

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, April 14, 1999

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

The prayer was offered by Senator O'Connell.

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

A quorum was declared by the President.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on HB 1131. The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1131: Reps. Mickelson; R. Kelsch; Mahoney

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 1003, HB 1016, HB 1475.

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 2242.

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

MADAM PRESIDENT: The House has adopted the conference committee report on SCR 4033.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. B. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on HB 1131, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on HB 1131: Sens. Cook, B. Stenehjem, Thompson.

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

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

HB 1131: Sens. Cook; B. Stenehjem; Thompson

REPORT OF CONFERENCE COMMITTEE

SEN. SOLBERG MOVED that the conference committee report on Engrossed SB 2009 as printed on SJ pages 1252-1256 be adopted.

REQUEST

SEN. THANE REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed SB 2009, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed SB 2009, the roll was called and there were 25 YEAS, 21 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Traynor; Watne

NAYS: Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner

ABSENT AND NOT VOTING: Bercier; DeMers; Flakoll

The conference committee report on Engrossed SB 2009 was adopted. Engrossed SB 2009, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to create a legislative council committee; to provide an appropriation to the legislative council; to provide a statement of legislative intent; to provide for a transfer; to create and enact a new subdivision to subsection 1 of section 57-38-01.2 and a new subdivision to subsection 3 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax exemption for indemnities received for destruction of cattle; to amend and reenact sections 4-01-21, 4-35-06.3, and 19-18-04 of the North Dakota Century Code, relating to the minor use pesticide fund, the salary of the agriculture commissioner, and pesticide registration fees; to provide an effective date; 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 43 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Mathern, D.; O'Connell; Redlin

ABSENT AND NOT VOTING: Bercier; DeMers; Flakoll

Engrossed SB 2009, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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 1011, HB 1038, HB 1108, HB 1131, HB 1135.

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 2009.

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 2023, SB 2168, SB 2344, SB 2355.

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

MADAM PRESIDENT: The Speaker has appointed Rep. Dorso to replace Rep. Byerly on the Conference Committee on SB 2015.

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

MADAM PRESIDENT: The Speaker has appointed Rep. Boucher to replace Rep. Huether on the Conference Committee on SB 2015.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on HB 1462. The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1462: Reps. Mickelson; Timm; Warner

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on April 13, 1999, I have signed the following: SB 2014, SB 2021, SB 2026, SB 2075, SB 2154, and SB 2181.

Also, on April 14, 1999, I have signed the following: SB 2016, SB 2027, SB 2074, SB 2153, and SB 2161.

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.

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 new Conference Committee on Engrossed HB 1462, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on Engrossed HB 1462: Sens. Wardner, Urlacher, Kinnoin.

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

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

HB 1462: Sens. Wardner; Urlacher; Kinnoin

REPORT OF CONFERENCE COMMITTEE

SB 2180, as engrossed: Your conference committee (Sens. Klein, Sand, Heitkamp and Reps. Kempenich, N. Johnson, Ekstrom) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 727 and place SB 2180 on the Seventh order.

Engrossed SB 2180 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the conference committee report on Engrossed SB 2180 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2180, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2180: A BILL for an Act to create and enact sections 26.1-01-03.3 and 26.1-30.1-01.1 of the North Dakota Century Code, relating to penalty for violation of the insurance code and unlawful grounds for declination of commercial insurance; to amend and reenact sections 26.1-01-03.1, 26.1-03-17, subsection 7 of section 26.1-04-03, sections 26.1-23-06, 26.1-33-02.1, subsection 6 of section 26.1-33-30, subsection 1 of section 26.1-36-03, subsection 11 of section 26.1-36-05, subsection 6 of section 26.1-36-14, subsection 1 of section 26.1-36-23.1, and section 26.1-45-05.1 of the North Dakota Century Code, relating to cease and desist orders, premium taxes, unfair discrimination, unsatisfied judgment fund, free-look periods of life insurance policies, life insurance, accident and health insurance, and long-term care insurance; and to provide a penalty.

ROLL CALL

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

YEAS: Andrist; 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.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2180, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2307, as engrossed: Your conference committee (Sens. Krebsbach, Klein, Thompson and Reps. Dorso, Clark, Froelich) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1008-1009, adopt amendments as follows, and place SB 2307 on the Seventh order:

That the House recede from its amendments as printed on pages 1008 and 1009 of the Senate Journal and pages 980 and 981 of the House Journal and that Engrossed Senate Bill No. 2307 be amended as follows:

Page 1, line 1, replace the second "and" with a comma and after "57-40.6-02.2" insert ", and 57-40.6-10"

Page 1, line 2, replace the first "and" with a comma and after "fund" insert ", and planning committee"

Page 2, line 24, replace "one dollar" with "forty cents"

Page 3, line 22, replace "Twenty-five percent of the revenues" with "Revenues from twenty-five cents per month per telephone service number from the fee imposed under section 57-40.6-02.1"

Page 4, line 1, replace "Seventy-five percent of the revenues" with "Revenues remaining after the allocation under subsection 1"

Page 6, after line 17, insert:

"**SECTION 7.** Section 57-40.6-10 of the North Dakota Century Code is created and enacted as follows:

57-40.6-10. Enhanced 911 wireless service planning committee. An enhanced 911 wireless service planning committee is created to consist of five members. The governor shall appoint one member to represent commercial mobile radio service providers, one member to represent telecommunications companies providing land-line or fixed-line service, one member to represent a county served by state radio communications in the emergency services communication system, and one member from the information technology committee of the legislative council. The North Dakota association of counties shall appoint one member of the committee. The governor shall designate the chairman of the committee. The state radio communications office shall provide staff services to the committee.

The committee shall develop proposed legislation for implementation of a statewide plan regarding enhanced 911 wireless service and fees, administration, and allocation of revenues. Before November 1, 2001, the proposed legislation must be presented by the committee to the budget section of the legislative council for consideration."

Renumber accordingly

Engrossed SB 2307 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. KREBSBACH MOVED that the conference committee report on Engrossed SB 2307 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2307, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to create and enact sections 57-40.6-02.1, 57-40.6-02.2, and 57-40.6-10 of the North Dakota Century Code, relating to a wireless 911 service fee, service fund, and planning committee; to amend and reenact sections 57-40.6-01, 57-40.6-06, 57-40.6-07, and 57-40.6-08 of the North Dakota Century Code, relating to wireless 911 service fees, definitions, and communications; and to provide a continuing appropriation.

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, 1 NAY, 0 EXCUSED, 1 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, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Stenehjem, B.

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2307, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2410, as engrossed: Your conference committee (Sens. Wanzek, Cook, O'Connell and Reps. Nottestad, L. Thoreson, Grumbo) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 752 and place SB 2410 on the Seventh order.

Engrossed SB 2410 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. WANZEK MOVED that the conference committee report on Engrossed SB 2410 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2410, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2410: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to an early childhood education teaching certificate.

MOTION

SEN. G. NELSON MOVED that the question be put at 1:31 p.m., which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Wardner; Watne

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Kilzer; Kinnoin; Klein; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; Stenehjem, B.; Tomac; Urlacher; Wanzek

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2410, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2008, as engrossed: Your conference committee (Sens. Holmberg, Solberg, Tomac and Reps. Byerly, Poolman, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 871-873, adopt amendments as follows, and place SB 2008 on the Seventh order:

That the House recede from its amendments as printed on pages 871-873 of the Senate Journal and pages 952-954 of the House Journal and the Engrossed Senate Bill No. 2008 be amended as follows:

Page 1, line 2, after "49-01-05" insert "and subsection 3 of section 49-21-01"

Page 1, line 3, after "commissioners" insert "and the definition of an essential telecommunications service"

Page 2, after line 3, insert:

"SECTION 3. AMENDMENT. Subsection 3 of section 49-21-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. "Essential telecommunications service" means service that is necessary for switched access to interexchange telecommunications companies and

necessary for two-way switched communications for both residential and business service within a local exchange area. A charge based on measured service may not be required for residential and business local exchange service. Essential telecommunications services are limited to:

- a. Switched access;
- b. Any new product or service offered in North Dakota after July 1, 1989, deemed essential by the commission after notice and hearing in accordance with chapter 28-32;
- c. Billing and collection of the billing company's own essential telecommunications services and billing and collection recording for interexchange carriers to which the local exchange carrier provides feature group C access service;
- d. Primary directory listing, including nonlisted and nonpublished service, and ~~local exchange~~ access to directory assistance;
- e. Emergency 911 services and emergency operator assistance in local exchange areas in which emergency 911 service is not available;
- f. Except as provided in section 49-02-01.1, mandatory, flat-rate extended area service to designated nearby local exchange areas;
- g. Installation of the service connection for essential services from the end user's premises to the local exchange network;
- h. Transmission service necessary for the connection between the end user's premises and the local exchange central office switch including a trunk connection that has direct inward dialing and necessary signaling service such as touchtone used by end users for essential telecommunications services;
- i. Single or multiparty flat-rate or measured residence and business service;
- j. Single or multiparty flat-rate or measured combination business and residence service; and
- k. The transmission service line for a coin or pay telephone."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE COMPARISON TO HOUSE VERSION
Salaries and wages	\$4,614,184	\$4,389,004		\$4,389,004	\$4,383,989	\$5,015
Operating expenses	1,074,694	1,067,294		1,067,294	1,054,694	12,600
Equipment	71,311	71,311		71,311	71,311	
Grants	6,000	6,000		6,000	6,000	
AML contractual services	<u>3,668,492</u>	<u>3,668,492</u>		<u>3,668,492</u>	<u>3,668,492</u>	
Total all funds	\$9,434,681	\$9,202,101	\$0	\$9,202,101	\$9,184,486	\$17,615
Less special funds	<u>5,640,789</u>	<u>5,633,045</u>		<u>5,633,045</u>	<u>5,663,045</u>	(30,000)
General fund	\$3,793,892	\$3,569,056	\$0	\$3,569,056	\$3,521,441	\$47,615
FTE	43.00	42.00	0.00	42.00	43.00	(1.00)

Conference Committee changes narrative:

The section added by the House is included which provides that an essential telecommunications service includes access to directory assistance rather than local exchange directory assistance.

Funding and FTE positions are provided at the Senate level. The House had restored the FTE attorney position and related funding removed by the Senate, reduced salaries and wages funding by \$150,000, reduced operating expenses by \$20,000, and made a \$30,000 funding source change from the general fund to federal funds.

Engrossed SB 2008 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. HOLMBERG MOVED that the conference committee report on Engrossed SB 2008 be adopted, which motion prevailed on a verification vote.

Engrossed SB 2008, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; and to amend and reenact section 49-01-05 and subsection 3 of section 49-21-01 of the North Dakota Century Code, relating to the salary of public service commissioners and the definition of an essential telecommunications service.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 33 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: DeMers; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2008, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2188, as engrossed: Your conference committee (Sens. Nething, Traynor, Lindaas and Reps. Grosz, Tollefson, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 997-1001, adopt amendments as follows, and place SB 2188 on the Seventh order:

That the House recede from its amendments as printed on pages 997-1001 of the Senate Journal and pages 929-933 and page 1060 of the House Journal and that Engrossed Senate Bill No. 2188 be amended as follows:

Page 1, line 8, after "council" insert "; to provide for development of a statewide water development program"

Page 1, line 13, replace "is committed to" with "will support to the extent funds are available from the water development trust fund"

Page 1, line 17, replace "is committed to" with "will support"

Page 2, line 2, after "repayment" insert "of the total principal, interest, and cost of issuance of the bonds"

Page 2, line 10, replace "will" with "or so much of the total cost-share that is required may" and replace "local" with "loan"

Page 2, line 13, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 2, line 18, after the underscored period insert "Before bonds may be issued for a Devils Lake outlet, construction of the outlet must be approved by the state water commission and the federal government must have agreed to participate in construction of the outlet."

Page 2, remove lines 19 through 21

Page 3, line 15, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 3, line 17, replace "Twenty-four" with "Thirty-one", after the first "million" insert "seven hundred thousand", and replace "eighteen" with "twenty-five"

Page 3, line 18, replace "four" with "nine", replace the first "five" with "thirty-nine", and replace the second "five" with "eight"

Page 4, line 6, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 4, line 28, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 5, line 17, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 6, line 6, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 6, line 24, replace "payments" with "repayments"

Page 6, line 25, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 6, line 26, replace "One hundred ninety-six" with "Two hundred twenty"

Page 6, line 27, replace "thirty-eight" with "fifty-six" and after "million" insert "four hundred thousand"

Page 6, line 28, replace "twenty-five" with "thirty-four" and replace "eight" with "three"

Page 8, line 16, after "floods" insert "and to repay the line of credit extended to the state water commission under section 4 of this Act"

Page 8, line 28, remove "and"

Page 8, after line 30, insert:

- "(5) A project cooperation agreement, which contains provisions acceptable to the state engineer and is approved by the governor, is entered by the state of Minnesota or one of its political subdivisions in which the flood control or reduction project is to be constructed;
- (6) A project cooperation agreement, which contains provisions acceptable to the state engineer and is approved by the governor, is entered by the state or one of its political subdivisions in which the flood control or reduction project is to be constructed;
- (7) The governing body of the city has approved a financing plan for all amounts of the nonfederal share of a flood control or reduction project in excess of the amounts to be paid by the state;
- (8) That no order for injunctive relief has been issued by a court of competent jurisdiction enjoining construction of the flood control or reduction project; and
- (9) That the flood control or reduction project is designed to be cost-effective and that any impact on residential neighborhoods is minimized in an amount reasonably practicable as determined by the state engineer and approved by the governor;"

Page 9, line 14, after "project" insert "and to repay the line of credit extended to the state water commission under section 4 of this Act"

Page 9, line 22, after the underscored period insert "If the Perkins County water system does not make payment to the state water commission, no benefits may accrue to the Perkins County water system."

