

## JOURNAL OF THE SENATE

## Fifty-sixth Legislative Assembly

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Bismarck, March 31, 1999

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

The prayer was offered by Lt. Colonel David Grindle, Divisional Commander, The Salvation Army, North Dakota and Minnesota.

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

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**HB 1428, as engrossed and amended: SEN. SOLBERG (Appropriations Committee)**  
**MOVED** that the amendments on SJ page 946 be adopted and then be placed on the Fourteenth order with **DO PASS**.

## REQUEST

**SEN. WANZEK REQUESTED** that the proposed further amendments to Engrossed HB 1428, as amended, be divided in the following manner, and that Division B would be voted on separately, which request was granted.

**DIVISION B:** That part of the amendments regarding Page 2, line 13 and the Statement of Purpose of Amendment.

**DIVISION A:** The remainder of the amendments.

## REQUEST

**SEN. WANZEK REQUESTED** a recorded roll call vote on Division B of the proposed further amendments to Engrossed HB 1428, as amended, which request was granted.

## ROLL CALL

The question being on the adoption of Division B of the proposed further amendments to Engrossed HB 1428, as amended, the roll was called and there were 35 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Cook; DeMers; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Redlin; Robinson; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Wardner; Watne

**NAYS:** Andrist; Christmann; Freborg; Kinnoin; Klein; Mutch; Nething; O'Connell; Sand; Schobinger; Solberg; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Bercier

Division B of the proposed further amendments to Engrossed HB 1428, as amended, was adopted.

The question being on the adoption of the proposed further amendments, including Division A and Division B, to Engrossed HB 1428, as amended, the proposed further amendments were adopted on a voice vote.

Therefore, the proposed further amendments to Engrossed HB 1428, as amended, were adopted and Engrossed HB 1428, as further amended, was placed on the Fourteenth order on the calendar.

## SECOND READING OF HOUSE BILL

**HB 1428:** A BILL for an Act to authorize the production of industrial hemp; and to amend and reenact subsection 13 of section 4-09-01 of the North Dakota Century Code, relating to the definition of noxious weed seeds.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; 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

**NAYS:** Cook; Lyson

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1428, as amended, passed and the title was agreed to.

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. MUTCH MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1135, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1135: Sens. Mutch, Sand, D. Mathern.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. KREBSBACH MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1174, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1174: Sens. Kilzer, Wardner, Mutzenberger.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2003 as printed on SJ pages 906-907 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2003: Sens. Naaden, Solberg, Lindaas.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2020 as printed on SJ pages 907-908 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2020: Sens. Andrist, Grindberg, Lindaas.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2021 as printed on SJ pages 903-904 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Reengrossed SB 2021: Sens. Andrist, Grindberg, Lindaas.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2344 as printed on SJ pages 904-905 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2344: Sens. Cook, Freborg, O'Connell.

**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.

**CORRECTION AND REVISION OF THE JOURNAL**

**MADAM PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Sand, Chairman)** has carefully examined the Journal of the Fifty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 943, replace lines 40 through 51 with:

"Page 1, line 1, after "to" insert "create and enact a new section to chapter 5-02 and section 39-20-06.1 of the North Dakota Century Code, relating to alcoholic beverage sales and to administrative sanctions for driving while under the influence; to", replace "subdivision" with "subdivisions", and after "b" insert "and e"

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

Page 1, after line 4, insert:

**"SECTION 1.** A new section to chapter 5-02 of the North Dakota Century Code is created and enacted as follows:

**Prohibition on roving sales.** An on-sale licensee shall keep, display, and store containers of distilled spirits in an area from which the public is excluded and, before a request to purchase a particular distilled spirit by a customer, may not move a distilled spirit into an area in which the public is allowed, unless the movement is neither part of nor intended to promote the sale of the distilled spirit."

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"

Page 1, after line 24, insert:

"**SECTION 4.** Section 39-20-06.1 of the North Dakota Century Code is created and enacted as follows:

**39-20-06.1. Vacation of administrative sanction upon dismissal or acquittal.** Upon being informed by a court that the charges against a person at least twenty-one years of age of operating a motor vehicle in violation of section 39-08-01, or equivalent ordinance, have been dismissed or the person has been acquitted of the offense following trial, the director shall vacate any order entered in connection with the same offense suspending or denying that person's driving privileges for having an alcohol concentration of at least ten one-hundredths of one percent under section 39-20-04.1 or 39-20-05.

