38, 26.1-26-40, 26.1-26-41, 26.1-26-42, 26.1-26-46, and 26.1-39-09.2 of the North Dakota Century Code, relating to fees charged by commissioner, reciprocal penalties of foreign insurance companies, countersignature requirements, and insurance agents; and to repeal sections 26.1-26-47 and 26.1-39-09.1 of the North Dakota Century Code, relating to insurance agents and property and casualty insurance programs.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson

Engrossed SB 2181, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. SCHOBINGER MOVED that the conference committee report on Engrossed SB 2267 as printed on SJ page 1094 be adopted, which motion prevailed on a voice vote.

MOTION

SEN. ST. AUBYN MOVED that the Senate stand in recess until 4:15 p.m., which motion prevailed.

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

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1276 and HB 1443 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1276: Reps. Renner; Rennerfeldt; Froelich

HB 1443: Reps. Poolman; Carlisle; Hoffner

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

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

SB 2440: Reps. Kempenich; Sveen; Mahoney

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has appointed Rep. Weisz to replace Rep. Svedjan on the Conference Committee on SB 2114.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: SB 2267.

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 2161, SB 2181.

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 1089: Sens. Mutch; Krebsbach; Thompson

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2381 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2381: Sens. Flakoll; Wanzek; Redlin

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

MR. SPEAKER: The President has signed: HB 1001, HB 1004, HB 1005, HB 1046, HB 1083, HB 1115, HB 1153, HB 1165, HB 1166, HB 1182, HB 1272, HB 1281, HB 1380, HB 1389, HB 1398, HB 1404, HB 1434, HB 1451, HB 1487, HB 1492, HCR 3018, HCR 3030.

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

MR. SPEAKER: The President has signed: HB 1184.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2300, SB 2327.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1035, HB 1304.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2001, SB 2217, SB 2371.

REPORT OF STANDING COMMITTEE

SB 2442: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2442 was placed on the Sixth order on the calendar.

Page 1, line 20, remove "before April 1, 1990," and remove "between"

Page 1, line 21, remove "April 1, 1990, and March 31, 1998,"

Page 2, line 4, remove "between April 1, 1990, and March 31,"

Page 2, line 5, remove "1998,"

Re-number accordingly

CONSIDERATION OF AMENDMENTS

SB 2442: SEN. THOMPSON (Transportation Committee) MOVED that the amendments be adopted and that SB 2442, as amended, be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2442: A BILL for an Act to amend and reenact section 43-09-22 of the North Dakota Century Code, relating to electrical installation inspections; to provide for electrician license reinstatement requirements; to provide an expiration date; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson; Tomac

Engrossed SB 2442 passed, the title was agreed to, and the emergency clause was declared carried.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1007, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1007: Sens. Andrist, Grindberg, Robinson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Reengrossed HB 1043, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed HB 1043: Sens. W. Stenehjem, Watne, C. Nelson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. URLACHER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Reengrossed HB 1183, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed HB 1183: Sens. Urlacher, Christmann, Kinnoin.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. WANZEK MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1276, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1276: Sens. Klein, Sand, D. Mathern.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Reengrossed HB 1443, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed HB 1443: Sens. Grindberg, Holmberg, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2009, 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 2009: Sens. Solberg, Naaden, Tomac.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2168, 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 2168: Sens. St. Aubyn, Bowman, Krauter.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2171, 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 2171: Sens. Thane, Lee, Mutzenberger.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2404, 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 2404: Sens. Grindberg, Holmberg, Robinson.

REPORT OF CONFERENCE COMMITTEE

SEN. KREBSBACH MOVED that the conference committee report on SCR 4029 as printed on SJ page 1094 be adopted, which motion prevailed on a voice vote.

SCR 4029, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4029: A concurrent resolution urging the United States Fish and Wildlife Service and the United States Department of the Interior to budget for and make full entitlement payments under the refuge revenue sharing program.

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

Engrossed SCR 4029, as amended, was declared adopted on a voice vote, and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2162, 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 Reengrossed SB 2162: Sens. Freborg, Wanzek, O'Connell.

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 2068, SB 2088, SCR 4059.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1019 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1019: Reps. Poolman; Carlisle; Gullerson

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SCR 4029.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2009, SB 2162, SB 2168, SB 2171, and SB 2404 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2009: Sens. Solberg; Naaden; Tomac
SB 2162: Sens. Freborg; Wanzek; O'Connell
SB 2168: Sens. St. Aubyn; Bowman; Krauter
SB 2171: Sens. Thane; Lee; Mutzenberger
SB 2404: Sens. Grindberg; Holmberg; Robinson

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 1007: Sens. Andrist; Grindberg; Robinson
HB 1043: Sens. W. Stenehjem; Watne; C. Nelson
HB 1183: Sens. Urlacher; Christmann; Kinnoin
HB 1276: Sens. Klein; Sand; D. Mathern
HB 1443: Sens. Grindberg; Holmberg; Robinson

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2442.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2071, SB 2098, SB 2125.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1167.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

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

SB 2009: Reps. Lloyd; Boehm; Nichols
SB 2171: Reps. Devlin; Timm; Eckre
SB 2381: Reps. Byerly; Delzer; Kerzman
SB 2404: Reps. Dalrymple; Carlisle; Hoffner

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and failed to pass: SB 2182, SB 2361.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2012, SB 2015.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2012

Page 1, line 2, after "enact" insert "a new section to chapter 25-03.2,"

Page 1, line 3, replace "50-24.3" with "50-11" and after the second "to" insert "a moratorium on residential treatment center and residential child care facility beds,"

Page 1, line 4, remove "the duty of nursing facilities to assure preadmission"

Page 1, line 5, remove "assessment of medicaid recipients,"

Page 1, line 6, replace "sections" with "section" and replace "50-24.3-01, 50-24.3-03" with "subsection 3 of section 50-01.2-03.2"

Page 1, line 8, replace "the provision of targeted case management, preadmission assessments" with "human services financing in exceptional circumstances"

Page 1, line 16, after the second semicolon insert "to provide a contingent appropriation; to provide an effective date; to provide an expiration date;"

Page 2, line 2, replace "10,573,612" with "10,905,488"

Page 2, line 3, replace "39,387,796" with "38,950,266"

Page 2, line 4, replace "2,780,785" with "1,782,707"

Page 2, after line 4, insert:

"Capital improvements

493"

Page 2, line 5, replace "727,369" with "1,055,889"

Page 2, line 7, replace "55,310,518" with "54,535,799"

Page 2, line 8, replace "40,813,727" with "40,070,980"

Page 2, line 9, replace "14,496,791" with "14,464,819"

Page 2, line 13, replace "12,162,839" with "11,855,427"

Page 2, line 16, replace "118,918,381" with "118,686,945"

Page 2, line 17, replace "678,805,038" with "664,714,915"

Page 2, line 18, replace "818,700,935" with "804,071,964"

Page 2, line 19, replace "618,743,557" with "609,929,450"

Page 2, line 20, replace "199,957,378" with "194,142,514"

Page 2, line 23, replace "9,771,984" with "9,798,640"

Page 2, line 24, replace "12,604,936" with "12,636,478"

Page 2, line 27, replace "126,451,941" with "125,005,238"

Page 2, line 28, replace "148,996,805" with "147,608,300"

Page 2, line 29, replace "105,625,287" with "110,720,177"

Page 2, line 30, replace "43,371,518" with "36,888,123"

Page 3, line 2, replace "7,738,383" with "7,468,253"

Page 3, line 3, replace "3,449,360" with "3,424,742"

Page 3, line 4, replace "4,289,023" with "4,043,511"

Page 3, line 6, replace "14,342,296" with "14,076,398"

Page 3, line 7, replace "6,876,846" with "6,840,437"

Page 3, line 8, replace "7,465,450" with "7,235,961"

Page 3, line 10, replace "7,353,203" with "6,983,294"

Page 3, line 11, replace "2,983,149" with "2,911,319"

Page 3, line 12, replace "4,370,054" with "4,071,975"

Page 3, remove lines 14 and 15

Page 3, line 16, replace "18,852,241" with "17,217,576"

Page 3, line 17, replace "10,423,054" with "10,451,290"

Page 3, line 18, replace "8,429,187" with "6,766,286"

Page 3, line 20, replace "151,825" with "151,332"

Page 3, line 21, replace "18,365,509" "18,110,065"

Page 3, line 22, replace "18,517,334" with "18,261,397"

Page 3, line 23, replace "10,672,110" with "10,664,235"

Page 3, line 24, replace "7,845,224" with "7,597,162"

Page 3, line 26, replace "9,332,090" with "9,090,674"

Page 3, line 27, replace "4,209,971" with "4,186,629"

Page 3, line 28, replace "5,122,119" with "4,904,045"

Page 4, line 1, replace "17,996,234" with "17,634,522"

Page 4, line 2, replace "10,507,579" with "10,485,133"

Page 4, line 3, replace "7,488,655" with "7,149,389"

Page 4, line 5, replace "8,803,927" with "8,696,106"

Page 4, line 6, replace "4,502,332" with "4,485,909"

Page 4, line 7, replace "4,301,595" with "4,210,197"

Page 4, line 10, replace "48,609,561" with "48,052,091"

Page 4, line 11, replace "50,309,226" with "49,751,756"

Page 4, line 13, replace "34,541,892" with "33,984,422"

Page 4, line 16, replace "39,281,922" with "38,709,426"

Page 4, line 17, replace "39,477,312" with "38,904,816"

Page 4, line 18, replace "30,018,365" with "29,617,618"

Page 4, line 19, replace "9,458,947" with "9,287,198"

Page 4, line 20, replace "192,722,246" with "188,084,792"

Page 4, line 21, replace "99,410,100" with "98,834,646"

Page 4, line 22, replace "93,312,146" with "89,250,146"

Page 4, line 23, replace "S.B. 2012" with "section 1" and replace "351,137,833" with "334,745,602"

Page 4, line 24, replace "S.B. 2012" with "section 1" and replace "864,792,671" with "859,555,253"

Page 4, line 25, replace "S.B. 2012" with "section 1" and replace "1,215,930,504" with "1,194,300,855"

Page 6, after line 13, insert:

"SECTION 8. A new section to chapter 25-03.2 of the North Dakota Century Code is created and enacted as follows:

Moratorium on expansion of residential treatment center for children bed capacity. Notwithstanding sections 25-03.2-03 and 25-03.2-08, the department may not issue a license under this chapter for any additional bed capacity for a residential treatment center for children above the state's gross number of beds licensed as of June 30, 1999.