Page 9, line 26, after the underscored period insert "(1)"

Page 9, line 31, replace the underscored period with ";

- (2) The state water commission or the project sponsor must sign a project cooperation agreement with the United States army corps of engineers;
- (3) The outlet from Devils Lake to west Stump Lake must comply with any environmental impact statement or National Environmental Policy Act provisions required under federal law; and
- (4) Bonds may not be issued if an order for injunctive relief has been issued by a court of competent jurisdiction enjoining construction of an outlet from Devils Lake to the Sheyenne River or to west Stump Lake."

Page 10, line 13, after "bonds" insert "authorized"

Page 10, line 14, after "unless" insert "federal funds have been appropriated for"

Page 10, line 15, remove "has received federal funds"

Page 10, after line 15, insert:

- "10. Notwithstanding this section, if bonds are issued under this chapter, any bonds subsequently issued after the first issuance must meet the same conditions as the bonds initially issued.
11. Notwithstanding this section, except for a project listed in subdivision a of subsection 7 the state water commission may not issue bonds under this chapter unless the local project sponsor has agreed to repay the local project sponsor's share of any bonds issued for the entire nonfederal share of the cost of a project."

Page 11, line 3, replace "under" with "as provided in"

Page 11, line 7, replace "under" with "as provided in"

Page 11, line 8, replace "the" with "a" and after "outlet" insert "to the Sheyenne River and to west Stump Lake"

Page 11, line 15, after "61-02.1-01" insert "and to repay the line of credit extended to the state water commission under section 4 of this Act"

Page 11, line 17, after "Lake" insert "to the Sheyenne River and to west Stump Lake"

Page 11, after line 23, insert:

- "4. For any project that requires federal participation, the state water commission may issue bonds equal to the estimated project costs less any local participation. Except for a project listed in subdivision a of subsection 7 of section 61-02.1-01, if the state water commission issues bonds for both the state and local cost-share, an agreement for the local repayment of the local cost-share must be a part of an agreement between the state water commission and the local project sponsor to issue bonds for the nonfederal share."

Page 11, line 25, replace "under" with "as provided in"

Page 12, line 2, replace "under" with "as provided in"

Page 12, line 4, replace "resources" with "water development" and replace "5 of this" with "61-02.1-05"

Page 12, line 5, remove "Act", after the underscored comma insert "then", and after the second "from" insert "revenues in the resources trust fund other than revenues from state taxes, then"

Page 12, remove lines 6 through 9

Page 12, line 10, remove "principal and interest on the bonds under a trust indenture, or"

Page 12, line 11, after "and" insert "then from"

Page 12, line 15, after the underscored period insert "If sufficient funds from these sources are not available, then from transfers to be made and appropriated by the legislative assembly from the first available current biennial earnings of the Bank of North Dakota not to exceed six million five hundred thousand dollars per biennium prorated with any other bonds payable from transfers to be made and appropriated by the legislative assembly from the available current biennial earnings of the Bank of North Dakota, to be credited by the trustee to the fund established for paying principal and interest on the bonds under a trust indenture."

Page 12, line 18, replace "resources" with "water development" and replace "5 of this" with "61-02.1-05"

Page 12, line 19, remove "Act", after the underscored comma insert "then", and after the second "from" insert "revenues in the resources trust fund other than revenues from state taxes, then"

Page 12, remove lines 20 through 23

Page 12, line 24, remove "principal and interest on the bonds under a trust indenture,"

Page 12, line 26, after "and" insert "then from"

Page 12, line 29, after the underscored period insert "If sufficient funds from these sources are not available, then from transfers to be made and appropriated by the legislative assembly from the first available current biennial earnings of the Bank of North Dakota not to exceed six million five hundred thousand dollars per biennium prorated with any other bonds payable from transfers to be made and appropriated by the legislative assembly from the available current biennial earnings of the Bank of North Dakota, to be credited by the trustee to the fund established for paying principal and interest on the bonds under a trust indenture."

Page 13, line 1, replace "resources" with "water development", replace "5 of this Act" with "61-02.1-05", and after the underscored comma insert "then"

Page 13, line 2, replace "the first" with "revenues in the resources trust fund other than revenues from state taxes"

Page 13, remove lines 3 through 6

Page 13, line 7, replace "and interest on the bonds pursuant to a trust indenture, or" with ", then"

Page 13, line 8, after "and" insert "then from"

Page 13, line 12, after the underscored period insert "If sufficient funds from these sources are not available, then from transfers to be made and appropriated by the legislative assembly from the first available current biennial earnings of the Bank of North Dakota not to exceed six million five hundred thousand dollars per biennium prorated with any other bonds payable from transfers to be made and appropriated by the legislative assembly from the available current biennial earnings of the Bank of North Dakota, to be credited by the trustee to the fund established for paying principal and interest on the bonds under a trust indenture."

Page 13, line 13, replace "under" with "as provided in"

Page 13, line 18, replace "under" with "as provided in"

Page 13, after line 24, insert:

"61-02.1-05. Water development trust fund. Moneys received by the state pursuant to the 1998 settlement agreement with tobacco product manufacturers, or any successor agreement, and any earnings on these moneys, must be deposited in the water development trust fund in the state treasury for use in paying for bonds issued as provided in this chapter and for other water projects as provided in 1999 House Bill No. 1475.

SECTION 4. LINE OF CREDIT - APPROPRIATION. The Bank of North Dakota shall extend a line of credit not to exceed \$84,800,000, which is hereby appropriated for the biennium beginning July 1, 1999, and ending June 30, 2001, to the state water commission for the purpose of interim financing until bonds are issued under chapter 61-02.1. Advances on the line of credit may be made only when a source of repayment has been identified and determined to be available."

Page 13, line 27, replace "under" with "as provided in"

Page 13, line 31, replace "resources" with "water development"

Page 14, line 3, after "is" insert "voluntarily" and after "sale" insert ", subject to the rights of bondholders and all applicable federal requirements,"

Page 14, line 4, replace "resources" with "water development"

Page 14, line 5, after "be" insert "voluntarily"

Page 14, remove lines 16 through 20

Page 14, after line 25, insert:

"SECTION 7. APPROPRIATION. There is hereby appropriated out of any moneys in the water development trust fund, not otherwise appropriated or from bond proceeds, the sum of \$84,800,000, or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of repaying the line of credit extended to the state water commission under section 4 of this Act, for the biennium beginning July 1, 1999, and ending June 30, 2001. It is the intent of the legislative assembly that the funds appropriated in this section are from transfers to be made and appropriated by the legislative assembly from the water development trust fund as provided in section 61-02.1-05."

Page 14, line 27, replace "under" with "as provided in"

Page 15, line 1, after "**COUNCIL**" insert "**AND STANDING COMMITTEES**"

Page 15, line 4, replace "and to" with a comma and after "council" insert ", and to the house of representatives and the senate standing committees on natural resources and appropriations"

Page 15, line 8, after the period insert "The report must include information on the funding sources used to repay any bonds issued under chapter 61-02.1."

SECTION 10. STATEWIDE WATER DEVELOPMENT PROGRAM - LEGISLATIVE INTENT. The state water commission shall develop a new comprehensive statewide water development program with priorities based upon expected funds available from the water development trust fund for water development projects. It is the intent of the legislative assembly that the state water commission consider the delivery of water for usable purposes a priority for water development projects after the projects authorized in section 3 of this Act are completed."

Page 15, line 10, replace "under" with "as provided in" and after "ineffective" insert "provided, however, that the commission may continue to exercise all other powers granted to it under this Act and to comply with any covenants entered into pursuant to this Act"

Renumber accordingly

Engrossed SB 2188 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. NOTHING MOVED that the conference committee report on Engrossed SB 2188 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2188, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2188: A BILL for an Act to create and enact a new section to chapter 61-01 and chapter 61-02.1 of the North Dakota Century Code, relating to statewide water development goals and the issuance of bonds to finance construction of flood control projects, the southwest pipeline project, a Devils Lake outlet, and a statewide water development

program; to amend and reenact subdivision d of subsection 5 of section 61-02-02 of the North Dakota Century Code, relating to the definition of works; to require the pledging of funds for certain water projects; to allocate funds from settlements with tobacco product manufacturers; to provide a statement of legislative intent; to provide for reports to the legislative council; to provide for development of a statewide water development program; to provide an appropriation; to provide an effective date; 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 45 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Kroeplin; Mutch; Stenehjem, B.

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2188, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

HB 1016, as engrossed: Your conference committee (Sens. Kringstad, Robinson, Nething and Reps. Svedjan, Delzer, Hoffner) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1097-1102, adopt amendments as follows, and place HB 1016 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1097-1102 of the House Journal and pages 966-971 of the Senate Journal and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 2, remove the second "and" and after "12.1-32-07" insert "and subsection 5 of section 19-03.1-23"

Page 1, line 3, after "probationers" insert "and sentencing for drug offenses; to provide an effective date; and to declare an emergency"

Page 1, line 14, replace "115,000" with "118,682"

Page 1, line 15, replace "20,200" with "26,950"

Page 1, line 16, replace "1,000,270" with "1,010,702"

Page 1, line 20, replace "4,229,174" with "4,344,374"

Page 1, line 21, replace "104,321" with "123,571"

Page 1, line 22, replace "35,000" with "74,500"

Page 2, line 1, replace "16,991,440" with "17,165,390"

Page 2, line 2, replace "5,674,504" with "5,839,216"

Page 2, line 3, replace "11,316,936" with "11,326,174"

Page 2, line 8, replace "9,635,277" with "9,836,759"

Page 2, line 9, replace "16,699,252" with "19,350,252"

Page 2, line 11, replace "20,341,166" with "20,465,352"

Page 2, line 13, replace "61,461,535" with "64,438,203"

Page 2, line 14, replace "12,660,179" with "14,865,710"

Page 2, line 15, replace "48,801,356" with "49,572,493"

Page 2, line 16, replace "61,118,562" with "61,909,369"

Page 2, line 17, replace "18,334,683" with "20,704,926"

Page 2, line 18, replace "79,453,245" with "82,614,295"

Page 2, remove lines 29 through 31

Page 3, replace lines 1 through 21 with:

"SECTION 4. LAND BOARD DISTRIBUTIONS. Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands shall distribute to the youth correctional center all income from permanent funds managed for the benefit of that institution.

SECTION 5. CAPITAL PROJECT - ADULT SERVICES DIVISION. The support services line item in subdivision 3 of section 1 of this Act includes up to \$198,000 from the state general fund which must be used by the department of corrections and rehabilitation for the construction of a security fence around the roughrider industries building at the penitentiary during the 1999-2001 biennium."

Page 3, line 29, replace "thirty-five" with "thirty-six"

Page 3, after line 31, insert:

"SECTION 7. AMENDMENT. Subsection 5 of section 19-03.1-23 of the North Dakota Century Code is amended and reenacted as follows:

- 5. A violation of this chapter or a law of another state or the federal government which is equivalent to an offense under this chapter committed while the offender was an adult and which resulted in a plea or finding of guilt must be considered a prior offense under subsections 1, 3, and 4. The prior offense must be alleged in the complaint, information, or indictment. The plea or finding of guilt for the prior offense must have occurred before the date of the commission of the offense or offenses charged in the complaint, information, or indictment.

SECTION 8. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from federal funds to the department of corrections and rehabilitation for the purpose of defraying its expenses for the period beginning with the effective date of this Act and ending June 30, 1999, as follows:

Operating expenses	\$15,000
Equipment	18,209
Total special funds	\$33,209

SECTION 9. EFFECTIVE DATE. Section 6 of this Act is effective for fees collected after December 31, 2000, for offenses committed after June 30, 1999.