**SECTION 5. EMERGENCY.** Section 1 of this Act is declared to be an emergency measure."

Renumber accordingly"

Page 944, remove lines 2 through 4

**SEN. SAND MOVED** that the report be adopted, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1020, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 941-942 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1020:** A BILL for an Act to provide an appropriation for defraying the expenses of the state board for vocational and technical education.

#### 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 1020, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1022, as engrossed: SEN. ST. AUBYN (Appropriations Committee) MOVED** that the amendments on SJ pages 942-943 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1022:** A BILL for an Act to provide an appropriation for a capital project at North Dakota state university; to authorize the industrial commission to issue and sell bonds for a capital project; to provide an appropriation; 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; 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 1022, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HB 1046, as engrossed: SEN. SOLBERG (Appropriations Committee) MOVED** that the amendments on SJ page 943 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1046:** A BILL for an Act to amend and reenact subsection 8 of section 54-44.1-06 of the North Dakota Century Code, relating to the contents of budget data prepared by the director of the budget.

#### 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 1046, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1131: SEN. SCHOBINGER (Transportation Committee) MOVED** that the following amendments, which are the amendments adopted by the **Transportation Committee** and corrected by the Correction and Revision to the Journal made on the Fifty-eighth Day, be adopted, and that HB 1131, as amended, be placed on the Fourteenth order with **DO PASS**.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 5-02 and section 39-20-06.1 of the North Dakota Century Code, relating to alcoholic beverage sales and to administrative sanctions for driving while under the influence; to", replace "subdivision" with "subdivisions", and after "b" insert "and e"

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

Page 1, after line 4, insert:

**"SECTION 1.** A new section to chapter 5-02 of the North Dakota Century Code is created and enacted as follows:

**Prohibition on roving sales.** An on-sale licensee shall keep, display, and store containers of distilled spirits in an area from which the public is excluded and, before a request to purchase a particular distilled spirit by a customer, may not move a distilled spirit into an area in which the public is allowed, unless the movement is neither part of nor intended to promote the sale of the distilled spirit."

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:

(4) ~~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"

Page 1, after line 24, insert:

"**SECTION 4.** Section 39-20-06.1 of the North Dakota Century Code is created and enacted as follows:

**39-20-06.1. Vacation of administrative sanction upon dismissal or acquittal.** Upon being informed by a court that the charges against a person at least twenty-one years of age of operating a motor vehicle in violation of section 39-08-01, or equivalent ordinance, have been dismissed or the person has been acquitted of the offense following trial, the director shall vacate any order entered in connection with the same offense suspending or denying that person's driving privileges for having an alcohol concentration of at least ten one-hundredths of one percent under section 39-20-04.1 or 39-20-05.

**SECTION 5. EMERGENCY.** Section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

#### REQUEST

**SEN. COOK REQUESTED** that the Senate divide the proposed amendments to HB 1131 as follows, which request was granted.

**DIVISION A:** Section 4.

**DIVISION B:** The remainder of the amendments.

The question being on the adoption of Division A of the proposed amendments to HB 1131, Division A of the proposed amendments to HB 1131 was defeated on a verification vote.

#### REQUEST

**SEN. KELSH REQUESTED** that Division B of the proposed amendments be subdivided as follows, which request was granted.

**SUBDIVISION A:** That part of Division B entitled "Prohibition on roving sales" and Section 5.

**SUBDIVISION B:** The remainder of Division B.

The question being on the adoption of Subdivision A of Division B of the proposed amendments to HB 1131, Subdivision A of Division B of the proposed amendments to HB 1131 was adopted on a voice vote.

The question being on the adoption of Subdivision B of Division B of the proposed amendments to HB 1131, Subdivision B of Division B of the proposed amendments to HB 1131 was adopted on a voice vote.

Therefore, Division B of the proposed amendments to HB 1131 consists of Subdivision A and Subdivision B.

The question being on the adoption of Division B of the proposed amendments to HB 1131, Division B of the proposed amendments to HB 1131 was adopted on a voice vote.

HB 1131, as amended, was placed on the Fourteenth order for immediate second reading.