SECTION 9. AMENDMENT. Subsection 3 of section 50-01.2-03.2 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. ~~The Notwithstanding any other provisions of law, the department shall seek appropriations for the purpose of providing additional financial assistance to reimburse county social service boards for human service program costs and local expenses of administering human service locally administered economic assistance programs in counties in which the presence of an Indian reservation substantially reduces the amount of property subject to taxation counties in which more than twenty percent of the caseload for these programs consists of people who reside on a federally recognized Indian reservation or property tax-exempt tribal trust lands. The reimbursement must be such that:~~
 - a. ~~An affected county's expenses for locally administered economic assistance programs in excess of the statewide average of such costs, expressed in mills, for all other counties will be reimbursed at one hundred percent;~~
 - b. ~~Each calendar year the affected counties will receive quarterly allocations based on the actual county expenses for the state fiscal year ending the previous June thirtieth and the most recent taxable valuations published pursuant to section 57-13-07 available on that date;~~
 - c. ~~The reimbursement will be calculated for each county and reported to the county social service board prior to August first of the year preceding the allocation; and~~
 - d. ~~For calendar year 2000, up to fifteen percent of the social service block grant funds available to all counties during that calendar year or general fund equivalents of social service block grant funds must be used for part of this reimbursement. For the first six months of calendar year 2001, up to seven and one-half percent of the social service block grant funds available to all counties during that calendar year or general fund equivalents of social service block grant funds must be used for part of this reimbursement".~~

Page 6, after line 30, insert:

"SECTION 11. A new section to chapter 50-11 of the North Dakota Century Code is created and enacted as follows:

Moratorium on expansion of residential child care facility bed capacity. Notwithstanding sections 50-11-02 and 50-11-09, the department may not issue a license under this chapter for any additional bed capacity for a residential child care facility above the state's gross number of beds licensed as of June 30, 1999."

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 19

Page 9, line 30, replace "three" with "two"

Page 10, after line 28, insert:

"SECTION 23. LEGISLATIVE INTENT - SOCIAL SERVICES BLOCK GRANT FUNDING. It is the intent of the legislative assembly that the department of human services in presenting the department's budget request for the 2001-03 biennium to the fifty-seventh legislative assembly identify the use of social services block grant funds, including information on any proposed federal changes in the block grant funding, and identify specific areas where an appropriation from the state general fund is requested to replace reduced social services block grant funds.

SECTION 24. LEGISLATIVE INTENT - DEPARTMENT OF HUMAN SERVICES PROGRAMS - PROGRAM EFFICIENCIES - APPROPRIATE USE OF FEDERAL FUNDS - REPORTS TO THE LEGISLATIVE COUNCIL. It is the intent of the legislative assembly that the department of human services review departmental program funding issues during the 1999-2000 interim, including the appropriateness of maximizing the use of federal funds, the opportunities to reduce general fund program

expenditures, the appropriate methods to provide detailed justification prior to the expansion of programs, the appropriateness of the state replacing reductions in federal funds with state resources, the coordination of programs to avoid duplication in program delivery, and the cost/benefit of programs. The department of human services shall report its findings and recommendations as a result of reviewing these issues to the legislative council, or an appropriate committee of the legislative council during the 1999-2000 interim.

SECTION 25. LEGISLATIVE INTENT - NURSING HOME LIMITATIONS - BUDGET SECTION APPROVAL. It is the intent of the legislative assembly that the department of human services not reduce the nursing home limitations for direct, other direct, and indirect cost categories from the levels anticipated in the executive budget and contained in section 1 of this Act during the biennium beginning July 1, 1999, and ending June 30, 2001, unless receiving prior budget section approval.

SECTION 26. LEGISLATIVE INTENT - WAGE INCREASES FOR DIRECT CONTACT AND PROFESSIONAL STAFF OF COMMUNITY DEVELOPMENTAL DISABILITIES PROVIDER AGENCIES. It is the intent of the legislative assembly that funding increases provided community developmental disabilities provider agencies in subdivision 2 of section 1 of this Act specifically for salaries and wages adjustments be allocated by the department of human services specifically to the salaries and wages line item for the individual provider agencies and those funds be used only for that purpose by the provider agencies.

SECTION 27. LEGISLATIVE COUNCIL STUDY - HUMAN SERVICE CENTER SERVICES. The legislative council shall consider studying during the 1999-2000 interim the services provided by human service centers, including the appropriateness of and justification for continuing human service center programs, the cost/benefit of human service programs, methods for evaluating the effectiveness and outcomes of human service center programs, and the need to establish priorities relating to human service center programs.

SECTION 28. LEGISLATIVE COUNCIL STUDY - NURSING HOME REGULATIONS - IMPACT ON COST OF CARE. The legislative council shall consider studying during the 1999-2000 interim the state and federal regulations relating to nursing homes, the impact of those regulations on the cost of care at North Dakota nursing homes, and state options for reducing regulations and the related reductions in cost of care.

SECTION 29. LEGISLATIVE COUNCIL STUDY - NURSING HOME RATE EQUALIZATION. The legislative council shall consider studying during the 1999-2000 interim the appropriateness of the state continuing rate equalization for private pay and public pay residents in nursing homes, including the fiscal impact on private pay and public pay residents of the repeal of rate equalization.

SECTION 30. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 1999-2000 interim, the feasibility and desirability of collocating the developmental center and the state hospital at one location and the feasibility and desirability of transferring additional buildings on the state hospital grounds to the department of corrections and rehabilitation."

Page 11, after line 6, insert:

"SECTION 33. APPROPRIATION - DEPARTMENT OF HUMAN SERVICES - NETWORK TECHNICAL SUPPORT. 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 federal funds of \$50,000 to the department of human services for the purpose of providing network technical support to county social service boards, for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 34. CONTINGENT APPROPRIATION - TRAUMATIC BRAIN-INJURED FACILITY. There is hereby appropriated a total of \$200,000, including \$140,000 of federal funds and \$60,000 from the general fund in the state treasury, not otherwise appropriated, or so much of the funds as may be necessary, for the biennium beginning July 1, 1999, and ending June 30, 2001. This money may be spent by the department of human services only if additional beds for traumatic brain-injured persons are established in western North Dakota and after receiving emergency commission and budget section approval.

SECTION 35. APPROPRIATION - EMPLOYEE POSITION FUNDING. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$550,000, or so much of the sum as may be necessary, to the department of human services and its various divisions for the purpose of funding salaries and wages where vacancies are less than estimated, for the biennium beginning July 1, 1999, and ending June 30, 2001. The department of human services may allocate, as necessary, the funding to the various subdivisions contained in section 1 of this Act.

SECTION 36. APPROPRIATION - EMPLOYEE POSITION FUNDING - AVAILABLE SPECIAL FUNDS. There is hereby appropriated up to \$1,000,000, or so much of the sum as may be necessary, from special funds derived from federal funds and other income, to the department of human services and its various divisions, for the biennium beginning July 1, 1999, and ending June 30, 2001, to the extent funds become available, to be used if necessary to replace general fund reductions included in section 1 of this Act relating to vacant employee positions. The department of human services may allocate, as necessary, the funding to the various subdivisions contained in section 1 of this Act.

SECTION 37. TRANSFER APPROPRIATION AUTHORITY - ANTICIPATED VACANT EMPLOYEE POSITION REDUCTION. The department of human services may transfer appropriation authority up to a total amount of \$2,500,000 within the subdivisions in section 1 of this Act to accommodate reductions in funding made related to anticipated vacant employee positions, for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 38. CONTINGENT GENERAL FUND APPROPRIATION - SPED PROGRAM. The estimated income line item in subdivision 3 of section 1 of this bill includes \$4,262,410 from special funds derived from the health care trust fund created pursuant to Senate Bill No. 2168. In the event that moneys in the health care trust fund are less than anticipated resulting in a reduction of funds available for the SPED program there is hereby appropriated up to \$4,262,410, or so much of the funds as may be necessary, from the general fund in the state treasury, not otherwise appropriated, for the biennium beginning July 1, 1999, and ending June 30, 2001."

Page 11, after line 8, insert:

"SECTION 40. EFFECTIVE DATE. Section 9 of this Act becomes effective on January 1, 2000.