SECTION 10. EMERGENCY. Sections 7 and 8 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Central Office:						
Salaries and wages	\$878,152	\$865,070		\$865,070	\$865,070	
Operating expenses	118,682	115,000	\$3,682	118,682	118,682	

Equipment	<u>26,950</u>	<u>20,200</u>	<u>6,750</u>	<u>26,950</u>	<u>26,950</u>	
Total all funds	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702	\$1,010,702	\$0
Less estimated income						
Total general fund	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702	\$1,010,702	\$0
Juvenile Services:						
Salaries and wages	\$9,764,955	\$9,552,045		\$9,552,045	\$9,552,045	
Operating expenses	4,344,374	4,229,174	\$115,200	4,344,374	4,344,374	
Equipment	141,771	104,321	19,250	123,571	123,571	
Capital improvements	371,900	35,000	39,500	74,500	74,500	
Grants	2,870,900	2,870,900		2,870,900	2,870,900	
Delinquency prevention consortium	200,000	200,000		200,000	200,000	
Total all funds	\$17,693,900	\$16,991,440	\$173,950	\$17,165,390	\$17,165,390	\$0
Less estimated income	<u>5,688,979</u>	<u>5,674,504</u>	<u>164,712</u>	<u>5,839,216</u>	<u>5,839,216</u>	
Total general fund	\$12,004,921	\$11,316,936	\$9,238	\$11,326,174	\$11,326,174	\$0
Adult Services:						
Victim services	\$2,610,550	\$2,609,036		\$2,609,036	\$2,609,036	
Institutional offender services	828,335	821,649		821,649	821,649	
Community offender services	10,029,660	9,635,277	\$201,482	9,836,759	9,836,759	
Support services	20,234,931	16,699,252	2,651,000	19,350,252	19,350,252	
Program services	3,853,788	3,833,361		3,833,361	3,833,361	
Security and safety	23,625,750	20,341,166	124,186	20,465,352	21,576,321	(\$1,110,969)
Roughrider Industries	<u>9,243,724</u>	<u>7,521,794</u>		<u>7,521,794</u>	<u>7,521,794</u>	
Total all funds	\$70,426,738	\$61,461,535	\$2,976,668	\$64,438,203	\$65,549,172	(\$1,110,969)
Less estimated income	<u>16,335,431</u>	<u>12,660,179</u>	<u>2,205,531</u>	<u>14,865,710</u>	<u>14,865,710</u>	
Total general fund	\$54,091,307	\$48,801,356	\$771,137	\$49,572,493	\$50,683,462	(\$1,110,969)
Grand total all funds	\$89,144,422	\$79,453,245	\$3,161,050	\$82,614,295	\$83,725,264	(\$1,110,969)
Less grand total special funds	<u>22,024,410</u>	<u>18,334,683</u>	<u>2,370,243</u>	<u>20,704,926</u>	<u>20,704,926</u>	
Grand total general fund	\$67,120,012	\$61,118,562	\$790,807	\$61,909,369	\$63,020,338	(\$1,110,969)
FTE	577.21	546.68	26.00	572.68	572.68	0.00

Detail of Conference Committee changes to the House version:

	RESTORE EQUIPMENT	RESTORE OPERATING EXPENSES	RESTORE CAPITAL IMPROVEMENTS	REDUCE CAPITAL IMPROVEMENTS	DELAY SUPERVISION FEE INCREASE	FUNDING SOURCE CHANGE FOR YOUTH CORRECTIONAL CENTER 12-MONTH SCHOOL
Central Office:						
Salaries and wages						
Operating expenses		\$3,682 ³				
Equipment	\$6,750 ¹					
Total all funds	\$6,750	\$3,682	\$0	\$0	\$0	\$0
Less estimated income						
Total general fund	\$6,750	\$3,682	\$0	\$0	\$0	\$0
Juvenile Services:						
Salaries and wages						
Operating expenses		\$115,200 ⁴				
Equipment	\$19,250 ²					
Capital improvements			\$39,500 ⁵			
Grants						
Delinquency prevention consortium						
Total all funds	\$19,250	\$115,200	\$39,500	\$0	\$0	\$0
Less estimated income	<u>19,250</u>					<u>12,094</u> ⁹
Total general fund	\$0	\$115,200	\$39,500	\$0	\$0	(\$12,094) ⁹
Adult Services:						
Victim services						
Institutional offender services						
Community offender services						
Support services			\$2,751,000 ⁶	(\$100,000) ⁷		
Program services						
Security and safety						
Roughrider Industries						
Total all funds	\$0	\$0	\$2,751,000	(\$100,000)	\$0	\$0
Less estimated income			<u>2,313,531</u>		<u>(108,000)</u> ⁸	
Total general fund	\$0	\$0	\$437,469	(\$100,000)	\$108,000 ⁸	\$0
Grand total all funds	\$26,000	\$118,882	\$2,790,500	(\$100,000)	\$0	\$0
Less grand total special funds	<u>19,250</u>		<u>2,313,531</u>		<u>(108,000)</u>	<u>12,094</u>
Grand total general fund	\$6,750	\$118,882	\$476,969	(\$100,000)	\$108,000	(\$12,094)

	RESTORE POSITIONS AND RELATED OPERATING EXPENSES	RESTORE POSITIONS AND OPERATING EXPENSES FOR 5TH AND 6TH FLOOR RENOVATION AT JRCC	REDUCE OPERATING EXPENSES FOR CONTRACT INMATE HOUSING	FUNDING SOURCE CHANGE TO REFLECT ADDITIONAL LAND DEPARTMENT DISTRIBUTIONS	TOTAL CONFERENCE COMMITTEE CHANGES
Central Office:					
Salaries and wages					\$3,682
Operating expenses					6,750
Equipment					
Total all funds	\$0	\$0	\$0	\$0	\$10,432
Less estimated income					
Total general fund	\$0	\$0	\$0	\$0	\$10,432
Juvenile Services:					
Salaries and wages					\$115,200
Operating expenses					19,250
Equipment					39,500
Capital improvements					
Grants					
Delinquency prevention consortium					
Total all funds	\$0	\$0	\$0	\$0	\$173,950
Less estimated income				133,368 ¹⁴	164,712
Total general fund	\$0	\$0	\$0	(\$133,368) ¹⁴	\$9,238
Adult Services:					
Victim services					
Institutional offender services					
Community offender services	\$201,482 ¹⁰				\$201,482
Support services					2,651,000
Program services					
Security and safety	115,390 ¹¹	\$857,345 ¹²	(\$848,549) ¹³		124,186
Roughrider Industries					
Total all funds	\$316,872	\$857,345	(\$848,549)	\$0	\$2,976,668
Less estimated income					2,205,531
Total general fund	\$316,872	\$857,345	(\$848,549)	\$0	\$771,137
Grand total all funds	\$316,872	\$857,345	(\$848,549)	\$0	\$3,161,050
Less grand total special funds				133,368	2,370,243
Grand total general fund	\$316,872	\$857,345	(\$848,549)	(\$133,368)	\$790,807
FTE	6.00	20.00	0.00	0.00	26.00

Conference Committee changes narrative:

This amendment makes the following changes:

- Removes Section 4 of the engrossed bill, which provided legislative intent that during the 1999-2001 biennium, the department monitor changes in the inmate population and the number of correctional cells available to house state inmates through contractual agreements and present a report to the Legislative Council.
- Remove Section 5 of the engrossed bill, which provided legislative intent that during the 1999-2001 biennium, the department operate programs to provide alternatives to incarceration and present to the Budget Section periodic reports on the effectiveness of these programs.
- Adds Section 7, which amends North Dakota Century Code Section 19-03.1-23 relating to sentencing for drug offenses.
- Adds Section 8, which provides an appropriation of \$33,209 from federal funds for the 1997-99 biennium.

¹ Restores the House reduction to the equipment line item for the Central Office, increasing the total amount from \$20,200 to \$26,950.

- ² Restores the following House reductions, but provides special funds spending authority, rather than general fund spending authority which was removed by the House:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Youth Correctional Center: Restores funding for computer purchases, increasing the total amount from \$37,500 to \$50,000		\$12,500	\$12,500
Restores funding for replacement of a tractor, increasing the total amount from \$10,000 to \$15,000		5,000	5,000
Juvenile Community Services: Restores funding for equipment, increasing the total amount from \$5,250 to \$7,000		1,750	1,750
Total Juvenile Services Division equipment restorations	\$0	\$19,250	\$19,250

- ³ Restores the House reduction to the operating expenses line item for the Central Office, increasing the total amount from \$115,000 to \$118,682.
- ⁴ Restores the House reductions to the operating expenses line item for the Juvenile Services Division, increasing the total amount from \$4,229,174 to \$4,344,374. The restoration includes \$32,200 for medical-related expenses at the Youth Correctional Center and \$83,000 for Juvenile Services Division community programs.
- ⁵ Restores a portion of the House reduction for Youth Correctional Center extraordinary repairs, increasing the total amount from \$35,000 to \$74,500. The executive budget included \$150,900.
- ⁶ Restores funding for capital improvements for the Adult Services Division as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
Restores funding for the 5th and 6th floors renovation project at the JRCC (The House removed the same total amount, but \$259,469 from the general fund and \$2,093,531 from federal funds. The Conference Committee is adding \$39,469 from the general fund, \$1,913,531 from federal funds, and \$400,000 from the Penitentiary land replacement fund.)	\$39,469	\$2,313,531	\$2,353,000
Restores funding for a security fence around the Roughrider Industries building	198,000		198,000
Restores funding for parking lot construction at the JRCC, increasing the total amount for the project from \$40,000 to \$71,000	31,000		31,000
Restores funding for forensic building lobby, front entrance, and other JRCC improvements, increasing the total amount for these projects from \$200,000 to \$325,000	125,000		125,000
Restores funding for security improvements at the JRCC, increasing the total amount for the project from \$100,000 to \$121,000	21,000		21,000
Restores funding for extraordinary repairs for a JRCC ventilation project (The House reduced total extraordinary repairs funding for adult services from \$1,003,700 to \$650,000.)	23,000		23,000
Total Adult Services Division capital improvements restorations	\$437,469	\$2,313,531	\$2,751,000

- ⁷ Removes funding for parking lot improvements at the Penitentiary. The House reduced the amount included in the executive budget for this project from \$325,000 to \$100,000.
- ⁸ Reduces other funds and increases general fund spending authority to reflect delaying collection of increased probation supervision fees until January 1, 2001. The amendment increases fees to \$36 per month. The House increased fees to \$35 per month, effective July 1, 1999.

- ⁹ Increases other funds and decreases general fund spending authority for the 12-month school program at the Youth Correctional Center. The \$12,094 of other funds spending authority was removed by the House, but reflects federal funds anticipated to be available.
- ¹⁰ Restores funding for the following FTE positions and related operating expenses included in the community offender services line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Restores administrative secretary III positions removed by the House	2.00	\$95,436		\$95,436
Restores related operating expenses removed by the House		41,848		41,848
Removes funding for temporary salaries added by the House		(38,436)		(38,436)
b. Restores community corrections agent removed by the House	1.00	53,024		53,024
Restores related operating expenses removed by the House		2,531		2,531
c. Restores parole and probation officer II removed by the House	1.00	36,657		36,657
Restores related operating expenses		<u>10,422</u>		<u>10,422</u>
Total positions and related costs restored for community offender services	4.00	\$201,482	\$0	\$201,482

- ¹¹ Restores funding for the following FTE positions and related operating expenses included in the security and safety line item:

	FTE POSITIONS	GENERAL FUND	OTHER FUNDS	TOTAL ALL FUNDS
a. Restores correctional officer II positions for the JRCC	2.00	\$110,910		\$110,910
Restores related operating expenses		<u>4,480</u>		<u>4,480</u>
Total positions and related costs restored for the security and safety program	2.00	\$115,390	\$0	\$115,390

- ¹² Restores funding for 20 FTE positions and related operating expenses for the operation of the JRCC 5th and 6th floors. The executive budget assumed that the JRCC would be completed by May 2000. The House removed \$1,463,679 for the FTE positions and the operation of the facility. The Conference Committee amendment restores \$857,345 and assumes that the facility will be completed by November 2000.
- ¹³ Reduces funding for contract inmate housing, reducing the amount provided from \$2,661,040 in the House version and \$2,923,460 in the Senate version to \$1,812,491 in the Conference Committee version. The House reduced the executive budget amount of \$4,085,300 by \$1,424,260. The House amount was based on inmate population growth of 10 percent the first year of the 1999-2001 biennium, 15 percent growth the second year; a July 1, 1999, population of 950 inmates; alternatives to incarceration saving 135 prison beds per month; not completing the 5th and 6th floors of the JRCC; and contracting for inmate beds at the daily rate of \$47 for the first 82 beds and additional beds at \$55 the first year and \$60 the second year. The Senate amount was based on 10 percent inmate growth the first year of the biennium, 15 percent growth the second year; a July 1, 1999, population of 975 inmates; alternatives to incarceration saving 115 prison beds per month; November 2000 completion of the 5th and 6th floors of the JRCC; and contracting for inmate beds at the daily rate of \$55 the first year and \$60 the second year. The Conference Committee amount is based on a July 1, 1999, population of 962 inmates; alternatives to incarceration saving 125 prison beds per month; and the contracting daily rates used in the House version.
- ¹⁴ Increases other funds and decreases general fund spending authority for the Juvenile Services Division to reflect an additional \$133,368 anticipated to be distributed to the Youth Correctional Center from the Board of University and School Lands. Section 4 is added which directs the Board of University and School Lands to distribute all available trust fund income for the 1999-2001 biennium.

Engrossed HB 1016 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. KRINGSTAD MOVED that the conference committee report on Engrossed HB 1016 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1016, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1016: A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to amend and reenact subsection 2 of section 12.1-32-07 and subsection 5 of section 19-03.1-23 of the North Dakota Century

Code, relating to the supervision of probationers and sentencing for drug offenses; to provide an effective 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 43 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Mutch; Solberg; Stenehjem, B.; Thompson

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1016, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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 2008, SB 2180, SB 2188, SB 2307, SB 2410.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1016.

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 1022.

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 2009.

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 2020: Reps. Monson; Boehm; Aarsvold

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

MADAM PRESIDENT: The Speaker has appointed Rep. Dalrymple to replace Rep. Monson on the Conference Committee on SB 2020.