SECTION 41. EXPIRATION DATE. Sections 8 and 11 of this Act are effective through June 30, 2001, and after that date are ineffective."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

HOUSE - This amendment makes the following changes:

DESCRIPTION	FTE CHANGE	FUNDING		
		TOTAL	GENERAL FUND	OTHER FUNDS
Subdivision 1 - Management and Councils - Engrossed SB 2012	123.60	\$55,310,518	\$14,496,791	\$40,813,727
Proposed Changes:				
Correct Senate amendments - Proper line items for computer projects				
Transfer 8 technology support FTE from human service centers	8.00	777,738	701,767	75,971
Reduce funding for CCWIPS computer project by one-third		(481,333)	(240,667)	(240,666)
Reduce operating expenses by 1 percent (37 percent general fund)		(383,593)	(141,929)	(241,664)
Reduce operating expenses - Office supplies (37 percent general fund)		(150,000)	(55,500)	(94,500)
Reduce equipment by 10 percent (55 percent general fund)		(198,078)	(108,943)	(89,135)
Remove funding for MMIS decision support project manager	(1.00)	(77,850)	(42,818)	(35,032)
Remove funding for project manager	(1.00)	(77,850)	(42,818)	(35,032)
Remove funding for technical support help desk	(1.00)	(70,420)	(38,731)	(31,689)
Remove funding for 2 unidentified new computer-related FTE positions	(2.00)	(113,333)	(62,333)	(51,000)
Proposed changes to Subdivision 1	<u>3.00</u>	<u>(774,719)</u>	<u>(31,972)</u>	<u>(742,747)</u>
PROPOSED AMOUNT SUBDIVISION 1	126.60	\$54,535,799	\$14,464,819	\$40,070,980

DESCRIPTION	FTE CHANGE	FUNDING		
		TOTAL	GENERAL FUND	OTHER FUNDS
Subdivision 2 - Economic Assistance - Engrossed SB 2012	111.80	\$818,700,935	\$199,957,378	\$618,743,557
Proposed Changes:				
Remove funding for welfare fraud units added by Senate		(562,412)	(212,729)	(349,683)
Add additional funding for Indian counties - Also related statutory		118,564	118,564	

changes to provide a total of \$1,776,420				
Reduce funding for basic care and reduce general fund by "retained" funds saved		(288,322)	(288,322)	
Reduce funding to provide a 2 percent operating margin for basic care and passthrough of property costs		(61,678)	(61,678)	
Medical assistance grants:				
Drugs - Allow one-half of reprojction increase - Allow a total of \$49,304,267		2,100,000	630,000	1,470,000
Physicians - Reflect reprojction decrease - Allow a total of \$37,420,671		(755,021)	(226,506)	(528,515)
Outpatient hospital - Allow 30 percent of reprojction increase - Allow a total of \$33,671,184		600,000	180,000	420,000
Indian Health Service - Allow reprojction increase - Allow a total of \$14,269,180		453,551		453,551
Dental - Allow reprojction decrease - Allow a total of \$9,888,492		(59,519)	(17,856)	(41,663)
Premiums Social Security - Allow reprojction decrease - Allow a total of \$4,687,464		(255,352)	(76,606)	(178,746)
Rural health clinics - Reflect reprojction decrease - Allow \$4,021,989		(98,850)	(29,655)	(69,195)
Treatment services - Children in private facilities - Reduce to \$5,400,000		(1,350,665)	(405,200)	(945,465)
Durable medical equipment - Reduce to \$4,199,096		(400,000)	(120,000)	(280,000)
Home health services - Increase to \$4,034,500		350,000	105,000	245,000
Health maintenance organization premiums - Reduce to allow reprojction of \$3,028,860		(54,828)	(16,449)	(38,379)
Optometric services - Reduce to \$1,512,318 - 1997-99 projected level		(129,984)	(38,995)	(90,989)
Qualified Medicaid beneficiary premiums - Reduce to allow reprojction of \$1,757,315		(21,786)	(6,536)	(15,250)
Speech and hearing services - Reduce to allow reprojction of \$1,625,667		(236,152)	(70,846)	(165,306)
Refugee assistance - Increase to allow reprojction of \$1,512,348		81,828		81,828
Hospice services - Reduce to allow reprojction of \$1,719,019		(238,223)	(71,467)	(166,756)
Psychological services - Reduce to allow \$700,383		(38,649)	(11,595)	(27,054)
Ambulance services - Increase to allow \$1,100,000		156,932	47,080	109,852
Targeted case management - Pregnant women and infants - Reduce to \$104,904		(300,000)	(90,000)	(210,000)
Special low income Medicare beneficiary premiums - Reduce to \$550,000		(87,168)	(26,150)	(61,018)
Chiropractic services - Reduce to \$382,749		(29,733)	(8,920)	(20,813)
Group health insurance premiums - Reduce to \$324,840		(15,264)	(4,579)	(10,685)
Reduce operating funding for the Medicaid division		(75,000)	(21,750)	(53,250)
Long-term care - Rebase on 96 data - Reflect updated CPI(2.0/2.2) and DRI		(2,707,342)	(812,203)	(1,895,139)
Long-term care - Reduce number of beds - 100		(6,048,000)	(1,814,400)	(4,233,600)
Targeted case management remove Senate addition, transfer \$273,677 to SPED		(994,000)	(273,677)	(720,323)
CHIP program fund administrative costs		330,000	69,300	260,700
Medical assistance/developmental disabilities grants:				
Reduce DD grants - Leave federal funds		(650,000)	(650,000)	
Reduce DD grants - Allow 36 cents per hour @ 27.5 fringe benefits		(1,222,731)	(408,906)	(813,825)
Reduce DD grants - Adjust from 30 to 27.5 fringe benefits on base grants		(2,139,167)	(699,783)	(1,439,384)
Reduce general fund increase special funds to reflect parent contributions			(500,000)	500,000
Proposed changes to Subdivision 2		<u>(14,628,971)</u>	<u>(5,814,864)</u>	<u>(8,814,107)</u>
PROPOSED AMOUNT SUBDIVISION 2	111.80	\$804,071,964	\$194,142,514	\$609,929,450

DESCRIPTION	FTE CHANGE	FUNDING		
		TOTAL	GENERAL FUND	OTHER FUNDS
Subdivision 3 - Program and Policy - Engrossed SB 2012	118.70	\$148,996,805	\$43,371,518	\$105,625,287
Proposed Changes:				
Use additional available TANF dollars to replace general fund dollars in excess of maintenance of effort requirements - Funding source change			(1,115,851)	1,115,851
Aging services changes:				
Reduce funding for senior mill levy match to \$1,050,000		(212,945)	(212,945)	
Restore Senate transfer to Subdivision 2 to SPED		273,677	273,677	
Recognize SPED funding from SB 2168, contingent general fund appropriation			(4,262,410)	4,262,410
Reduce funding for operating - General reduction		(50,000)	(26,500)	(23,500)
Add funding for adult protective services - Pilot project one region		75,000	75,000	
Children and family services changes:				
Reduce funding for foster care grants - Residential child care facility to 4.5%		(288,313)	(172,855)	(115,458)
Reduce funding for foster care grants - Family home care to 2.25%		(49,140)	(22,010)	(27,130)
Reduce funding for foster care grants - Subsidized adoption to 2.5%		(13,806)	(5,358)	(8,448)
Adjust line items for Senate reduction for multicounty child protection assessment (operating expenses should be increased and grants reduced if not restored)				
Reduce funding for foster care grants - Savings from additional therapeutic beds		(419,180)	(185,662)	(233,518)
Reduce funding for early childhood grants		(561,000)	(561,000)	
Add additional funding for Adoption and Safe Families Act:				
Background checks - Administrative staff	0.50	26,656	13,328	13,328
Court costs - Operating		650,000	325,000	325,000
Guardianship grants		(66,533)	(104,703)	38,170
Family focus grants transfer from operating, add \$19,458 of special funds		19,458		19,458
Review teams - Operating		20,371	5,088	15,283
Mental health services changes:				
Remove increased funding for compulsive gambling		(50,000)	(50,000)	
Substance abuse services changes:				
Reduce funding for operating - General reduction		(15,000)	(15,000)	
Developmental disabilities services changes:				
Reduce funding for operating - Assist computer project for providers		(653,000)	(394,494)	(258,506)
Reduce funding for operating - General reduction		(42,500)	(14,450)	(28,050)
Vocational rehabilitation services changes:				
Reduce funding for operating - General reduction		(2,250)	(2,250)	
Reduce funding for grants - Extended services		<u>(30,000)</u>	<u>(30,000)</u>	
Proposed changes to Subdivision 3	<u>0.50</u>	<u>(1,388,505)</u>	<u>(6,483,395)</u>	<u>5,094,890</u>
PROPOSED AMOUNT SUBDIVISION 3	119.20	\$147,608,300	\$36,888,123	\$110,720,177
Subdivision 4 - Human Service Centers and Institutions -	1,918.50	\$192,922,246	\$93,312,146	\$99,610,100