MOTION

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

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

REPORT OF CONFERENCE COMMITTEE

HB 1475, as engrossed: Your conference committee (Sens. G. Nelson, Nething, Tallackson and Reps. Dorso, Dalrymple, Aarsvold) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1187, adopt further amendments as follows, and place HB 1475 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1187 of the House Journal and pages 1053 and 1054 of the Senate Journal and that Engrossed House Bill No. 1475 be further amended as follows:

Page 1, line 12, replace "shall" with "must" and replace "appropriated" with "allocated"

Page 1, line 13, remove "for purposes only"

Page 1, line 23, replace "resources" with "water development"

Page 2, after line 2, insert:

"Notwithstanding the provisions of this section, during each biennium transfers that would be made to the common schools trust fund under subsection 2 must instead be transferred to the water development trust fund until the state water commission certifies to the state treasurer that deposits in the water development trust fund during that biennium are sufficient to pay the principal and interest for that biennium on bonds authorized under section 61-02.1-01. When that certification is received, the state treasurer shall determine the amount deposited in the water development trust fund during that biennium and transfers that would be made to the water development trust fund under subsection 3 must instead be transferred to the common schools trust fund until deposits in the common schools trust fund during that biennium are equal to the amount deposited in the water development trust fund during that biennium or until the end of the biennium, whichever occurs first."

Renumber accordingly

Engrossed HB 1475 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. G. NELSON MOVED that the conference committee report on Engrossed HB 1475 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1475, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1475: A BILL for an Act to provide for allocation of funds from settlements with tobacco product manufacturers; to create and enact a new subsection to section 54-44-04 of the North Dakota Century Code, relating to monitoring tobacco product manufacturers settlement funds by the office of management and budget; 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, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; 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, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Stenehjem, B.

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1475, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

HB 1003, as engrossed: Your conference committee (Sens. St. Aubyn, Bowman, Krauter and Reps. Wentz, Carlson, Nichols) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1169-1183 and pages 1271-1272, adopt amendments as follows, and place HB 1003 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1169-1183 and 1271 and 1272 of the House Journal and pages 1009-1022 and 1034 and 1035 of the Senate Journal and that Engrossed House Bill No. 1003 be amended as follows:

Page 1, line 2, after "system" insert "; to provide for legislative council studies; to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to the adoption of the midwestern regional higher education compact; and to declare an emergency"

Page 1, replace lines 12 through 24 with:

"NORTH DAKOTA UNIVERSITY SYSTEM

Equity and special needs pool	\$4,290,128
Technology pool	21,948,467
Critical salary pool	<u>2,630,992</u>
General fund appropriation	\$28,869,587

Subdivision 2.

NORTH DAKOTA UNIVERSITY SYSTEM OFFICE

Salaries and wages	\$2,194,131
Operating expenses	760,709
Equipment	26,000
Student financial assistance grants	4,450,281
Information technology management	215,255
Professional student exchange program	1,310,716
Disabled student services	26,560
Technical administration	197,627
Contingency and capital improvements emergency fund	398,000
Scholars program	706,230
Native American scholarships	204,082
Title II	534,000
Competitive research program	1,971,100
Prairie public broadcasting	992,513
Board initiatives	<u>2,296,000</u>
Total operating funds	\$16,283,204
Less estimated income	<u>4,933,900</u>
General fund appropriation	\$11,349,304

Subdivision 3.

BISMARCK STATE COLLEGE

Salaries and wages	\$16,406,677
Operating expenses	4,893,212
Equipment	367,187
Capital improvements	958,835
Total operating funds	\$22,625,911
Less estimated income	<u>7,789,776</u>
General fund appropriation	\$14,836,135
Local funds appropriation	\$11,370,000
Total all funds appropriation	\$33,995,911

Subdivision 4.

UNIVERSITY OF NORTH DAKOTA - LAKE REGION

Salaries and wages	\$4,374,197
Operating expenses	1,338,042
Equipment	150,338
Capital improvements	1,094,318
Total operating funds	\$6,956,895
Less estimated income	<u>1,948,806</u>
General fund appropriation	\$5,008,089
Local funds appropriation	\$6,403,766
Total all funds appropriation	\$13,360,661

Subdivision 5.

UNIVERSITY OF NORTH DAKOTA - WILLISTON

Salaries and wages	\$5,280,022
Operating expenses	1,521,116
Equipment	249,596
Capital improvements	<u>88,790</u>
Total operating funds	\$7,139,524
Less estimated income	<u>2,300,265</u>
General fund appropriation	\$4,839,259
Local funds appropriation	\$1,653,000
Total all funds appropriation	\$8,792,524

Subdivision 6.

UNIVERSITY OF NORTH DAKOTA

Salaries and wages	\$98,902,879
Operating expenses	27,655,286
Equipment	1,520,260
Capital improvements	4,917,136
Special initiatives pool	<u>1,462,223</u>

Total operating funds	\$134,457,784
Less estimated income	<u>52,633,093</u>
General fund appropriation	\$81,824,691
Local funds appropriation	\$282,733,609
Total all funds appropriation	\$417,191,393

Subdivision 7.

NORTH DAKOTA STATE UNIVERSITY

Salaries and wages	\$85,829,387
Operating expenses	21,576,515
Equipment	1,867,800
Capital improvements	8,652,531
Skills training center	<u>1,535,000</u>
Total operating funds	\$119,461,233
Less estimated income	<u>55,903,914</u>
General fund appropriation	\$63,557,319
Local funds appropriation	\$111,620,179
Total all funds appropriation	\$231,081,412

Subdivision 8.

NORTH DAKOTA STATE COLLEGE OF SCIENCE

Salaries and wages	\$23,706,342
Operating expenses	6,605,363
Equipment	1,494,368
Capital improvements	<u>2,635,885</u>
Total operating funds	\$34,441,958
Less estimated income	<u>9,485,836</u>
General fund appropriation	\$24,956,122
Local funds appropriation	\$15,580,000
Total all funds appropriation	\$50,021,958

Subdivision 9.

DICKINSON STATE UNIVERSITY

Salaries and wages	\$14,074,351
Operating expenses	4,074,962
Equipment	390,000
Capital improvements	<u>693,962</u>
Total operating funds	\$19,233,275
Less estimated income	<u>6,146,576</u>
General fund appropriation	\$13,086,699
Local funds appropriation	\$8,221,397
Total all funds appropriation	\$27,454,672

Subdivision 10.

MAYVILLE STATE UNIVERSITY

Salaries and wages	\$8,142,255
Operating expenses	2,211,150
Equipment	170,500
Capital improvements	<u>931,671</u>
Total operating funds	\$11,455,576
Less estimated income	<u>2,908,718</u>
General fund appropriation	\$8,546,858
Local funds appropriation	\$7,400,000
Total all funds appropriation	\$18,855,576

Subdivision 11.

MINOT STATE UNIVERSITY

Salaries and wages	\$28,733,664
Operating expenses	6,043,525
Equipment	917,929
Capital improvements	<u>1,050,466</u>
Total operating funds	\$36,745,584
Less estimated income	<u>11,501,851</u>
General fund appropriation	\$25,243,733
Local funds appropriation	\$19,003,936
Total all funds appropriation	\$55,749,520

Subdivision 12.

VALLEY CITY STATE UNIVERSITY

Salaries and wages	\$11,009,411
Operating expenses	2,842,167
Equipment	323,100
Capital improvements	812,334
Center for innovation in instruction	299,583
Special initiatives	68,714
Total operating funds	\$15,355,309
Less estimated income	<u>3,893,786</u>
General fund appropriation	\$11,461,523
Local funds appropriation	\$8,820,000
Total all funds appropriation	\$24,175,309

Subdivision 13.

MINOT STATE UNIVERSITY - BOTTINEAU

Salaries and wages	\$3,930,059
Operating expenses	1,063,035
Equipment	147,500
Capital improvements	<u>218,130</u>
Total operating funds	\$5,358,724
Less estimated income	<u>1,424,817</u>
General fund appropriation	\$3,933,907
Local funds appropriation	\$2,124,426
Total all funds appropriation	\$7,483,150

Subdivision 14.

NORTH DAKOTA FOREST SERVICE

Salaries and wages	\$1,770,118
Operating expenses	423,601
Equipment	65,011
Capital improvements	79,541
Grants to centennial trees	147,486
Total operating funds	\$2,485,757
Less estimated income	<u>859,006</u>
General fund appropriation	\$1,626,751
Local funds appropriation	\$1,336,082
Total all funds appropriation	\$3,821,839

Subdivision 15.

UNIVERSITY OF NORTH DAKOTA MEDICAL CENTER

Salaries and wages	\$32,021,200
Operating expenses	7,502,327
Equipment	547,915
Total operating funds	\$40,071,442
Less estimated income	<u>10,812,782</u>
General fund appropriation	\$29,258,660
Local funds appropriation	\$47,592,145
Total all funds appropriation	\$87,663,587
Grand total general fund appropriation H.B. 1003	\$328,398,637
Grand total estimated income appropriation H.B. 1003	\$172,543,126
Grand total local funds appropriation H.B. 1003	\$523,858,540
Grand total all funds appropriation H.B. 1003	\$1,024,800,303"

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 3

Page 7, line 5, replace "critical salary pool" with "board initiatives"

Page 7, line 6, replace the first "1" with "2"

Page 7, line 7, replace the first "1" with "2" and replace "14" with "15"

Page 7, line 10, replace "critical salary pool" with "board initiatives"

Page 8, line 9, after "approve" insert "the"

Page 8, line 12, remove "appropriations"

Page 8, line 13, replace the first "1" with "2"

Page 8, line 14, replace "3" with "32"

Page 8, line 19, after the first "to" insert "the"

Page 8, line 21, replace "**FUNDS**" with "**FUND APPROPRIATIONS**"

Page 8, line 22, replace "funds" with "fund dollars"

Page 8, remove lines 28 through 30

Page 9, remove lines 1 and 2

Page 9, line 9, after "funds" insert ", in addition to the minimum local match of \$200,000,"

Page 9, line 13, after "funds" insert ", in addition to the minimum local match of \$495,000,"

Page 9, remove lines 16 through 20

Page 9, line 29, replace "11" with "9"

Page 10, remove lines 8 through 10

Page 10, after line 15, insert:

"SECTION 13. NDSU/NDSCS SKILLS TRAINING CENTER. The general fund moneys provided by the 1999 legislative assembly for the skills training center may only be used for renovations to the skills training center. Any general fund moneys provided for the skills training center for the 1999-2001 biennium are intended to be the final direct general fund support provided by the legislative assembly, and no direct general fund support may be provided for the operations of or renovations or additions to the skills training center after the 1999-2001 biennium.

SECTION 14. PROGRAM COORDINATION AND ACCREDITATION. The legislative assembly urges the state board of higher education to carefully review requests by state institutions of higher education applying for accreditation of programs that have already been accredited at other state institutions. The board should consider student access and quality issues as well as costs when reviewing such requests. Whenever such a request is made or accreditation is granted, the board is encouraged to direct the campuses offering similar programs to cooperate in jointly offering the similar programs by using the staffs and resources of the other campuses. Also, the legislative assembly expresses its strong support for the board to continue implementing policies and procedures to ensure coordination and cooperation between campuses where similar programs are offered.

SECTION 15. TECHNOLOGY POOL. The technology pool amount in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 2 through 15 of section 1 as determined by the board of higher education. Technology funding allocations are to be made based on historic funding, the higher education computer network strategic plan, base funding for higher education computer network computer center operations, and base funding for interactive video network and on-line Dakota information network operations.

SECTION 16. CRITICAL SALARY POOL. The critical salary pool amount in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 2 through 15 of section 1 as determined by the board of higher education. When making allocations from the critical salary pool in subdivision 1 of section 1, the state board of higher education shall allocate funds to address additional salary increases beyond legislative appropriations, for market and equity issues.

SECTION 17. EQUITY AND SPECIAL NEEDS POOL. The equity and special needs pool in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 3 through 13 of section 1 as determined by the board of higher education. When making allocations from the equity and special needs pool in subdivision 1 of section 1, the board of higher education shall allocate the funds to address equity funding issues and special academic program needs of the entities under its control.

SECTION 18. MINOT STATE UNIVERSITY - BOTTINEAU INFORMATION TECHNOLOGY INITIATIVE. The board of higher education is strongly encouraged to consider allocating \$200,000 from either the equity and special needs pool or the board initiatives funding to Minot state university - Bottineau for Minot state university - Bottineau's information technology initiative.

SECTION 19. LEGISLATIVE COUNCIL INTERIM STUDY OF HIGHER EDUCATION FUNDING. The legislative council shall consider studying higher education funding during the 1999-2000 interim. If conducted, the study should solicit input from the governor, board of higher education, executive branch, university system campuses, and representatives of business and industry. The study should address the expectations of the North Dakota university system in meeting the state's needs in the twenty-first century, the funding methodology needed to meet these expectations and needs, and an accountability system and reporting methodology for the university system. 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 20. LEGISLATIVE COUNCIL STUDY - TRIBAL COLLEGES. The legislative council shall consider studying the tribally controlled colleges in this state and the United Tribes technical college, including a review of funding sources and the number of Indian and non-Indian students attending each college, for the purpose of determining the desirability and feasibility of a grant program to assist the colleges in providing education to students who are less than one-quarter Indian. 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 21. UTILITY SAVINGS. Any utility savings realized during the 1999-2001 biennium by the entities listed in section 1 of this Act must be used for maintenance or capital project expenditures.