Engrossed SB 2012				
Proposed Changes:				
Transfer 8 technology support FTE to Information Services Division includes \$493 of capital improvements for Southeast HSC	(8.00)	(777,738)	(701,767)	(75,971)
Northeast Human Service Center - Remove Senate Amendments:				
Remove purchase of building		(895,000)	(895,000)	
Remove related maintenance costs of \$3/sq. ft. @ 39,433 sq. ft.		(236,598)	(125,400)	(111,198)
Remove building improvements		(376,335)	(376,335)	
Remove additional rent from unused space		(75,000)	94,032	(169,032)
Restore facility rent		945,226	504,905	440,321
Restore one-time costs associated with move		195,700	151,987	43,722
Reduce operating expenses		(100,000)	(100,000)	
Northeast Human Service Center - Other changes:				
Restore funding for Harvest Home services removed by Senate		150,000	67,000	83,000
Remove funding additional advisory council meetings - OAR 301		(7,709)	(7,044)	(665)
Delay funding for CD adolescent treatment facility 3 months - OAR 204		(128,934)	(128,934)	
Delay State Hospital alternative by 6 months and reduce by one-fourth - OAR 209	(3.50)	(479,934)	(329,943)	(149,991)
General fund savings are from Title XX funding available from reduction			(17,127)	17,127
Recognize funding available from Title XX funding nurse FTE removed - OAR 210				
Remove funding for targeted case management - OAR 217	(2.00)	(235,781)	(168,639)	(67,142)
Remove funding for DD case manager - OAR 227	(0.50)	(41,462)	(30,694)	(10,768)
Reduce funding for SMI work activity - Operating - OAR 234		(20,000)	(20,000)	
Reduce funding for operating - Telecommunications - OAR 292		(26,040)	(23,793)	(2,247)
Reduce funding for operating - Training - OAR 293		(13,930)	(13,930)	
Reduce funding for operating - Rhinelander project OAR 311		(63,636)	(63,636)	
Reduce funding for operating - General reduction		(65,000)	(29,250)	(35,750)
Reduce funding for grants - General reduction		(54,327)	(54,327)	
Northwest Human Service Center changes:				
Reduce funding for salaries - Information proc.II - OAR 283	(1.00)	(48,604)	(43,896)	(4,708)
Reduce funding for salaries - Psychologist II - OAR 247	(1.00)	(66,818)	(66,818)	
Reduce funding for operating - OAR 294 and 286		(27,650)	(27,650)	
Reduce funding for operating - General reduction		(22,350)	(12,292)	(10,058)
Reduce funding for grants - General reduction		(10,000)	(10,000)	
North Central Human Service Center changes:				
Reduce funding for salaries - Social worker II - Position 2057	(0.30)	(16,520)	(3,259)	(13,261)
Reduce funding for operating - Rhinelander project		(60,721)	(60,721)	
Reduce funding for operating - General reduction		(26,000)	(13,040)	(12,960)
Reduce funding for equipment - General reduction		(1,000)	(1,000)	
Reduce funding for grants - General reduction		(65,000)	(65,000)	
Lake Region Human Service Center changes:				
Remove funding for HSPA II - Position 0172	(1.00)	(103,981)	(94,623)	(9,358)
Remove funding for administrative secretary III - Position 0281	(1.00)	(42,368)	(38,555)	(3,813)
Funded as operating				
Remove funding for social worker III - Position 0961	(1.00)	(69,174)	(33,674)	(35,500)
Remove FTE authorization for psychologist III - Funded as operating	(1.00)			
Reduce funding for operating - General reduction		(29,050)	(16,340)	(12,710)
Reduce funding for equipment - General reduction		(1,950)	(1,950)	
Reduce funding for grants - General reduction		(12,500)	(12,500)	
Southeast Human Service Center changes:				
Change funding for salaries - Sexual abuse treatment social worker			(35,673)	35,673
Reduce funding for operating - Rhinelander project		(36,500)	(36,500)	
Reduce funding for operating - General reduction		(55,000)	(20,200)	(34,800)
Reduce funding for equipment - General reduction		(5,000)	(5,000)	
Reduce funding for grants - General reduction		(60,000)	(60,000)	
South Central Human Service Center changes:				
Remove funding for SMI case manager - OAR 235	(1.00)	(70,915)	(70,915)	
Reduce funding for operating - OAR 251		(40,265)	(35,957)	(4,308)
Reduce funding for operating - Work activity OAR 236		(22,579)	(22,579)	
Reduce funding for operating - General reduction		(22,000)	(12,100)	(9,900)
West Central Human Service Center changes:				
Reduce funding for grants - Peer youth contract - SED - OAR 241		(10,800)	(10,800)	
Reduce funding for grants - Partnership evaluation component - OAR 252		(40,000)	(40,000)	
Reduce funding for grants - Contracted case mgmt - Penitentiary - OAR 302		(70,000)	(70,000)	
Reduce funding for grants - Contracted case mgmt - SMI - OAR 237		(24,745)	(24,745)	
Reduce funding for grants - Reduce Dacotah Foundation inflation - OAR 273		(17,500)	(17,500)	
Reduce funding for operating - General reduction		(22,000)	(9,240)	(12,760)
Reduce funding for grants - General reduction		(75,000)	(75,000)	
Badlands Human Service Center changes:				
Reduce funding for grants - Respite care contract - OAR 249		(10,000)	(10,000)	
Reduce funding for operating - General reduction		(15,000)	(7,350)	(7,650)
State Hospital changes:				
Reduce funding for salaries - Unspecified		(250,000)	(250,000)	
Reduce funding for operating - Travel		(50,000)	(50,000)	
Reduce funding for operating - Utilities		(87,842)	(87,842)	
Reduce funding for operating - Postage		(6,533)	(6,533)	
Reduce funding for operating - Lease/rental equipment		(3,095)	(3,095)	
Reduce funding for operating - Professional development		(35,000)	(35,000)	
Reduce funding for operating - Professional services		(100,000)	(100,000)	
Reduce funding for operating - Professional supplies and materials		(15,000)	(15,000)	
Reduce funding for equipment - Office equipment and furniture		(10,000)	(10,000)	
Add a section providing for an interim Legislative Council study of the feasibility of collocating the State Hospital and Developmental Center at one location and the feasibility of transferring additional buildings on the State Hospital grounds to the Department of Corrections and Rehabilitation				
Developmental Center changes:				
Reduce funding for operating - Travel		(30,000)	(9,000)	(21,000)
Reduce funding for operating - Utilities		(50,000)	(15,000)	(35,000)
Reduce funding for operating - Lease/rental equipment		(25,000)	(7,500)	(17,500)
Reduce funding for operating - Operating fees and services		(50,000)	(15,000)	(35,000)
Reduce funding for operating - Repairs		(13,050)	(3,915)	(9,135)
Reduce funding for operating - Professional services		(100,000)	(30,000)	(70,000)
Reduce funding for operating - Office supplies		(3,000)	(900)	(2,100)
Reduce funding for operating - Printing		(20,000)	(6,000)	(14,000)
Reduce funding for operating - Food and clothing		(125,825)	(37,747)	(88,078)
Reduce funding for operating - Medical, dental, and optical		(62,499)	(18,750)	(43,749)

Reduce funding for operating - Buildings, grounds, and vehicle maintenance supplies		(37,743)	(11,323)	(26,420)
Reduce funding for operating - Miscellaneous supplies		(55,379)	(16,614)	(38,765)
Proposed changes to Subdivision 4	(21.30)	(\$4,637,454)	(\$4,062,000)	(\$575,454)
PROPOSED AMOUNT SUBDIVISION 4	1,897.20	\$188,284,792	\$89,250,146	\$99,034,646
New section - Network technical support		\$100,000	\$50,000	\$50,000
New section - Salaries and wages restoration		\$1,550,000	\$550,000	\$1,000,000
		TOTAL	GENERAL FUND	OTHER FUNDS
TOTAL DEPARTMENT OF HUMAN SERVICES - EXECUTIVE BUDGET		\$1,215,667,318	\$355,165,387	\$860,501,931
SENATE CHANGES		263,186	(4,027,554)	4,290,740
ENGROSSED SENATE BILL NO. 2012		\$1,215,930,504	\$351,137,833	\$864,792,671
HOUSE CHANGES		(19,779,649)	(15,792,231)	(3,987,418)
PROPOSED SENATE BILL NO. 2012		\$1,196,150,855	\$335,345,602	\$860,805,253

In addition these amendments include:

A contingency appropriation section traumatic brain injured \$200,000 of which \$60,000 is from the general fund.

A contingency appropriation section SPED program of \$4,262,410 from the general fund.

- Adds Section 9 to make the statutory changes related to state assistance for Indian counties by making up to 15 percent of social service block grant funds available for calendar year 2000 and up to 7.5 percent for calendar year 2001. In addition, \$118,564 from the general fund is added to provide a total of \$1,776,420 from the general fund for the 1999-2001 biennium.
- Adds Sections 8 and 11 to provide a moratorium on residential child care and treatment facilities through June 30, 2001.
- Provides legislative intent that the Department of Human Services provide in the 2001-03 biennium budget process information regarding the use of social services block grant moneys including any pending reductions and any Department of Human Services requests for moneys from the state general fund to replace reductions in the social services block grant funding; regarding use of federal funds; and regarding nursing home limitations regarding wage increases for the developmentally disabled providers.
- Provides for an interim Legislative Council study of the feasibility and desirability of collocating the Developmental Center and the State Hospital at one location and the feasibility and desirability of transferring additional buildings on the State Hospital grounds to the Department of Corrections and Rehabilitation, of human service center services, of nursing home regulations, and of nursing home rate equalization.
- Provides an appropriation for network technical support of \$100,000, \$50,000 from the general fund.
- Provides a contingent appropriation of \$200,000, \$60,000 from the general fund for traumatic brain injury beds.
- Provides a contingent general fund appropriation of \$4,262,410 for the SPED program.
- Provides a general fund appropriation of \$550,000 and a special fund appropriation of \$1,000,000 to reduce the impact of the reductions for vacant employee positions and allows the department of human services to transfer up to \$2,500,000 among subdivisions to accommodate vacant employee positions.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2015

Page 1, line 2, remove "to provide an"

Page 1, line 3, remove "appropriation for defraying the expenses of the department of human services;"

Page 1, line 6, after "adjustments" insert ", federal program termination, and performance-based program budgeting"

Page 1, line 8, after the semicolon insert "to provide for a legislative council study;"

Page 1, line 9, remove the second "and", after "reenact" insert "subsection 2 of", and after "section" insert "32-12.2-07, sections 54-16-04.1, 54-16-04.2, and"

Page 1, line 10, after "to" insert "the risk management fund, emergency commission approvals, and" and after "fund" insert "; to provide for retroactive application; and to declare an emergency"

Page 1, line 20, replace "3,082,026" with "2,982,026"

Page 1, line 22, replace "8,174,694" with "7,854,694"

Page 1, line 24, replace "Intergovernmental assistance" with "Division of community services"

Page 2, line 3, replace "64,739,956" with "64,319,956"

Page 2, line 5, replace "18,651,713" with "18,231,713"

Page 2, line 8, replace "45,709,295" with "49,409,295"

Page 2, line 9, replace "45,709,295" with "49,409,295"

Page 2, line 24, replace "23,283,562" with "22,813,562"

Page 2, line 25, replace "97,136,860" with "100,786,860"

Page 2, line 26, replace "120,420,422" with "123,600,422"

Page 2, replace lines 27 through 30 with:

"SECTION 2. APPROPRIATION. There is hereby appropriated from federal funds \$6,000,000, or so much of the sum as may be necessary, to the director of the office of management and budget for the division of community services for flood-related disasters and the weatherization of low-income homes, for the period beginning with the effective date of this Act and ending June 30, 1999."