SECTION 22. LAND BOARD DISTRIBUTIONS. Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands shall distribute to the appropriate entities in section 1 of this Act all income from permanent funds managed for the benefit of those institutions.

SECTION 23. PARTICIPATION IN MIDWESTERN REGIONAL HIGHER EDUCATION COMPACT STUDENT EXCHANGE PROGRAM. Notwithstanding section 24 of this Act, it is the intent of the fifty-sixth legislative assembly that during the 1999-2001 biennium North Dakota's membership in the midwestern regional higher education compact may not include participation in the compact's student exchange program. The legislative council shall consider including a review of North Dakota's participation in the student exchange program portion of the midwestern regional higher education compact in the study provided for in section 19 of this Act.

SECTION 24. A new chapter to title 15 of the North Dakota Century Code is created and enacted as follows:

Midwestern regional higher education compact. The midwestern regional higher education compact is adopted as follows:

Article I. Purpose

The purpose of the midwestern higher education compact is to provide greater higher education opportunities and services in the midwestern region, with the aim of furthering regional access to, research in, and choice of higher education for the citizens residing in the states that are parties to this compact.

Article II. The Commission

1. The compacting states create the midwestern higher education commission, hereinafter called the commission. The commission is a body

corporate of each compacting state. The commission has all the responsibilities, powers, and duties set forth in this chapter, including the power to sue and be sued, and any additional powers conferred upon it by subsequent action of the respective legislative assemblies of the compacting states in accordance with the terms of this compact.

2. The commission consists of the following five resident members from each state: the governor or the governor's designee who serves during the tenure of office of the governor; two legislators, one from each house, except for Nebraska, which may appoint two legislators from its legislative assembly, who serve two-year terms and are appointed by the appropriate appointing authority in each house of the legislative assembly; and two other at large members, at least one of whom is to be selected from the field of higher education. The at large members are to be appointed as provided by the laws of the appointing state. One of the two at large members initially appointed in each state serves a two-year term. The other, and any regularly appointed successor to either at large member, serves a four-year term. All vacancies are to be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy serves until the end of the incomplete term.
3. The commission shall select annually, from among its members, a chairman, a vice chairman, and a treasurer.
4. The commission shall appoint an executive director who serves at its pleasure and who is secretary to the commission. The treasurer, the executive director, and other personnel as the commission determines must be bonded in the amounts required by the commission.
5. The commission shall meet at least once each calendar year. The chairman may call additional meetings and upon the request of a majority of the commission members of three or more compacting states, shall call additional meetings. The commission shall give public notice of all meetings. All meetings must be open to the public.
6. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the commission.

Article III. Powers and Duties of the Commission

1. The commission shall adopt bylaws governing its management and operations.
2. Notwithstanding the laws of any compacting state, the commission shall provide for the personnel policies and programs of the compact in its bylaws.
3. The commission shall submit a budget to the governor and legislative assembly of each compacting state at the time and for the period required by each state. The budget must contain recommendations regarding the amount to be appropriated by each compacting state.
4. The commission shall report annually to the legislative assemblies and governors of the compacting states, to the midwestern governors' conference, and to the midwestern legislative conference of the council of state governments regarding the activities of the commission during the preceding year. The reports must include any recommendations that have been adopted by the commission.
5. The commission may borrow, accept, or contract for the services of personnel from any state or from the United States, or from any subdivision or agency thereof, from any interstate agency, or from any person.
6. The commission may accept for any of its purposes and functions under the compact donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state or the United States or from any subdivision or agency thereof, from an interstate

agency, or from any person, and may receive, use, and dispose of the same.

7. The commission may enter agreements with any other interstate education organization or agency, with institutions of higher education located in nonmember states, and with any of the various states to provide adequate programs and services in higher education for the citizens of the respective compacting states. After negotiations with interested institutions and interstate organizations or agencies, the commission shall determine the cost of providing the programs and services in higher education for use in these agreements.
8. The commission may establish and maintain offices in one or more of the compacting states.
9. The commission may establish committees and hire staff as necessary to carry out its functions.
10. The commission may provide for actual and necessary expenses for the attendance of its members at official meetings of the commission or of its designated committees.

Article IV. Activities of the Commission

1. The commission shall collect data on the long-range effects of the compact on higher education. By the end of the fourth year from the effective date of the compact and every two years thereafter, the commission shall review its accomplishments and make recommendations to the governors and legislative assemblies of the compacting states regarding continuance of the compact.
2. The commission shall study higher education issues that are of particular concern to the midwestern region. The commission also shall study the need for higher education programs and services in the compacting states and the resources for meeting those needs. The commission shall prepare reports, on its research, for presentation to the governors and legislative assemblies of the compacting states, as well as to other interested parties. In conducting the studies, the commission may confer with any national or regional planning body. The commission may draft and recommend to the governors and legislative assemblies of the various compacting states suggested legislation addressing issues in higher education.
3. The commission shall study the need for the provision of adequate programs and services in higher education, such as undergraduate, graduate, or professional student exchanges in the region. If a need for exchange in a field is apparent, the commission may enter agreements with any institution of higher education and with any compacting state to provide programs and services in higher education for the citizens of the respective compacting states. After negotiating with interested institutions and the compacting states, the commission shall determine the cost of providing the programs and services in higher education for use in its agreements. The contracting states shall contribute funds not otherwise provided, as determined by the commission, to carry out the agreements. The commission may also serve as the administrative and fiscal agent in carrying out agreements for higher education programs and services.
4. The commission shall serve as a clearinghouse for information regarding higher education activities among institutions and agencies.
5. The commission may provide services and research in any other area of regional concern.

Article V. Finance

1. The compacting states will appropriate the amount necessary to finance the general operations of the commission, not otherwise provided for, when authorized by their respective legislative assemblies. The amount must be apportioned equally among the compacting states.
2. The commission may not incur any obligations prior to the passage of appropriations adequate to meet the same; nor may the commission

pledge the credit of any of the compacting states, except by and with the authority of the compacting state.

3. The commission shall keep accurate accounts of its receipts and disbursements. The receipts and disbursements of the commission are subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements handled by the commission must be audited yearly by a certified or licensed public accountant and the report of the audit must be included in and become part of the annual report of the commission.
4. The accounts of the commission must be open at any reasonable time for inspection by duly authorized representatives of the compacting states and by persons authorized by the commission.

Article VI. Eligible Parties and Entry Into Force

1. The states of Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, South Dakota, and Wisconsin are eligible to become parties to this compact. Additional states may be eligible if approved by a majority of the compacting states.
2. This compact becomes effective, as to any eligible party state, when its legislative assembly enacts the compact into law.
3. An amendment to the compact becomes effective upon its enactment by the legislative assemblies of all compacting states.

Article VII. Withdrawal, Default, and Termination

1. A compacting state may withdraw from the compact by enacting a statute repealing the compact, but the withdrawal may not become effective until two years after the enactment of such statute. A withdrawing state is liable for any obligation that it incurred on account of its party status, up to the effective date of withdrawal, except that if the withdrawing state has specifically undertaken or committed itself to any performance of an obligation extending beyond the effective date of withdrawal, it remains liable to the extent of the obligation.
2. If a compacting state at any time defaults in the performance of its obligations, assumed or imposed, in accordance with this compact, all rights, privileges, and benefits conferred by this compact or by agreements made under the compact are suspended from the effective date of the default, as fixed by the commission. The commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless the default is remedied under the stipulations and within the time period set by the commission, the compact may be terminated with respect to the defaulting state by affirmative vote of a majority of the other member states. A defaulting state may be reinstated by performing all acts and obligations required by the commission.

Article VIII. Severability and Construction

The provisions of this compact are severable, and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States or its applicability to any person or circumstance is held invalid, the validity of the remainder of the compact and its applicability to any person or circumstance may not be affected. If the compact is found to be contrary to the constitution of any compacting state, the compact remains in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters. The provisions of the compact must be liberally construed to effectuate the purpose of the compact.

Midwestern higher education commission - Terms - Vacancies.

1. The members of the midwestern higher education commission representing this state are:
 - a. The governor or the governor's designee.

- b. One member of the senate and one member of the house of representatives, appointed by the chairman of the legislative council.
 - c. Two at large members, one of whom must be knowledgeable about the field of higher education, appointed by the governor.
2. The term of each legislative appointee is two years. One initial at large member must be appointed for a term of two years and the other for a term of four years. Thereafter, the term of each at large member is four years.
 3. If a member vacates the position to which the member was appointed, the position must be filled for the remainder of the unexpired term in the same manner as that position was filled initially.

SECTION 25. EMERGENCY. The capital improvements line items contained in subdivisions 2 through 14 of section 1 of this Act and the skills training center line item contained in subdivision 7 of section 1 of this Act are declared to be emergency measures, and those funds are available immediately upon filing of this Act with the secretary of state. Sections 9 and 10 of this Act are declared to be emergency measures."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

CONFERENCE COMMITTEE - This amendment provides for the following changes:

General fund:

	SYSTEM POOLS	UNIVERSITY SYSTEM OFFICE	BISMARCK STATE COLLEGE	UND-LAKE REGION	UND- WILLISTON	UNIVERSITY OF NORTH DAKOTA
Executive budget		\$28,856,525	\$14,512,720	\$4,950,031	\$4,771,162	\$93,355,802
House changes		(15,076,229)	464,155	120,099	148,684	2,126,429
House version	\$0	\$13,780,296	\$14,976,875	\$5,070,130	\$4,919,846	\$95,482,231
Conference Committee changes:						
Restore EPSCoR funding		\$200,000				
Provide funding to complete Schafer Hall hallway renovation project			\$72,000			
Correct other funds portion of Med School pay plan error			(27,701)	(\$2,441)	(\$19,776)	(\$435,553)
Utility reductions						
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House						154,831
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide equity and special needs pool	\$1,178,000					
Funding transferred to the system technology pool	21,948,467					(12,291,515)
Funding transferred to the critical salary pool	2,630,992	(2,630,992)				
Funding transferred to the systemwide equity and special needs pool	3,112,128		(185,039)	(59,600)	(60,811)	(944,281)
Add funding for electrical distribution, steamline distribution, and roof replacement projects						
Funding source change for increased land department revenue distributions						(141,022)
Total Conference Committee changes	<u>\$28,869,587</u>	<u>(\$2,430,992)</u>	<u>(\$140,740)</u>	<u>(\$62,041)</u>	<u>(\$80,587)</u>	<u>(\$13,657,540)</u>
Conference Committee	\$28,869,587	\$11,349,304	\$14,836,135	\$5,008,089	\$4,839,259	\$81,824,691

version (general fund)	NORTH DAKOTA STATE UNIVERSITY	STATE COLLEGE OF SCIENCE	DICKINSON STATE UNIVERSITY	MAYVILLE STATE UNIVERSITY	MINOT STATE UNIVERSITY	VALLEY CITY STATE UNIVERSITY
Executive budget	\$72,401,732	\$22,682,030	\$13,039,293	\$8,461,666	\$24,852,277	\$11,371,567
House changes	1,331,066	649,764	215,047	223,528	748,976	262,372
House version	\$73,732,798	\$23,331,794	\$13,254,340	\$8,685,194	\$25,601,253	\$11,633,939
Conference Committee changes:						
Restore EPSCoR funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds portion of Med School pay plan error						
Utility reductions	(\$65,450)	(\$2,364)		(\$1,038)		
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House	95,169					
Restore a portion of the specific operating expense reductions made by the House	161,874					
Restore all of the Skills Center funding removed by the House	250,000					
Provide for a systemwide equity and special needs pool						
Funding transferred to the system technology pool	(9,656,952)					
Funding transferred to the critical salary pool						
Funding transferred to the systemwide equity and special needs pool	(754,346)	(290,214)	(\$161,791)	(106,807)	(\$351,670)	(\$145,217)
Add funding for electrical distribution, streamline distribution, and roof replacement projects		2,000,000				
Funding source change for increased land department revenue distributions	(205,774)	(83,094)	(5,850)	(30,491)	(5,850)	(27,199)
Total Conference Committee changes	<u>(\$10,175,479)</u>	<u>\$1,624,328</u>	<u>(\$167,641)</u>	<u>(\$138,336)</u>	<u>(\$357,520)</u>	<u>(\$172,416)</u>
Conference Committee version (general fund)	\$63,557,319	\$24,956,122	\$13,086,699	\$8,546,858	\$25,243,733	\$11,461,523
			UND SCHOOL OF MEDICINE AND HEALTH SCIENCES			
	MSU-BOTTINEAU	FOREST SERVICE		TOTAL		
Executive budget	\$3,872,632	\$1,573,548	\$28,223,862	\$332,924,847		
House changes	319,477	53,203	892,349	(7,521,080)		
House version	\$4,192,109	\$1,626,751	\$29,116,211	\$325,403,767		
Conference Committee changes:						
Restore EPSCoR funding				\$200,000		
Provide funding to complete Schafer Hall hallway renovation project				72,000		
Correct other funds portion of Med School pay plan error						
Utility reductions				(554,323)		
Remove information technology initiative added by the House	(\$200,000)			(200,000)		
Restore a portion of the capital improvement funds removed by the House				250,000		
Restore a portion of the specific operating expense reductions made by the House			\$142,449	304,323		
Restore all of the Skills Center funding removed by the House				250,000		
Provide for a systemwide equity and special needs pool				1,178,000		
Funding transferred to the system technology pool						
Funding transferred to the critical						

salary pool				
Funding transferred to the systemwide equity and special needs pool	(52,352)			
Add funding for electrical distribution, steamline distribution, and roof replacement projects			2,000,000	
Funding source change for increased land department revenue distributions	(5,850)		(505,130)	
Total Conference Committee changes	<u>(\$258,202)</u>	<u> </u>	<u>\$142,449</u>	<u>\$2,994,870</u>
Conference Committee version (general fund)	\$3,933,907	\$1,626,751	\$29,258,660	\$328,398,637

Other funds:

	SYSTEM POOLS	UNIVERSITY SYSTEM OFFICE	BISMARCK STATE COLLEGE	UND-LAKE REGION	UND-WILLISTON	UNIVERSITY OF NORTH DAKOTA
Executive budget		\$4,933,900	\$7,789,776	\$1,948,806	\$2,300,265	\$56,492,071
House changes			11,370,000	6,403,766	1,653,000	278,733,609
House version	\$0	\$4,933,900	\$19,159,776	\$8,352,572	\$3,953,265	\$335,225,680
Conference Committee changes:						
Restore EPSCoR funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds portion of Med School pay plan error						
Utility reductions						
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House						
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide equity and special needs pool						
Funding transferred to the system technology pool						
Funding transferred to the critical salary pool						
Funding transferred to the systemwide equity and special needs pool						
Add funding for electrical distribution, steamline distribution, and roof replacement projects						
Funding source change for increased land department revenue distributions						141,022
Total Conference Committee changes	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$141,022</u>
Conference Committee version (other funds)	\$0	\$4,933,900	\$19,159,776	\$8,352,572	\$3,953,265	\$335,366,702

	NORTH DAKOTA STATE UNIVERSITY	STATE COLLEGE OF SCIENCE	DICKINSON STATE UNIVERSITY	MAYVILLE STATE UNIVERSITY	MINOT STATE UNIVERSITY	VALLEY CITY STATE UNIVERSITY
Executive budget	\$55,698,903	\$9,018,742	\$8,340,726	\$2,878,227	\$11,680,734	\$3,866,587
House changes	111,619,416	15,964,000	6,021,397	7,400,000	18,819,203	8,820,000
House version	\$167,318,319	\$24,982,742	\$14,362,123	\$10,278,227	\$30,499,937	\$12,686,587
Conference Committee changes:						
Restore EPSCoR funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds portion of Med School pay plan error						
Utility reductions						
Remove information technology initiative added by the House						
Restore a portion of						

the capital improvement funds removed by the House						
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide equity and special needs pool						
Funding transferred to the system technology pool						
Funding transferred to the critical salary pool						
Funding transferred to the systemwide equity and special needs pool						
Add funding for electrical distribution, streamline distribution, and roof replacement projects						
Funding source change for increased land department revenue distributions	205,774	83,094	5,850	30,491	5,850	27,199
Total Conference Committee changes	<u>\$205,774</u>	<u>\$83,094</u>	<u>\$5,850</u>	<u>\$30,491</u>	<u>\$5,850</u>	<u>\$27,199</u>
Conference Committee version (other funds)	\$167,524,093	\$25,065,836	\$14,367,973	\$10,308,718	\$30,505,787	\$12,713,786

	MSU-BOTTINEAU	FOREST SERVICE	UND SCHOOL OF MEDICINE AND HEALTH SCIENCES	TOTAL
Executive budget	\$1,418,967	\$859,006	\$59,472,012	\$226,698,722
House changes	2,152,561	1,336,082	(545,582)	469,747,452
House version	\$3,571,528	\$2,195,088	\$58,926,430	\$696,446,174
Conference Committee changes:				
Restore EPSCoR funding				
Provide funding to complete Schafer Hall hallway renovation project				
Correct other funds portion of Med School pay plan error			(\$521,503)	(\$521,503)
Utility reductions				
Remove information technology initiative added by the House	(\$28,135)			(28,135)
Restore a portion of the capital improvement funds removed by the House				
Restore a portion of the specific operating expense reductions made by the House				
Restore all of the Skills Center funding removed by the House				
Provide for a systemwide equity and special needs pool				
Funding transferred to the system technology pool				
Funding transferred to the critical salary pool				
Funding transferred to the systemwide equity and special needs pool				
Add funding for electrical distribution, streamline distribution, and roof replacement projects				
Funding source change for increased land department revenue distributions	5,850			505,130
Total Conference Committee changes	<u>(\$22,285)</u>	<u>\$0</u>	<u>(\$521,503)</u>	<u>(\$44,508)</u>
Conference Committee version (other funds)	\$3,549,243	\$2,195,088	\$58,404,927	\$696,401,666

Total funds:

	SYSTEM POOLS	UNIVERSITY SYSTEM OFFICE	BISMARCK STATE COLLEGE	UND-LAKE REGION	UND- WILLISTON	UNIVERSITY OF NORTH DAKOTA
Executive budget		\$33,790,425	\$22,302,496	\$6,898,837	\$7,071,427	\$149,847,873
House changes		(15,076,229)	11,834,155	6,523,865	1,801,684	280,860,038
House version	\$0	\$18,714,196	\$34,136,651	\$13,422,702	\$8,873,111	\$430,707,911
Conference Committee changes:						
Restore EPSCoR funding		\$200,000				
Provide funding to complete Schafer Hall hallway renovation project			\$72,000			
Correct other funds portion of Med School pay plan error			(27,701)	(\$2,441)	(\$19,776)	(\$435,553)
Utility reductions Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House						154,831
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide equity and special needs pool	\$1,178,000					
Funding transferred to the system technology pool	21,948,467					(12,291,515)
Funding transferred to the critical salary pool	2,630,992	(2,630,992)				
Funding transferred to the systemwide equity and special needs pool	3,112,128		(185,039)	(59,600)	(60,811)	(944,281)
Add funding for electrical distribution, streamline distribution, and roof replacement projects						
Funding source change for increased land department revenue distributions						
Total Conference Committee changes	<u>\$28,869,587</u>	<u>(\$2,430,992)</u>	<u>(\$140,740)</u>	<u>(\$62,041)</u>	<u>(\$80,587)</u>	<u>(\$13,516,518)</u>
Conference Committee version (total funds)	\$28,869,587	\$16,283,204	\$33,995,911	\$13,360,661	\$8,792,524	\$417,191,393
	NORTH DAKOTA STATE UNIVERSITY	STATE COLLEGE OF SCIENCE	DICKINSON STATE UNIVERSITY	MAYVILLE STATE UNIVERSITY	MINOT STATE UNIVERSITY	VALLEY CITY STATE UNIVERSITY
Executive budget	\$128,100,635	\$31,700,772	\$21,380,019	\$11,339,893	\$36,533,011	\$15,238,154
House changes	112,950,482	16,613,764	6,236,444	7,623,528	19,568,179	9,082,372
House version	\$241,051,117	\$48,314,536	\$27,616,463	\$18,963,421	\$56,101,190	\$24,320,526
Conference Committee changes:						
Restore EPSCoR funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds portion of Med School pay plan error						
Utility reductions	(\$65,450)	(\$2,364)		(\$1,038)		
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House	95,169					
Restore a portion of the specific operating expense reductions made by the House	161,874					
Restore all of the Skills Center funding removed by the House	250,000					
Provide for a systemwide equity and special needs pool						
Funding transferred to the system technology pool	(9,656,952)					
Funding transferred to the critical salary pool						
Funding transferred to the systemwide equity and special	(754,346)	(290,214)	(161,791)	(106,807)	(351,670)	(145,217)

needs pool						
Add funding for electrical distribution, streamline distribution, and roof replacement projects		2,000,000				
Funding source change for increased land department revenue distributions						
Total Conference Committee changes	<u>(\$9,969,705)</u>	<u>\$1,707,422</u>	<u>(\$161,791)</u>	<u>(\$107,845)</u>	<u>(\$351,670)</u>	<u>(\$145,217)</u>
Conference Committee version (total funds)	\$231,081,412	\$50,021,958	\$27,454,672	\$18,855,576	\$55,749,520	\$24,175,309

	MSU- BOTTINEAU	FOREST SERVICE	UND SCHOOL OF MEDICINE AND HEALTH SCIENCES	TOTAL
Executive budget	\$5,291,599	\$2,432,554	\$87,695,874	\$559,623,569
House changes	<u>2,472,038</u>	<u>1,389,285</u>	<u>346,767</u>	<u>462,226,372</u>
House version	\$7,763,637	\$3,821,839	\$88,042,641	\$1,021,849,941
Conference Committee changes:				
Restore EPSCoR funding				\$200,000
Provide funding to complete Schafer Hall hallway renovation project				72,000
Correct other funds portion of Med School pay plan error			(\$521,503)	(521,503)
Utility reductions				(554,323)
Remove information technology initiative added by the House	(\$228,135)			(228,135)
Restore a portion of the capital improvement funds removed by the House				250,000
Restore a portion of the specific operating expense reductions made by the House			142,449	304,323
Restore all of the Skills Center funding removed by the House				250,000
Provide for a systemwide equity and special needs pool				1,178,000
Funding transferred to the system technology pool				
Funding transferred to the critical salary pool				
Funding transferred to the systemwide equity and special needs pool	(52,352)			
Add funding for electrical distribution, streamline distribution, and roof replacement projects				2,000,000
Funding source change for increased land department revenue distributions				
Total Conference Committee changes	<u>(\$280,487)</u>	<u>_____</u>	<u>(\$379,054)</u>	<u>\$2,950,362</u>
Conference Committee version (total funds)	\$7,483,150	\$3,821,839	\$87,663,587	\$1,024,800,303

This amendment also:

- Adds a section providing that funding for the NDSU/NDSCS Skills Training Center may not be used for the operations of the center and that no general fund support will be provided for the center after the 1999-2001 biennium.
- Adds a section urging the Board of Higher Education to review accreditation of new programs which are already accredited at another institution.
- Adds sections providing directive regarding the allocations to be made from the technology pool, equity and special needs pool, and the critical salary pool.
- Adds a section encouraging the Board of Higher Education to allocate \$200,000 from either the equity and special needs pool or the board initiatives funding to Minot State University - Bottineau for its information technology initiative.
- Adds a section providing for a Legislative Council study of the funding of higher education.

- Adds a section providing for a Legislative Council study of tribally controlled colleges.
- Adds a section directing that any utility savings be used for repair or maintenance items.
- Adds a section providing for additional distributions by the Land Board to the institutions.
- Adds sections providing for the state to join the Midwestern Regional Higher Education Compact.
- Adds a section providing that North Dakota may not participate in the Midwestern Regional Higher Education Compact student exchange program during the 1999-2001 biennium.

Engrossed HB 1003 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. ST. AUBYN MOVED that the conference committee report on Engrossed HB 1003 be adopted.

REQUEST

SEN. DEMERS REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1003, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed HB 1003, the roll was called and there were 32 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Kinnoin; Klein; Krebsbach; Lee; Lindaas; Lyson; Mutch; Naaden; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: DeMers; Heitkamp; Holmberg; Kelsh; Krauter; Kringstad; Kroeplin; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Redlin; Robinson; Stenehjem, W.; Thompson; Tomac

ABSENT AND NOT VOTING: Bercier

The conference committee report on Engrossed HB 1003 was adopted. Engrossed HB 1003, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1003: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to provide for legislative council studies; to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to the adoption of the midwestern regional higher education compact; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; 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.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1003, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

HB 1038, as engrossed: Your conference committee (Sens. Kilzer, Thane, DeMers and Reps. Weisz, Dalrymple, Metcalf) recommends that the **SENATE RECEDE** from the

Senate amendments on HJ page 1120, adopt amendments as follows, and place HB 1038 on the Seventh order:

That the Senate recede from its amendments as printed on page 1120 of the House Journal and pages 699 and 700 of the Senate Journal and that Engrossed House Bill No. 1038 be amended as follows:

Page 1, line 5, replace "ambulance" with "prehospital emergency" and replace "assistance billings" with "services"

Page 1, line 6, replace "for appropriated funds" with "department of human services medical assistance reimbursement rates"

Page 1, line 11, remove the overstrike over "assist" and remove "offer services and financial"

Page 1, line 12, remove "assistance"

Page 1, line 13, after "branch" insert "department" and remove the overstrike over "~~and financially shall assist certain prehospital emergency medical~~"

Page 1, line 14, remove the overstrike over "~~services as determined by the~~", after "branch" insert "department", remove the overstrike over "~~in obtaining equipment~~", remove "department", remove the overstrike over "Assistance", and remove "No more"

Page 1, remove lines 15 and 16

Page 1, line 17, remove "and financial assistance"

Page 1, line 19, remove "services and financial"

Page 1, line 20, remove the overstrike over "~~To qualify for financial assistance for equipment, a prehospital~~"

Page 1, line 21, remove the overstrike over "~~emergency medical service shall certify, in the manner required by the~~", after "branch" insert "department", and remove the overstrike over the second overstruck comma

Page 1, remove the overstrike over line 22

Page 1, line 23, remove the overstrike over "~~acquisitions. The~~", after "branch" insert "department", and remove the overstrike over "~~shall adopt a schedule of eligibility for financial~~"

Page 1, remove the overstrike over line 24

Page 2, remove the overstrike over lines 1 through 4

Page 2, line 5, remove the overstrike over "~~financial assistance available for various classifications.~~"

Page 2, line 10, remove the overstrike over "~~No more than one half of the funds~~"

Page 2, remove the overstrike over lines 11 and 12

Page 2, line 15, remove "**Medical assistance -**"

Page 2, remove lines 16 through 20

Page 2, line 21, remove "assessment. This"

Page 2, remove lines 27 through 31

Page 3, line 4, remove "and a total of \$489,800, of"

Page 3, remove line 5

Page 3, line 6, remove "in 1999 Senate Bill No. 2012 for reimbursement of prehospital emergency medical services"

Page 3, line 11, after the period insert "The state department of health may accept funds from other sources and may distribute these funds to prehospital emergency medical services providers for the purpose of obtaining equipment."