Page 3, remove lines 1 through 9

Page 3, line 26, replace "\$950,000" with "\$500,000"

Page 5, line 2, remove "receive its 1999-2001 employee compensation in a lump sum amount of \$971,035 to"

Page 5, line 7, replace "700,000" with "600,000"

Page 5, line 14, after "transfer" insert "special funds to the general fund as follows:"

Page 5, replace line 15 with:

"Lands and minerals trust fund	\$3,000,000
Public employees life insurance program	1,500,000
Financial institutions regulatory fund	200,000"

Page 5, line 21, replace "\$60,000,000" with "\$50,000,000"

Page 6, line 2, after "budget" insert "and"

Page 6, line 4, after the period insert "Transfers made under the provisions of this section may not be made before July 1, 2000, and may only be made to the extent that the transfer is necessary to achieve a projected June 30, 2001, general fund balance of \$10,000,000."

Page 6, line 6, replace "\$23,000,000" with "\$40,000,000"

Page 6, after line 9, insert:

"SECTION 13. FEDERAL PROGRAM TERMINATIONS - BLOCK GRANT - FUNDING REDUCTIONS - RELATED PROGRAM REDUCTIONS - REPORTS TO THE BUDGET SECTION. If the federal government during the 1999-2001 biennium terminates funding for any program administered by an agency, department, or institution of the state of North Dakota, the agency, department, or institution, subject to

budget section approval, may terminate the program and not replace the reduction in federal funds with state funds, notwithstanding any other provision of law. If the federal government combines funding for separate programs in a block grant resulting in a reduction of total federal funds available for those programs, the administering agency, department, or institution may, subject to budget section approval, prioritize or reprioritize programs as necessary in making programmatic reductions. The agency, department, or institution may administer funds available under a new federal block grant or similar measure, consistent with the terms of that measure, notwithstanding any other provisions of law intended to conform to or implement the provisions of the repealed federal Act, and shall report any program terminations, reductions, or changes resulting from this section to the budget section of the legislative council for its approval.

SECTION 14. PROGRAM-BASED PERFORMANCE BUDGETING. The office of management and budget shall discontinue the program-based performance budgeting pilot project when preparing the 2001-03 biennium budget documents and accompanying appropriation bills. Budget documents for the 2001-03 biennium are to be based on the standard line items and are not to contain agency performance measures.

SECTION 15. LEGISLATIVE COUNCIL INTERIM STUDY OF PERFORMANCE INCENTIVE PILOT PROGRAMS. The legislative council shall consider studying the establishment of agency performance incentive pilot programs. If conducted, the study should address how agencies could develop, implement, administer, maintain, and evaluate performance incentive pilot programs. The study should also address the development of personnel policies and procedure manuals and how pay raises which may not be across the board are to be awarded as a reward and incentive for superior performance and the length of time they may be in effect. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly.

SECTION 16. AMENDMENT. Subsection 2 of section 32-12.2-07 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The state risk management fund is a special fund in the state treasury administered by the director of the office of management and budget. The fund is a revolving fund consisting of contributions from participating state entities, all payments received by the fund from its activities, and other appropriations by the legislative assembly. The state investment board shall invest the fund in accordance with chapter 21-10. Funds received as contributions from state entities, all other payments deposited in the fund, and interest and income received on investments are hereby appropriated on a continuing basis for the purposes of the fund. Section 54-44.1-11 does not apply to the fund.

SECTION 17. AMENDMENT. Section 54-16-04.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-16-04.1. May authorize acceptance and disbursement of federal funds. The emergency commission with the advice and counsel of the executive office of the budget may authorize the state treasurer to receive any moneys not appropriated by the legislative assembly which are made available by any federal agency and which the legislative assembly has not indicated an intent to reject. The emergency commission may authorize pass-through federal funds from one state agency to another state agency. The emergency commission, with approval of the budget section of the legislative council if the amount under consideration exceeds fifty thousand dollars, may authorize any state officer to expend federal moneys from the date such moneys become available until June thirtieth following the next regular legislative session. The expenditures must be consistent with state law and with the terms of the grant and the program may not commit the legislative assembly for matching funds in the future unless the program has first been approved by the legislative assembly. A state officer may not expend funds received from the federal government which have not been specifically appropriated by the legislative assembly except as provided in this chapter. A state officer shall submit an expenditure plan with a request for approval under this section of expenditure of federal funds combined with or as part of a block grant for a new or existing program.

SECTION 18. AMENDMENT. Section 54-16-04.2 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-16-04.2. Commission may authorize acceptance and expenditure of moneys. The emergency commission, upon the advice of the office of management and budget, with approval of the budget section of the legislative council if the amount under consideration exceeds fifty thousand dollars, may authorize a state officer to receive moneys from gifts, grants, donations, or other sources, not otherwise appropriated by the legislative assembly, for new or existing programs if the legislative assembly has not indicated an intent to reject the moneys or the program. The emergency commission may authorize the state officer to expend money received under this section from the date the money becomes available until June thirtieth following the next regular legislative session."

Page 7, after line 2, insert:

"SECTION 21. RETROACTIVE APPLICATION. Section 16 of this Act is effective for all funds received and deposited into the risk management fund on or after July 1, 1997.

SECTION 22. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Administration	\$3,086,844	\$3,082,026	(\$100,000)	\$2,982,026
Fiscal management	3,998,308	3,875,828		3,875,828
Facility management	8,203,213	8,174,694	(320,000)	7,854,694
Central personnel	1,226,846	1,212,300		1,212,300
Division of community services	42,055,293	42,035,197		42,035,197
Risk management	964,173	959,911		959,911
Statewide compensation plan	5,400,000	5,400,000		5,400,000
Total all funds	\$64,934,677	\$64,739,956	(\$420,000)	\$64,319,956
Less special funds	46,105,926	46,088,243		46,088,243
General fund	\$18,828,751	\$18,651,713	(\$420,000)	\$18,231,713
FTE	122.00	121.00	(0.40)	120.60

Detail of House changes to the Senate version includes:

	REDUCE STATE CONTINGENCIES FUNDING	REMOVE .4 FTE CAPITOL SECURITY POSITION	REMOVE SECURITY SYSTEM HARDWARE AND SOFTWARE FUNDING	REMOVE SECURITY SYSTEM CONTRACTING SERVICES FUNDING	TOTAL HOUSE CHANGES
Administration	(\$100,000) ¹				(\$100,000)
Fiscal management					
Facility management			(\$200,000) ²	(\$120,000) ²	(320,000)
Central personnel					
Division of community services					
Risk management					
Statewide compensation plan					
Total all funds	(\$100,000)	\$0	(\$200,000)	(\$120,000)	(\$420,000)
Less special funds					
General fund	(\$100,000)	\$0	(\$200,000)	(\$120,000)	(\$420,000)
FTE	0.00	(0.40) ²	0.00	0.00	(0.40)

¹ Reduces the state contingencies funding by \$100,000, from \$700,000 to \$600,000.

² Removes a .4 FTE and \$320,000 of general fund moneys which was for a new security system in the Capitol.

The amendment also makes the following changes:

- Reduces the fiscal management division's carryover from the 1997-99 biennium by \$450,000, from \$950,000 to \$500,000.

- Adds a new section appropriating \$6,000,000 of federal funds to the Division of Community Services for flood-related disasters (\$3,000,000) and weatherization of low-income homes (\$3,000,000). The amendment also adds a section making the \$6,000,000 appropriation an emergency measure.
- Provides for special fund transfers to the general fund of \$200,000 from the financial institutions regulatory fund and \$1,500,000 from the Public Employees Retirement System life insurance program.
- Reduces Bank of North Dakota transfers to the general fund by \$10,000,000, from \$60,000,000 to \$50,000,000 and increases the contingent transfers by \$17,000,000, from \$23,000,000 to \$40,000,000. The amendment also adds language providing that contingent transfers can be made only after July 1, 2000, and then only to the extent necessary to achieve a June 30, 2001, general fund balance of \$10,000,000.
- Adds a new section providing that if federal funding for a program is terminated during the 1999-2001 biennium, the administering state agency, department, or institution shall terminate the program. It also provides that if the federal government reduces federal funding by combining the funding for separate programs into a block grant, the agency, department, or institution shall prioritize or reprioritize programs as necessary.
- Adds a new section directing the Office of Management and Budget to discontinue the program-based performance budgeting pilot program.
- Adds a new section providing for a Legislative Council interim study of performance incentive pilot programs.
- Adds a new section clarifying that all deposits into the risk management fund may be spent for the purpose of the fund. The amendment also adds a section making this change retroactive to deposits after July 1, 1997.
- Adds two new sections clarifying which Emergency Commission approvals also need Budget Section approval.

DEPARTMENT 112 - INFORMATION SERVICES DIVISION

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Information resource management	<u>\$46,282,960</u>	<u>\$45,709,295</u>	<u>\$3,700,000</u>	<u>\$49,409,295</u>
Total all funds	\$46,282,960	\$45,709,295	\$3,700,000	\$49,409,295
Less special funds	<u>46,082,960</u>	<u>45,709,295</u>	<u>3,700,000</u>	<u>49,409,295</u>
General fund	\$200,000	\$0	\$0	\$0
FTE	170.00	168.00	0.00	168.00

Detail of House changes to the Senate version includes:

	CONTRACT FUNDING FOR DHS MEDICAID/ TANF PROJECT	TOTAL HOUSE CHANGES
Information resource management	<u>\$3,700,000</u>	<u>\$3,700,000</u>
Total all funds	\$3,700,000	\$3,700,000
Less special funds	<u>3,700,000</u>	<u>3,700,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

HOUSE - This amendment removes the section appropriating \$100,000, \$50,000 of which was general fund moneys and \$50,000 of special funds, to the Department of Human Services for the purpose of providing network technical support to county social service boards.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)
MADAM PRESIDENT: The House has amended and subsequently passed: SB 2355.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2355

In lieu of the amendments adopted by the House as printed on pages 912 and 913 of the House Journal, Engrossed Senate Bill No. 2355 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 11-33-02 and 58-03-11 of the North Dakota Century Code, relating to zoning regarding farming and ranching.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-33-02 of the North Dakota Century Code is amended and reenacted as follows:

11-33-02. Board of county commissioners to designate districts.