SECTION 4. MEDICAL ASSISTANCE - REIMBURSEMENT FOR AMBULANCE SERVICES. During the biennium beginning July 1, 1999, and ending June 30, 2001, the department of human services shall spend \$276,000 in addition to the \$943,068 in the executive budget recommendation for medical assistance reimbursement for ambulance services. If the amount of ambulance services billing is less than the amount required to be spent under this section, the department of human services shall reimburse ambulance services at one hundred percent of billing for ambulance services and the department shall use the remainder for medical assistance reimbursement for other medical services."

Renumber accordingly

Engrossed HB 1038 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. KILZER MOVED that the conference committee report on Engrossed HB 1038 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1038, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1038: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance coverage of prehospital emergency medical services; to amend and reenact section 23-27-04.2 of the North Dakota Century Code, relating to state assistance to prehospital emergency medical services; and to provide legislative intent regarding state department of health assistance for prehospital emergency medical services and department of human services medical assistance reimbursement rates.

ROLL CALL

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

YEAS: Andrist; 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.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1038, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1108, as engrossed: Your conference committee (Sens. Mutch, Krebsbach, Heitkamp and Reps. Dorso, Clark, Sandvig) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1035-1036, adopt amendments as follows, and place HB 1108 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1035 and 1036 of the House Journal and pages 879 and 880 of the Senate Journal and that Engrossed House Bill No. 1108 be amended as follows:

Page 4, line 5, after the second period insert "The definitions in this section may not be construed to subject a telecommunications carrier or telecommunications service to the provisions of title 49."

Page 6, line 3, replace "4" with "3"

Page 6, line 10, replace "4" with "3"

Page 6, remove lines 11 through 16

Page 6, line 17, replace "4" with "3"

Page 7, line 4, replace "4" with "3"

Page 10, line 2, replace "through 3" with "and 2"

Renumber accordingly

Engrossed HB 1108 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the conference committee report on Engrossed HB 1108 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1108, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1108: A BILL for an Act to create and enact five new sections to chapter 57-34 of the North Dakota Century Code, relating to the audit and assessment of telecommunications carriers, deficiency notice, protest and appeal procedure, claim for credit or refund of the tax on telecommunications carriers, preservation of records, and resale certificates; to amend and reenact sections 57-34-01, 57-34-02, 57-34-03, 57-34-06, and 57-34-10 of the North Dakota Century Code, relating to definitions, identification of taxable resellers and pay telephone operators, elimination of tentative assessments, allocation of revenue, filing extensions, tax liabilities of less than five dollars, and interest and lien provisions; to provide for retroactive application; to provide an effective date; and to provide an expiration 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, 1 NAY, 0 EXCUSED, 1 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; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Schobinger

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1108, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1131: Your conference committee (Sens. Cook, B. Stenehjem, Thompson and Reps. Mickelson, R. Kelsch, Mahoney) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1092-1093, adopt amendments as follows, and place HB 1131 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1092 and 1093 of the House Journal and pages 953 and 954 of the Senate Journal and that House Bill No. 1131 be amended as follows:

Page 1, line 1, replace "subdivision" with "subdivisions" and after "b" insert "and e"

Page 1, line 5, replace "Subdivision" with "Subdivisions" and after "b" insert "and e"

Page 1, line 6, replace "is" with "are"

Page 1, after line 11, insert:

- "e. The execution or imposition of sentence under this section may not be suspended or deferred under subsection 3 or 4 of section 12.1-32-02 ~~except that a fine or a sentence of imprisonment may be suspended in any of the following instances:~~

- (1) ~~Upon conviction of being in actual physical control of a motor vehicle in violation of this section or equivalent ordinance.~~
- (2) ~~If the defendant is under age eighteen when convicted except that if the defendant has, within the preceding five years, previously been convicted of violating section 39-08-01 or equivalent ordinance, the sentence must include at least forty eight consecutive hours imprisonment or in a minimum security facility or at least ten days of community service. The execution of the sentence may not be suspended nor the imposition of sentence deferred under subsection 3 or 4 of section 12-1-32-02."~~

Page 1, line 17, remove "impounded or immobilized for the period of suspension or revocation"

Page 1, line 18, remove "of the offender's driving privilege."

Page 1, line 23, remove "after the conclusion of the"

Page 1, line 24, remove "suspension or revocation"

Renumber accordingly

HB 1131 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. COOK MOVED that the conference committee report on HB 1131 be adopted, which motion prevailed on a verification vote.

HB 1131, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1131: A BILL for an Act to amend and reenact subdivisions b and e of subsection 4 of section 39-08-01 and section 39-08-01.3 of the North Dakota Century Code, relating to the penalties for operating a vehicle while under the influence of intoxicating liquor or drugs; and to provide a penalty.

ROLL CALL

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

YEAS: Andrist; 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.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

HB 1131, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1011, as engrossed: Your conference committee (Sens. Nething, Kringstad, Tallackson and Reps. Keiser, Dalrymple, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1192-1193, adopt amendments as follows, and place HB 1011 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1192 and 1193 of the House Journal and pages 1063 and 1064 of the Senate Journal and that Engrossed House Bill No. 1011 be amended as follows:

Page 1, line 1, replace the semicolon with a period

Page 1, remove lines 2 and 3

Page 1, line 11, replace "22,187,004" with "22,083,004"

Page 1, line 13, replace "25,105,990" with "25,001,990"

Page 1, line 14, replace "15,799,754" with "15,695,754"

Page 1, line 17, replace "\$13,185,610" with "\$13,285,610"

Page 2, remove lines 10 through 31

Page 3, remove lines 1 and 2

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 504 - HIGHWAY PATROL

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE COMPARISON TO SENATE VERSION
Administration	\$2,016,729	\$1,996,541		\$1,996,541	\$1,996,541	
Field operations	22,564,316	22,187,004	(\$104,000)	22,083,004	22,083,004	
Law enforcement training academy	<u>927,900</u>	<u>922,445</u>		<u>922,445</u>	<u>922,445</u>	
Total all funds	\$25,508,945	\$25,105,990	(\$104,000)	\$25,001,990	\$25,001,990	\$0
Less special funds	<u>15,604,953</u>	<u>15,799,754</u>	<u>(104,000)</u>	<u>15,695,754</u>	<u>15,695,754</u>	
General fund	\$9,903,992	\$9,306,236	\$0	\$9,306,236	\$9,306,236	\$0
FTE	198.00	198.00	0.00	198.00	198.00	0.00

Detail of Conference Committee changes to the House version includes:

	RESTORE MOBILE DATA TERMINAL MAINTENANCE FUNDING	RESTORE FUNDING CHANGE FOR LAW ENFORCEMENT TRAINING ACADEMY	REDUCE FUNDING IN UNDESIGNATED AREAS	TOTAL CONFERENCE COMMITTEE CHANGES
Administration				
Field operations	\$40,000 ¹		(\$144,000) ³	(\$104,000)
Law enforcement training academy				
Total all funds	\$40,000	\$0	(\$144,000)	(\$104,000)
Less special funds		<u>(104,000)</u> ²		<u>(104,000)</u>
General fund	\$40,000	\$104,000	(\$144,000)	\$0
FTE	0.00	0.00	0.00	0.00

Conference Committee changes narrative:

- ¹ Restores funding removed by the House for maintenance of the mobile data terminals, the Senate also restored this funding.
- ² Removes provisions added by the House which would have required the Highway Patrol to charge fees to non-Highway Patrol personnel attending courses at the Law Enforcement Training Academy. The increased special fund revenue which would have been generated from this fee is being replaced with general fund moneys. The Senate also made this change.
- ³ Reduces funding in the field operations program, the same as the Senate version. The Highway Patrol may determine the specific areas of the budget to reduce.

Sections added by the House establishing a special fund and providing that the Office of Management and Budget's facility management division pay \$50,000, the Supreme Court pay \$30,000, and the Legislative Assembly pay \$20,000 to the Highway Patrol for capitol grounds security services are removed. The \$100,000 of funding that was to be provided for the security services from these agencies is now being provided from the highway fund.

The section added by the House transferring \$100,000 from the highway fund to the general fund during the 1999-2001 biennium is removed.

Engrossed HB 1011 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. NETHING MOVED that the conference committee report on Engrossed HB 1011 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1011, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1011: A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol.

ROLL CALL

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

YEAS: Andrist; 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.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1011, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1135, as engrossed: Your conference committee (Sens. Mutch, Sand, D. Mathern and Reps. Berg, Keiser, Glassheim) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1012, adopt further amendments as follows, and place HB 1135 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1012 of the House Journal and page 838 of the Senate Journal and that Engrossed House Bill No. 1135 be further amended as follows:

Page 1, line 1, remove the second "and" and after "52-04-09" insert ", and 52-06-05"

Page 1, line 3, replace "and" with a comma and after "rates" insert ", and maximum potential benefits"

Page 1, line 7, overstrike "**2000**" and insert immediately thereafter "**1999**"

Page 1, line 15, replace "October" with "January" and replace "1999" with "2000"

Page 2, line 6, replace "Progress towards achieving the targeted amount" with "The trust fund reserve target will be achieved over a seven-year period from January 1, 2000. Progress toward achieving the targeted amount of the trust fund reserve is measured by reducing any difference between one and the average high-cost multiple of the state by an amount that is at least equal to the ratio of the number of years left to reach the targeted amount of the trust fund reserve to the difference between the trust fund reserve and the targeted amount."

Page 2, remove lines 7 through 9

Page 2, line 10, replace "amount and if" with "If"

Page 2, line 15, after the underscored period insert "In setting tax rates, the amount of the trust fund reserve may not be allowed to fall below three hundred percent from a standard margin of error for the targeted amount of the trust fund reserve. The executive director may make reasonable adjustments to the tax rates set for a calendar year to prevent significant rate variations between calendar years."

Page 2, line 16, after the underscored period insert "If while achieving the trust fund reserve target the trigger of above three percent insured unemployment rate and an increase of more than one hundred ten percent of the average of the two preceding years has been in effect for two or more consecutive years, the period of time to achieve the trust fund reserve target is extended to seven years from the end date of the last year in which the trigger was in effect. If this trigger has been in effect for one year, the amount of tax"

increase towards achieving the targeted amount of the trust fund reserve must be determined using the number of years remaining of the seven-year period, excluding the year the trigger is in effect."

Page 4, line 5, after the period insert "During the building of the trust fund reserve, the rate assigned to an employer may not exceed one hundred thirty percent of the previous year's rate for that employer and an employer may not receive more than a ten percent decrease in that employer's rate from the previous year's tax rate, for the calendar years 2000, 2001, and 2002. The executive director may provide any negative employer whose contributions paid into the trust fund are greater than the benefit charges against that employer's account, for a minimum of three consecutive years immediately preceding the computation date or subject to the law as required, with up to a thirty percent reduction to that employer's rate for any year if that employer has in place a plan approved by the bureau which addresses substantive changes to that employer's business operation and ensures that any rate reduction provided will not put the employer account back into a negative status."

Page 4, line 31, overstrike "**2000**" and insert immediately thereafter "**1999**"

Page 5, line 8, replace "October" with "January" and replace "1999" with "2000"

Page 5, line 23, replace "Progress towards achieving the targeted amount" with "The trust fund reserve target will be achieved over a seven-year period from January 1, 2000. Progress toward achieving the targeted amount of the trust fund reserve is measured by reducing any difference between one and the average high-cost multiple of the state by an amount that is at least equal to the ratio of the number of years left to reach the targeted amount of the trust fund reserve to the difference between the trust fund reserve and the targeted amount."

Page 5, remove lines 24 through 26

Page 5, line 27, replace "amount and if" with "If"

Page 6, line 1, after the underscored period insert "In setting tax rates, the amount of the trust fund reserve may not be allowed to fall below three hundred percent from a standard margin of error for the targeted amount of the trust fund reserve. The executive director may make reasonable adjustments to the tax rates set for a calendar year to prevent significant rate variations between calendar years."

Page 6, line 2, after the underscored period insert "If while achieving the trust fund reserve target the trigger of above three percent insured unemployment rate and an increase of more than one hundred ten percent of the average of the two preceding years has been in effect for two or more consecutive years, the period of time to achieve the trust fund reserve target is extended to seven years from the end date of the last year in which the trigger was in effect. If this trigger has been in effect for one year, the amount of tax increase towards achieving the targeted amount of the trust fund reserve must be determined using the number of years remaining of the seven-year period, excluding the year the trigger is in effect."