1. For any or all of the purposes designated in section 11-33-01, the board of county commissioners may ~~divide~~ by resolution ~~divide~~ all or any parts of the county, subject to the provisions of section 11-33-20, into districts of such number, shape, and area as may be ~~deemed~~ determined necessary, and ~~may~~ likewise may enact suitable regulations to carry out the purposes of this chapter. These regulations ~~shall~~ must be uniform in each district, but the regulations in one district may differ from those in other districts. ~~No~~ A regulation or restriction, ~~however, shall~~ may not prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming. ~~The provisions of this or ranching.~~ For purposes of this section, "farming or ranching" means cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services.
2. A board of county commissioners may regulate the nature and scope of livestock feeding operations permissible in the county, provided:
 - a. If a regulation would impose a substantial economic burden on an agricultural operation in existence before the effective date of the regulation, the board of county commissioners shall declare that the regulation is ineffective with respect to any agricultural operation in existence before the effective date of the regulation.
 - b. A regulation may not prohibit the reasonable diversification or expansion of an agricultural operation.
 - c. A regulation may not preclude the development of a concentrated or confined animal feeding operation in the county. A regulation addressing the development of a concentrated or confined animal feeding operation in the county may set reasonable standards, based on the size of the operation, to govern its location.
3. ~~This chapter shall~~ does not be construed to include any power relating to the establishment, repair, and maintenance of highways or roads.

SECTION 2. AMENDMENT. Section 58-03-11 of the North Dakota Century Code is amended and reenacted as follows:

58-03-11. Establishment of zoning districts - Limitation - Scope of zoning regulations and restrictions.

1. For the purpose of promoting the health, safety, morals, or the general welfare, or to secure the orderly development of approaches to municipalities, the board of township supervisors may establish one or more zoning districts and within such districts may, subject to the provisions of chapter 54-21.3, regulate and restrict the erection,

construction, reconstruction, alteration, repair, or use of buildings and structures, the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. All such regulations and restrictions must be uniform throughout each district, but the regulations and restrictions in one district may differ from those in other districts.

2. ~~No~~ A regulation or restriction, however, may not prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming. The provisions of sections or ranching. For purposes of this section, "farming or ranching" means cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services.
3. A board of township supervisors may regulate the nature and scope of livestock feeding agricultural operations permissible in the township, provided:
 - a. If a regulation would impose a substantial economic burden on an agricultural operation in existence before the effective date of the regulation, the board of township supervisors shall declare that the regulation is ineffective with respect to any agricultural operation in existence before the effective date of the regulation.
 - b. A regulation may not prohibit the reasonable diversification or expansion of an agricultural operation.
 - c. A regulation may not preclude the development of a concentrated or confined animal feeding operation in the county. A regulation addressing the development of a concentrated or confined animal feeding operation in the county may set standards, based on the size of the operation, to govern its location.
4. ~~Sections 58-03-11 through 58-03-15 may do not be construed to include any power relating to the establishment, repair, and maintenance of highways or roads."~~

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2013.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2013

Page 1, line 2, after "library" insert "; to create and enact a new section to chapter 15-59 of the North Dakota Century Code, relating to a special education critical needs board"

Page 1, line 3, replace "section" with "sections" and after "15-21-02" insert "and 15-21-03"

Page 1, line 4, replace "section" with "sections" and after "15.1-02-02" insert "and 15.1-02-03"

Page 1, line 5, replace "; to repeal section 2 of Senate Bill No. 2381, as" with "and the appointment of a deputy superintendent; and to amend and reenact sections 15-59-06, 15-59-06.2, and 15-59-07 of the North Dakota Century Code, relating to special education."

Page 1, remove line 6

Page 1, line 17, replace "11,706,777" with "10,977,979"

Page 1, line 18, replace "10,107,032" with "9,709,720"

Page 1, line 19, replace "591,036" with "491,036"

Page 1, line 20, replace "481,006,259" with "479,006,259"

Page 1, line 23, replace "44,600,000" with "46,100,000"

Page 1, after line 23, insert:

"Grants - Special education critical needs board 500,000"

Page 1, line 24, replace "132,695,566" with "143,318,663"

Page 2, line 4, replace "737,951,556" with "747,348,543"

Page 2, line 5, replace "199,247,247" with "204,206,898"

Page 2, line 6, replace "538,704,309" with "543,141,645"

Page 2, line 21, replace "136,327" with "36,327"

Page 2, line 22, replace "5,502,539" with "5,402,539"

Page 2, line 24, replace "4,845,170" with "4,745,170"

Page 3, line 1, replace "863,400" with "950,276"

Page 3, line 2, replace "2,328,405" with "2,241,529"

Page 3, line 3, replace "548,840,795" with "553,091,255"

Page 3, line 4, replace "202,361,835" with "207,408,362"

Page 3, line 5, replace "751,202,630" with "760,499,617"

Page 3, line 25, replace "Ten" with "Eleven" and remove "five hundred thousand"

Page 4, line 14, replace "\$1,000,000" with "\$6,000,000"

Page 4, line 20, after the period insert "Prior to the distribution of grants pursuant to this section, the educational telecommunications council may establish a minimum grant amount of \$5,000. A school district is not eligible to receive a grant under this section unless the administrative office of the district is connected to the internet."

Page 4, remove lines 21 through 25

Page 6, after line 15, insert:

SECTION 17. CREDENTIALING PROCESS FOR SPECIAL EDUCATION TEACHERS. The superintendent of public instruction may not change the credentialing process for special education teachers as it is in effect on March 1, 1999, without first convening a meeting to include representatives of the North Dakota council of education leaders, the council of exceptional children, the North Dakota education association, and the North Dakota school boards association. The purpose of the meeting is to receive comments regarding the proposed changes, the applicability of the proposed changes, including the scheduling, the manner of implementation, associated costs, and the short-term and long-term effects of the proposed changes. If, within thirty days after the date of the meeting, members of any two representative groups present at the meeting object in writing to the proposed changes, the superintendent may not implement the change prior to July 1, 2001.

SECTION 18. SCHOOL DISTRICT FINANCIAL DATA - REPORTING - REQUIREMENTS. The superintendent of public instruction shall develop standardized reporting forms, in both hard copy and electronic format, prescribing the manner in which school district superintendents and business managers must account for and report financial data. The superintendent of public instruction shall report to the interim education finance committee of the legislative council regarding the content of the reports and specific actions taken to account for transfers from school district general funds, to eliminate or reduce variations in the reporting of data, and to ensure that the financial data is available in a form that allows for accurate and consistent comparisons.

SECTION 19. NATIONAL ASSESSMENT OF EDUCATIONAL PROGRESS TESTING. The department of public instruction shall participate in the national assessment of educational progress (NAEP) testing program for the 1999-2001 biennium.

SECTION 20. FEDERAL FUNDING FOR SPECIAL EDUCATION URGED.

The fifty-sixth legislative assembly urges the Congress of the United States and the President to increase federal funding for special education to achieve, within the next three years, the statutory goal of the federal government providing funding for special education students equal to 40 percent of the national average per student educational expenditure. The secretary of state shall send copies of this section to the President, the members of the North Dakota congressional delegation, the national conference of state legislatures, and the state superintendent of public instruction."

Page 7, replace lines 3 through 7 with:

"SECTION 23. AMENDMENT. If House Bill No. 1034 does not become effective, Section 15-21-03 of the North Dakota Century Code is amended and reenacted as follows:

15-21-03. Appointment of deputy—Assistant assistant - Clerks. The superintendent of public instruction may appoint a ~~deputy for whose official acts he is responsible, and~~ an assistant whose duty it is to assist the superintendent of public instruction in visiting schools and institutes, to attend school officers' meetings, and to perform such other duties as may be required of him. The superintendent also may employ such clerks as are necessary in carrying on the work of the department.

SECTION 24. AMENDMENT. Section 15.1-02-03 of the North Dakota Century Code as created by House Bill No. 1034, as approved by the fifty-sixth legislative assembly, is amended and reenacted as follows:

15.1-02-03. Appointment of deputy assistant - Employment of personnel. The superintendent of public instruction may appoint a ~~deputy superintendent and~~ an assistant. The superintendent may also hire personnel or contract with other persons to perform the work of the department of public instruction.

SECTION 25. AMENDMENT. Section 15-59-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-59-06. State cooperation in special education. Students with disabilities who are receiving special education services must be deemed to be regularly enrolled in the school district of residence and must be included in the determination of payments from the state foundation aid program whether or not the students regularly attend school in the school or school district receiving the payments. A prorated state foundation aid payment for a student to attend a public school program for students with disabilities, approved by the superintendent of public instruction, may be made if the individualized education program for the student is written during the last quarter of the school term and specifically requires that the student attend a summer special education program. In the case of a student who is enrolled in a nonpublic school but who attends a public school special education program, payments must be made to the appropriate public school district for the portion of a normal schoolday the student participates in special education. For the purposes of this section, a normal schoolday consists of six hours. The amount the school district is required to expend must be reduced proportionately if a student attends the school for less than an entire year. If any school district within a special education unit has a student with disabilities who, in the opinion of the student's multidisciplinary team, is unable to attend the public schools in the special education unit because of a disability, the school district shall contract with an in-state public school located outside the special education unit in which the student is a legal resident, if the school will accept the student and has proper services for the student's education. No school district may enter into a contract with any in-state public school for the education of any student because of a disability, unless the services provided by the school and the contract have been approved in advance by the superintendent of public instruction. The contract must provide that the school district agrees to pay to the in-state public school as part of the cost of educating the student an amount for the school year equal to ~~two and one-half~~ three times the state average per student elementary or high school cost, depending upon the student's level of enrollment. The payment may not exceed the actual per student cost incurred by the in-state public school. The school district's liability must be reduced proportionately if the student attends the in-state public school for less than an entire year. The superintendent of public instruction, upon notification by the admitting district and upon verification by the superintendent that tuition payments are due the admitting district and are unpaid, shall withhold ~~all payments from the state for foundation aid payments~~ to the district of residence an amount equal to the unpaid tuition until the tuition due that amount has been paid. The transportation must be furnished as provided by rules of

the superintendent of public instruction. The superintendent of public instruction shall reimburse school districts eighty percent of the remainder of the actual cost of educating the student with disabilities not covered by other payments or credits ~~must be paid from funds~~, within the limits of legislative appropriations for that purpose.

SECTION 26. AMENDMENT. Section 15-59-06.2 of the North Dakota Century Code is amended and reenacted as follows:

15-59-06.2. Cost of special education - Liability of school district. If allowable costs for special education and related services for a child with disabilities in a special education program, as determined by the superintendent of public instruction, exceed the reimbursement provided by the state, the school district is liable to pay for each such student an amount over the state reimbursement up to a maximum each school year of ~~two and one-half~~ three times the state average ~~per pupil~~ per student elementary or high school cost, depending on whether the enrollment would be in a grade or high school department, and twenty percent of all remaining costs. The ~~two and one-half~~ three times amount includes the amount the school district is required to pay in section 15-59-06. The state is liable for ~~one hundred~~ eighty percent of the remainder of the cost of education and related services for each such student with disabilities within the limits of legislative appropriations for that purpose.

SECTION 27. AMENDMENT. Section 15-59-07 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-59-07. Contracts for students with disabilities to attend private or out-of-state public schools. If any school district in this state has a student with disabilities who in the opinion of the student's multidisciplinary team is unable to attend the public schools in the district because of a physical or mental disability or because of a learning disability, the school district shall contract with any accredited private nonsectarian nonprofit corporation within or outside the state or an out-of-state public school which has proper facilities for the education of the student, if there is no public school in the state which has the necessary services and which will accept the student. No school district may enter a contract with any private nonsectarian nonprofit corporation or out-of-state public school for the education of any student having a physical or learning disability, unless the services provided by the school and the contract have been approved in advance by the superintendent of public instruction. The contract must provide that the school district agrees to pay to the private nonsectarian nonprofit corporation or the out-of-state public school as part of the cost of educating the student an amount for the school year equal to ~~two and one-half~~ three times the state average per student elementary or high school cost, depending upon the student's level of enrollment and twenty percent of all remaining costs. The payment may not exceed the actual per student cost incurred by the private nonsectarian nonprofit corporation or out-of-state public school. The transportation must be furnished and reimbursed as provided by rules of the superintendent of public instruction. ~~The remainder of the actual cost of educating the student with disabilities not covered by other payments or credits must be paid from funds appropriated by the legislative assembly for special education notwithstanding limitations cited in section 15-59-06.~~ The superintendent of public instruction shall reimburse school districts eighty percent of the remainder of the actual cost of educating each student with disabilities not covered by other payments or credit within the limits of legislative appropriations for that purpose. The district of residence is entitled to the per student foundation payment.

SECTION 28. A new section to chapter 15-59 of the North Dakota Century Code is created and enacted as follows:

Special education critical needs board - Creation - Membership - Purpose.

1. The superintendent of public instruction shall establish a special education critical needs board, as provided in this section.
2. The superintendent shall establish five regions of the state based on student population in each region.
3. The critical needs board consists of seven members: five members representing special education units, one from each of the five regions as established under subsection 2; one member representing the department of public instruction; and one member representing the disability services division of the department of human services.

4. Members of the critical needs board are eligible to receive reimbursement from the department of public instruction for necessary travel and expenses incurred in attending meetings of the board equal to the amounts provided for state officials pursuant to sections 44-08-04 and 54-06-09.
5. The superintendent shall adopt rules and develop application forms for the distribution of funds appropriated by the legislative assembly for distribution by the critical needs board to school districts.
6. School districts that meet the following criteria are eligible to receive funding from the critical needs board:
 - a. The school district has incurred extraordinary expenditures, as defined by the superintendent, to educate students with disabilities.
 - b. The extraordinary expenditures incurred by the school district have had a significant impact on the district's ability to provide education services, resulting in critical needs.
 - c. The district is not eligible to receive funding to address critical needs through any other state program for the support of special education services."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 201 - DEPARTMENT OF PUBLIC INSTRUCTION

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$11,825,653	\$11,706,777	(\$728,798)	\$10,977,979
Operating expenses	10,457,032	10,107,032	(397,312)	9,709,720
Equipment	591,036	591,036	(100,000)	491,036
Grants - Foundation aid and transportation	475,906,259	481,006,259	(2,000,000)	479,006,259
Grants - Revenue supplement	3,100,000	3,100,000		3,100,000
Grants - Tuition apportionment	53,528,217	53,528,217		53,528,217
Grants - Special education	44,600,000	44,600,000	1,500,000	46,100,000
Grants - Special education critical needs			500,000	500,000
Grants - Other grants	132,007,469	132,695,566	10,623,097	143,318,663
Geographic education	50,000	50,000		50,000
SENDIT network	546,669	546,669		546,669
National board certification	398,000	20,000		20,000
Total all funds	\$733,010,335	\$737,951,556	\$9,396,987	\$747,348,543
Less special funds	<u>193,694,209</u>	<u>199,247,247</u>	<u>4,959,651</u>	<u>204,206,898</u>
General fund	\$539,316,126	\$538,704,309	\$4,437,336	\$543,141,645
FTE	137.95	137.95	(8.00)	129.95

Detail of House changes to the Senate version:

	REMOVE POSITIONS	REDUCE OPERATING EXPENSES	REDUCE EQUIPMENT	REMOVE FUNDING FOR SALARY MARKET INCREASE FOR DEPUTY SUPERINTENDENT	REDUCE TEMPORARY SALARIES	TRANSFER FUNDING FROM FOUNDATION AID TO TECHNOLOGY GRANTS
Salaries and wages	(\$656,946) ¹			(\$2,676) ⁴	(\$69,176) ⁵	
Operating expenses		(\$300,000) ²				
Equipment			(\$100,000) ³			
Grants - Foundation aid and transportation						(\$5,000,000) ⁶
Grants - Revenue supplement						
Grants - Tuition apportionment						
Grants - Special education						
Grants - Special education critical needs						
Grants - Other grants						5,000,000 ⁶
Geographic education						
SENDIT network						
National board certification						
Total all funds	(\$656,946)	(\$300,000)	(\$100,000)	(\$2,676)	(\$69,176)	\$0
Less special funds	<u>(426,418)</u>		<u>(74,000)</u>		<u>(65,716)</u>	
General fund	(\$230,528)	(\$300,000)	(\$26,000)	(\$2,676)	(\$3,460)	\$0
FTE	(8.00)	0.00	0.00	0.00	0.00	0.00
	INCREASE FOUNDATION AID	INCREASE SPECIAL EDUCATION GRANTS	ADD FEDERAL FUNDS FOR CLASS SIZE REDUCTION GRANTS	REDUCE OPERATING EXPENSES FOR EARLY CHILDHOOD TRACKING	TOTAL HOUSE CHANGES	
Salaries and wages					(\$728,798)	
Operating expenses				(\$97,312) ¹⁰	(397,312)	
Equipment					(100,000)	
Grants - Foundation aid and transportation	\$3,000,000 ⁷				(2,000,000)	
Grants - Revenue supplement						
Grants - Tuition apportionment						
Grants - Special education		\$1,500,000 ⁸			1,500,000	
Grants - Special education critical needs		500,000 ⁸			500,000	
Grants - Other grants			\$5,623,097 ⁹		10,623,097	
Geographic education						
SENDIT network						
National board certification						
Total all funds	\$3,000,000	\$2,000,000	\$5,623,097	(\$97,312)	\$9,396,987	
Less special funds			<u>5,623,097</u>	<u>(97,312)</u>	<u>4,959,651</u>	
General fund	\$3,000,000	\$2,000,000	\$0	\$0	\$4,437,336	
FTE	0.00	0.00	0.00	0.00	(8.00)	

House changes narrative:

This amendment makes the following changes:

- Provides in Section 6 of the engrossed bill that the Educational Telecommunications Council may establish a minimum grant amount of \$5,000 and provides that for a school district to be eligible to receive a grant, the school district administrative office must be connected to the Internet.
- Removes Section 7, which provided legislative intent regarding the use of grants distributed by the Educational Telecommunications Council.
- Adds a new Section 17, which provides that prior to implementing any change in the credentialing process for special education teachers, the Superintendent of Public Instruction must obtain the approval of certain education-related groups.
- Adds a new Section 18, which directs the Superintendent of Public Instruction to develop standardized reporting forms for the reporting of financial data.
- Adds a new Section 19, which directs the department to participate in the national assessment of educational progress (NAEP) testing program.
- Adds a new Section 20, which urges Congress and the President to provide funding for special education students equal to 40 percent of the national average educational expenditure per student.
- Amends North Dakota Century Code (NDCC) Sections 15-21-03 and 15.1-02-03 to remove statutory references to the Deputy Superintendent of Public Instruction.

- Amends NDCC Sections 15-59-06, 15-59-06.2, and 15-59-07 to increase the amount school districts are liable to pay for extraordinary special education costs from 2.5 times the state average educational expenditure per student to three times the state average, plus 20 percent of any additional costs.
- Creates a new section to NDCC Chapter 15-59 to create a special education critical needs board.
- Increases from \$10.5 million to \$11 million (Section 5 of the bill) the amount of the special education appropriation to be used for reimbursing districts for special education contract costs. This results in a corresponding \$500,000 decrease in the amount to be distributed on a per student basis pursuant to subsection 3 of Section 5. Section 5, as amended, provides that the \$46.1 million special education grants line item will be distributed as follows:
 - \$11 million for special education contract costs.
 - \$400,000 for gifted and talented programs.
 - \$34.7 million for per student special education payments.
- Removes Section 20 of the engrossed bill, which repealed Section 2 of Senate Bill No. 2381. Section 2 of Senate Bill No. 2381 provided a \$400,000 appropriation for payments to schools with students with limited English proficiency. However, this section of Senate Bill No. 2381 was removed by amendments recommended by the House Education Committee and adopted by the House. The foundation aid line item of Senate Bill No. 2013 contains the required \$400,000 appropriation for these payments.