Page 7, line 15, after the period insert "During the building of the trust fund reserve, the rate assigned to an employer may not exceed one hundred thirty percent of the previous year's rate for that employer and an employer may not receive more than a ten percent decrease in that employer's rate from the previous year's rate, for the calendar years 2000, 2001, and 2002. The executive director may provide any negative employer whose contributions paid into the trust fund are greater than the benefit charges against that employer's account, for a minimum of three consecutive years immediately preceding the computation date or subject to the law as required, with up to a thirty percent reduction to that employer's rate for any year if that employer has in place a plan approved by the bureau which addresses substantive changes to that employer's business operation and ensures that any rate reduction provided will not put the employer account back into a negative status."

Page 11, after line 21, insert:

"SECTION 4. AMENDMENT. Section 52-06-05 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

52-06-05. (Effective through December 31, 1999) Maximum potential benefits.

1. Except as provided in subsection 2, any otherwise eligible individual is entitled during the individual's benefit year to benefits for the number of times the individual's weekly benefit amount appearing in the following table on the line that includes the individual's ratio of total base-period wages to highest quarter base-period wages:

Ratio of Total Base-Period Wages to High Quarter	Times Weekly Benefit Amount
1.50 to 2.29	12
2.30 to 2.44	14
2.45 to 2.59	16
2.60 to 2.74	18
2.75 to 2.89	20
2.90 to 3.04	22
3.05 to 3.19	24
3.20 or more	26

2. Any otherwise eligible individual ~~whose entire~~ with at least sixty percent of that individual's base-period earnings were paid by an employer belonging to industry group number 161, highway and street construction, except elevated highways, pursuant to the standard industrial classification manual is entitled during the individual's benefit year to benefits for the number of times the individual's weekly benefit amount appearing in the following table on the line that includes the individual's ratio of total base-period wages to highest quarter base-period wages:

Ratio of Total Base-Period Wages to High Quarter	Times Weekly Benefit Amount
1.50 to 1.73	12
1.74 to 1.97	14
1.98 to 2.21	16
2.22 to 2.45	18
2.46 to 2.69	20
2.70 to 2.93	22
2.94 to 3.17	24
3.18 or more	26

(Effective after December 31, 1999) Maximum potential benefits. Any otherwise eligible individual is entitled during the individual's benefit year to benefits for the number of times the individual's weekly benefit amount appearing in the following table on the line which includes the individual's ratio of total base-period wages to highest quarter base-period wages:

Ratio of Total Base-Period Wages to High Quarter	Times Weekly Benefit Amount
1.50 to 2.29	12
2.30 to 2.44	14
2.45 to 2.59	16
2.60 to 2.74	18
2.75 to 2.89	20
2.90 to 3.04	22
3.05 to 3.19	24
3.20 or more	26

SECTION 5. JOB SERVICE NORTH DAKOTA - REPORT TO LEGISLATIVE COUNCIL - LEGISLATIVE COUNCIL RECOMMENDATIONS. During the 1999-2000 interim, job service North Dakota shall review possible incentives to encourage an employee to decrease the length of time that employee receives unemployment compensation benefits and to encourage a negative employer to become a positive employer and job service North Dakota shall report the results of this review to the legislative council. The legislative council shall report its recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly."

Renumber accordingly

Engrossed HB 1135 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the conference committee report on Engrossed HB 1135 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1135, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1135: A BILL for an Act to amend and reenact sections 52-04-05, 52-04-06, 52-04-09, and 52-06-05 of the North Dakota Century Code, relating to the required level of the unemployment compensation trust fund reserve, employer contribution rates, and maximum potential benefits.

ROLL CALL

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

YEAS: Andrist; 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.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1135, as amended, passed and the title was agreed to.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on HB 1012. The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1012: Reps. Byerly; Poolman; Gulleson

MOTION

SEN. G. NELSON MOVED that the Senate Conference Committee on Engrossed HB 1012 be dissolved and that a new conference committee be appointed, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on Engrossed HB 1012: Sens. Kringstad, B. Stenehjem, Robinson.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1003, HB 1011, HB 1038, HB 1131, HB 1135, HB 1475.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1108.

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 2009, SB 2023, SB 2168, SB 2242, SB 2344, SB 2355, SCR 4033.

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

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

HB 1012: Sens. Kringstad; B. Stenehjem; Robinson

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

MADAM PRESIDENT: The House has adopted the conference committee report on SB 2180.

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 2188, SB 2307.

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 8:00 a.m., Thursday, April 15, 1999, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2043, as engrossed: Your conference committee (Sens. St. Aubyn, Solberg, Robinson and Reps. Byerly, Dalrymple, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 938-939, adopt amendments as follows, and place SB 2043 on the Seventh order:

That the House recede from its amendments as printed on pages 938 and 939 of the Senate Journal and pages 1031-1033 of the House Journal and that Engrossed Senate Bill No. 2043 be amended as follows:

Page 1, line 3, after the third comma insert "54-44.6-03,"

Page 1, line 10, replace "19" with "16"

Page 1, line 13, remove "Board means the information technology board."

Page 1, line 14, remove "3."

Page 1, line 15, replace "4" with "3"

Page 1, line 18, replace "5" with "4"

Page 2, remove line 20

Page 3, line 6, replace "19" with "16"

Page 3, line 15, remove "The department shall inform the board of any"

Page 3, remove line 16

Page 3, line 26, remove ", and report and make recommendations to the board"

Page 3, line 27, remove "regarding information technology in state government"

Page 4, line 3, replace "15" with "13"

Page 4, line 4, replace "19" with "16"

Page 4, line 7, remove "Before final adoption, the chief information officer shall submit the business plan to the"

Page 4, line 8, remove "board for its review, and the plan is subject to the review of the board."

Page 4, line 12, remove ", as"

Page 4, line 13, remove "defined by the board"

Page 4, line 15, after "of" insert "Indian tribes, nonprofit organizations, and"

Page 4, line 23, after "ensure" insert "that the department exercises its powers and duties with minimal delay, cost, and procedural burden to an entity receiving services from the department; to ensure that the department provides prompt, high-quality services to an entity receiving services from the department; to ensure"

Page 4, line 25, after "use" insert "; and to foster information technology innovation by state entities"

Page 4, line 28, replace "State information technology board. The board" with "Statewide wide area network advisory committee. The statewide wide area network committee"

Page 4, line 29, after "officer" insert "or the officer's designee" and after "administrator" insert "or the administrator's designee"

Page 4, line 30, after "education" insert "or the commissioner's designee" and replace "eight" with "nine"

Page 5, line 2, after the underscored comma insert "one member representing noncommercial public television stations licensed by the federal communications commission to operate in this state."

Page 5, line 6, replace the first "board" with "committee" and replace the second "board" with "committee"

Page 5, line 8, replace "board" with "committee"

Page 5, line 9, replace "board" with "committee"

Page 5, line 10, replace "board" with "committee"

Page 5, line 13, after the underscored period insert "The committee shall advise the department with respect to planning and implementation of wide area network services provided by the department."

Page 5, remove lines 14 through 22

Page 5, line 27, replace "board" with "chief information officer" and replace "except" with "exempt"

Page 5, line 30, after the underscored period insert "The chief information officer shall exempt from the application of this section a county, city, or school district that is under contract to receive wide area network services from an entity other than the department, for the term of that contract, but that political subdivision may not extend or renew that contract beyond July 31, 2001."

Page 6, line 2, remove "and in consultation with the board,"

Page 6, line 3, replace "exception" with "exemption"

Page 6, line 7, replace "exception" with "exemption"

Page 6, line 19, remove "in consultation with the"

Page 6, line 20, remove "board"

Page 6, line 29, after the underscored period insert "The agency's budget request and the governor's budget recommendation must include supporting information describing in detail how the information technology plan relates to the budget request and recommendation. Any budget adjustment by the budget office must include the corresponding change to the plan."

Page 7, remove lines 19 through 28

Page 8, line 8, replace "board" with "legislative council"

Page 8, remove lines 9 through 14

Page 8, line 20, replace "excepted" with "exempted"

Page 8, line 26, remove "information technology development account or"

Page 8, line 27, remove ", as appropriate,"

Page 9, line 1, replace "19" with "16"

Page 9, line 4, replace "may" with "shall"

Page 9, line 12, replace "July 1, 2000" with "August 1, 1999"

Page 9, line 13, replace "All appointing authorities are encouraged to consider their" with "Before"

Page 9, remove lines 14 through 18

Page 9, line 19, remove "division, and before" and remove "and the state"

Page 9, line 20, remove "information technology board shall approve"

Page 15, after line 10, insert:

"SECTION 23. AMENDMENT. Section 54-44.6-03 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-44.6-03. State forms manager. ~~The director of the office of management and budget or an individual designated by the director~~ chief information officer of the state shall serve as the state forms manager. The manager shall administer in the executive branch of state government the forms management program established by this chapter. The program must apply efficient and economical management methods to the creation and utilization of state forms."

Page 21, line 12, replace "Except for sections 1, 3, 4, 6, 7, 8, and 20, this Act" with "Sections 2 and 8 take effect as provided in this section. Notwithstanding section 33, until July 1, 2000, state agencies and institutions shall continue to receive wide area network services from the department under the conditions and requirements the agencies and institutions received wide area network services from the division before August 1, 1999. With respect to state agencies and institutions, sections 2 and 8 become effective July 1, 2000, and with respect to counties, cities, and school districts, sections 2 and 8 become effective August 1, 2001.

SECTION 35. DEPARTMENT AUTHORIZATION. The information technology department may employ a business analyst to perform its responsibilities under this Act, including development of the requests for proposals for the statewide network to be established under this Act."

Page 21, remove lines 13 through 17

Renumber accordingly

Engrossed SB 2043 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2044: Your conference committee (Sens. St. Aubyn, Solberg, Robinson and Reps. Byerly, Dalrymple, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 939-941, adopt amendments as follows, and place SB 2044 on the Seventh order:

That the House recede from its amendments as printed on pages 939-941 of the Senate Journal and pages 1033 and 1034 of the House Journal and that Senate Bill No. 2044 be amended as follows:

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

Page 1, line 8, after the period insert "The council shall appoint four members of the house of representatives and three members of the senate to the committee. The chief information officer of the state is an ex officio, nonvoting member of the committee."

Page 1, replace lines 16 through 21 with:

1. Meet at least once each calendar quarter.
2. Receive a report from the chief information officer of the state at each meeting.
3. Review the business plan of the information technology department.
4. Address macro-level questions relating to the information technology department.
5. Review the activities of the information technology department.
6. Review statewide information technology standards.
7. Review the statewide information technology plan.

8. Conduct studies of information technology efficiency and security.
9. Make recommendations regarding established or proposed information technology programs and information technology acquisition by the executive and judicial branches.
10. Review the cost-benefit analysis of any major information technology project of an executive or judicial branch agency. A major project is a project with a cost of two hundred fifty thousand dollars or more in one biennium or a total cost of five hundred thousand dollars or more.
11. Perform periodic reviews to ensure that a major information technology project is on its projected schedule and within its cost projections.

SECTION 3. A new section to chapter 54-35 of the North Dakota Century Code is created and enacted as follows:

Information technology project quality assurance - Information technology committee review - Suspension of funds. The information technology committee may review any information technology project or information technology plan. If the committee determines that the project or plan is at risk of failing to achieve its intended results, the committee may recommend to the office of management and budget the suspension of the expenditure of moneys appropriated for a project or plan. The office of management and budget may suspend the expenditure authority if the office of management and budget agrees with the recommendation of the committee."

Renumber accordingly

SB 2044 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1022, as engrossed: Your conference committee (Sens. St. Aubyn, Nething, Robinson and Reps. Dalrymple, Wentz, Nichols) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1092, adopt amendments as follows, and place HB 1022 on the Seventh order:

That the Senate recede from its amendments as printed on page 1092 of the House Journal and pages 942 and 943 of the Senate Journal and that Engrossed House Bill No. 1022 be amended as follows:

Page 1, replace lines 16 and 17 with:

"Department of corrections and rehabilitation	Pine cottage - Youth correctional center	1,475,000"
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Page 2, replace lines 4 through 7 with:

"The department of corrections and rehabilitation may obtain and utilize federal funds to assist in the renovation of pine cottage at the youth correctional center. There is hereby appropriated to the department of corrections and rehabilitation the sum of \$500,000, or so much of the sum as may be necessary, from any federal or other funds that may become available for this project for the biennium beginning July 1, 1999, and ending June 30, 2001."

Page 2, line 8, replace "10,915,000" with "10,890,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 405 - INDUSTRIAL COMMISSION

CONFERENCE COMMITTEE - This amendment removes the \$2 million of bonding for the electrical distribution, steamline distribution, and roof replacement projects at the State College of Science. These projects were funded with \$2 million of general fund moneys in House Bill No. 1003, the appropriation bill for the North Dakota University System.

The amendment adds \$1,475,000 of bonding and \$500,000 of federal or other funds for a total project cost of \$1,975,000 for the Pine Cottage renovation project at the Youth Correctional Center.

Engrossed HB 1022 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