¹ Removes the following FTE positions:

POSITION TITLE	POSITION NUMBER	FTE	GENERAL FUND	OTHER FUNDS	TOTAL FUNDS
Teacher IV	0006	1.00		\$81,619	\$81,619
Deputy superintendent	3100	1.00	\$122,816		122,816
Training officer I	3205	1.00		59,718	59,718
Assistant director	3401	1.00	107,712		107,712
Teacher I	3830	1.00		73,354	73,354
Special education regional coordinator	3834	1.00		95,992	95,992
Teacher I	9999-2	1.00		67,449	67,449
Computer operator II	9999-3	1.00		48,286	48,286
Total		8.00	\$230,528	\$426,418	\$656,946

- ² Removes \$300,000 from the general fund for operating expenses for travel (\$100,000) and professional services (\$200,000).
- ³ Removes \$100,000 for equipment, reducing the line item from \$591,036 to \$491,036. The reduction is allocated between the general fund (\$26,000) and other funds (\$74,000) based on the funding source split of the line item in the engrossed bill.
- ⁴ Removes general fund spending authority of \$2,676 added by the Senate for a salary market increase for the deputy superintendent position. This amendment removes the deputy superintendent position.
- ⁵ Reduces salaries and wages by \$69,176 (\$3,460 from the general fund, \$65,716 from other funds) for temporary salaries, reducing the total amount for temporary salaries from \$319,176 to \$250,000.
- ⁶ Transfers \$5 million of general fund appropriation authority from the foundation aid line item to the other grants line item to restore the \$6 million included in the executive recommendation for grants to schools for technology or teacher professional development.
- ⁷ Increases the foundation aid line item by \$3 million to reflect the per student payment amounts of \$2,134 and \$2,240 provided in Senate Bill No. 2162 for the 1999-2001 biennium.
- ⁸ Increases funding for special education grants by \$2 million, \$500,000 of which is for grants to be distributed by the special education critical needs board.
- ⁹ Increases the other grants line item by \$5,623,097 to reflect federal funds anticipated to be available for grants to schools to reduce class size.

¹⁰ Reduces the operating expenses line item by \$97,312 to reflect an anticipated reduction in federal funds available for the early childhood tracking program. The total amount provided for the program is reduced from \$847,312 to \$750,000.

DEPARTMENT 252 - SCHOOL FOR THE DEAF

House - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$4,347,330	\$4,275,930		\$4,275,930
Operating expenses	1,015,458	1,015,458		1,015,458
Equipment	39,224	74,824		74,824
Capital improvements	<u>136,327</u>	<u>136,327</u>	<u>(\$100,000)</u>	<u>36,327</u>
Total all funds	\$5,538,339	\$5,502,539	(\$100,000)	\$5,402,539
Less special funds	<u>658,177</u>	<u>657,369</u>		<u>657,369</u>
General fund	\$4,880,162	\$4,845,170	(\$100,000)	\$4,745,170
FTE	53.93	53.93	0.00	53.93

Detail of House changes to the Senate version includes:

	REMOVE FUNDING FOR INDEPENDENT LIVING COTTAGE	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Capital improvements	<u>(\$100,000)</u>	<u>(\$100,000)</u>
Total all funds	<u>(\$100,000)</u>	<u>(\$100,000)</u>
Less special funds		
General fund	<u>(\$100,000)</u>	<u>(\$100,000)</u>

DEPARTMENT 253 - SCHOOL FOR THE BLIND

House - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$2,415,801	\$2,391,456		\$2,391,456
Operating expenses	678,059	678,059		678,059
Equipment	70,500	70,500		70,500
Capital improvements	<u>51,790</u>	<u>51,790</u>		<u>51,790</u>
Total all funds	\$3,216,150	\$3,191,805	\$0	\$3,191,805
Less special funds	<u>863,400</u>	<u>863,400</u>	<u>86,876</u>	<u>950,276</u>
General fund	\$2,352,750	\$2,328,405	(\$86,876)	\$2,241,529
FTE	28.00	28.00	0.00	28.00

Detail of House changes to the Senate version:

	FUNDING SOURCE CHANGE	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Capital improvements		
Total all funds	<u>\$0</u>	<u>\$0</u>
Less special funds	<u>86,876</u> ¹	<u>86,876</u>
General fund	<u>(\$86,876)</u> ¹	<u>(\$86,876)</u>

House changes narrative:

¹ Increases other funds spending authority and decreases general fund spending authority by \$86,876 anticipated to be available from the School for the Blind fund. The funding source switch includes the following:

- \$34,076 for operating expenses.

- \$52,800 for temporary salaries relating to the compensatory skills training program.

MOTION

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

MOTION

SEN. ST. AUBYN MOVED that the Senate be on the Seventh and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Wednesday, April 7, 1999, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2016, as engrossed: Your conference committee (Sens. Grindberg, Andrist, Lindaas and Reps. Dalrymple, Boehm, Kerzman) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1005-1006 and place SB 2016 on the Seventh order.

Engrossed SB 2016 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2026, as engrossed: Your conference committee (Sens. Grindberg, Andrist, Lindaas and Reps. Dalrymple, Poolman, Gulleson) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 877-878 and place SB 2026 on the Seventh order.

Engrossed SB 2026 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2154: Your conference committee (Sens. Wanzek, Cook, O'Connell and Reps. L. Thoreson, Haas, Mueller) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 770 and place SB 2154 on the Seventh order.

SB 2154 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SCR 4021: Your conference committee (Sens. Klein, Urlacher, D. Mathern and Reps. Renner, Pollert, Stefonowicz) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 877 and place SCR 4021 on the Seventh order.

SCR 4021 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1035: Your conference committee (Sens. Cook, Flakoll, O'Connell and Reps. D. Johnson, Haas, Nowatzki) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 990 and place HB 1035 on the Seventh order.

REPORT OF CONFERENCE COMMITTEE

HB 1158, as engrossed: Your conference committee (Sens. Kilzer, Thane, DeMers and Reps. Weisz, B. Thoreson, Eckre) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 917, adopt amendments as follows, and place HB 1158 on the Seventh order:

That the Senate recede from its amendments as printed on page 917 of the House Journal and page 741 of the Senate Journal and that Engrossed House Bill No. 1158 be amended as follows:

Page 1, line 4, remove "and telemedicine"

Page 2, remove line 4

Page 2, remove lines 6 and 7

Page 7, remove lines 1 and 2

Renumber accordingly

Engrossed HB 1158 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1167: Your conference committee (Sens. Fischer, Christmann, Redlin and Reps. Nottestad, Martinson, Solberg) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1012-1013, adopt amendments as follows, and place HB 1167 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1012 and 1013 of the House Journal and pages 820 and 821 of the Senate Journal and that House Bill No. 1167 be amended as follows:

Page 1, line 4, remove the first "and"

Page 1, line 9, after "program" insert "; and to provide an effective date"

Page 3, line 9, remove the overstrike over "~~and~~" and remove ". The comprehensive plan"

Page 4, line 11, replace "**Communities to adopt**" with "**Community**"

Page 4, line 21, overstrike "under this chapter, whichever are more restrictive" and insert immediately thereafter "if the community has not adopted standards, then the structures must meet the standards set forth in paragraphs 2 and 3"

Page 4, line 23, overstrike "or" and insert immediately thereafter "at least one foot [30.48 centimeters]"

Page 4, line 28, after "than" insert "one foot [30.48 centimeters] above"

Page 5, replace lines 3 through 31 with:

"2. a. Standards adopted by the community for structures in the flood fringe must meet or exceed the following:

(1) Residential structures must be constructed on fill so that the lowest floor, including basements, is elevated to or above the base flood level unless granted a residential floodproof exception under the national flood insurance program [Pub. L. 90-448; 82 Stat. 572; 42 U.S.C. 4001 et seq.].

(2) Commercial and industrial structures must be constructed on fill as specified in subdivision a or must be adequately floodproofed up to an elevation no lower than the base flood level. The floodproofing must be in accordance with the standards adopted by the community under the national flood insurance program [Pub. L. 90-448; 82 Stat. 572; 42 U.S.C. 4001 et seq.] or under this chapter, whichever are more restrictive.

b. Communities are encouraged to adopt standards that require residential structures to be constructed so that the lowest floor is elevated to at least one foot [30.48 centimeters] above the base flood level and commercial and industrial structures are constructed so that the lowest floor is elevated to at least one foot [30.48 centimeters] above the base flood level or the structures are adequately floodproofed up to an elevation no lower than one foot [30.48 centimeters] above the base flood level."

Page 6, remove lines 1 through 3

Page 6, line 7, after "communities" insert "that have residential, commercial, or industrial structures in areas" and remove the overstrike over "~~subject to excessive flooding~~" and insert immediately thereafter ", as determined by the state engineer,"

Page 6, line 15, after "**floodways**" insert "**- Exceptions**"

Page 6, line 24, after the underscored period insert "A community may apply to the state engineer for an exemption from this section. The state engineer may grant the exemption if the state engineer determines that the community has the technical hydraulic expertise to determine if the proposed use is in compliance with state and federal law."

SECTION 11. EFFECTIVE DATE. Section 8 of this Act becomes effective on August 1, 2000."

Renumber accordingly

HB 1167 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1304, as engrossed: Your conference committee (Sens. W. Stenehjem, Thane, Mutzenberger and Reps. Devlin, B. Thoreson, Metcalf) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1071-1072 and place HB 1304 on the Seventh order.

Engrossed HB 1304 was placed on the Seventh order of business on the calendar.

The Senate stood adjourned pursuant to Senator St. Aubyn's motion.

WILLIAM C. PARKER, Secretary