### SECOND READING OF HOUSE BILL

**HB 1131:** A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to alcoholic beverage sales; 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; to provide a penalty; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 2 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** O'Connell; Thompson

**ABSENT AND NOT VOTING:** Bercier

HB 1131, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### MOTION

**SEN. ST. AUBYN MOVED** that HB 1184 be moved to the top of the calendar, which motion prevailed.

### CONSIDERATION OF AMENDMENTS

**HB 1184: SEN. LYSON (Judiciary Committee) MOVED** that the amendments on SJ pages 944-945 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1184:** A BILL for an Act to provide for questions on an application for a position as a law enforcement officer; and to amend and reenact section 12.1-11-03 of the North Dakota Century Code, relating to giving false information or a false report to law enforcement officers.

### 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 1184, as amended, passed and the title was agreed to.

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### MOTION

**SEN. ST. AUBYN MOVED** that the Senate stand in recess until 4:00 p.m., which motion prevailed.

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

**CONSIDERATION OF AMENDMENTS**

**HB 1183, as reengrossed: SEN. B. STENEHJEM (Finance and Taxation Committee)**  
**MOVED** that the amendments on SJ page 944 be adopted and then be placed on the Fourteenth order with **DO PASS**.

**REQUEST**

**SEN. SCHOBINGER REQUESTED** that the Senate divide the proposed amendments to Reengrossed HB 1183 as follows, which request was granted.

**DIVISION A:** Section 2.

**DIVISION B:** The remainder of the amendments.

The question being on the adoption of Division A of the proposed amendments to Reengrossed HB 1183, Division A of the proposed amendments to Reengrossed HB 1183 failed on a verification vote.

The question being on the adoption of Division B of the proposed amendments to Reengrossed HB 1183, Division B of the proposed amendments to Reengrossed HB 1183 failed on a verification vote.

Therefore, all of the proposed amendments were defeated.

Reengrossed HB 1183 was placed on the Fourteenth order for immediate second reading.

**SECOND READING OF HOUSE BILL**

**HB 1183:** A BILL for an Act to create and enact a new section to chapter 57-43.1 and a new section to chapter 57-43.2 of the North Dakota Century Code, relating to additional motor vehicle fuel taxes and special fuel taxes; to amend and reenact sections 39-04-19, 57-43.1-02, and 57-43.2-02 of the North Dakota Century Code, relating to motor vehicle registration fees, motor vehicle fuel taxes, and special fuel taxes; to provide an effective date; and to provide an expiration date.

**MOTION**

**SEN. CHRISTMANN MOVED** that Reengrossed HB 1183 be amended as follows, which motion prevailed on a verification vote.

Page 1, line 1, remove "create and enact a new section to chapter 57-43.1 and a new section to"

Page 1, remove line 2

Page 1, line 3, remove "taxes and special fuel taxes; to", replace "sections" with "section", and remove ", 57-43.1-02, and"

Page 1, line 4, remove "57-43.2-02" and remove ", motor"

Page 1, line 5, remove "vehicle fuel taxes, and special fuel taxes", after the first semicolon insert "and", and remove the second "; and to provide an"

Page 1, line 6, remove "expiration date"

Page 2, replace lines 2 through 9 with:

"Less than 3,200	<del>\$49.00</del> 67.00	<del>\$41.00</del> 54.00	<del>\$33.00</del> 44.00	<del>\$25.00</del> 33.00
3,200-4,499	<del>69.00</del> 87.00	<del>57.00</del> 70.00	<del>45.00</del> 56.00	<del>33.00</del> 41.00
4,500-4,999	<del>87.00</del> 105.00	<del>70.00</del> 83.00	<del>55.00</del> 66.00	<del>39.00</del> 47.00
5,000-5,999	<del>118.00</del> 136.00	<del>96.00</del> 109.00	<del>74.00</del> 85.00	<del>52.00</del> 60.00
6,000-6,999	<del>151.00</del> 169.00	<del>122.00</del> 135.00	<del>93.00</del> 104.00	<del>65.00</del> 73.00
7,000-7,999	<del>184.00</del> 202.00	<del>148.00</del> 161.00	<del>113.00</del> 124.00	<del>78.00</del> 86.00
8,000-8,999	<del>217.00</del> 235.00	<del>175.00</del> 188.00	<del>133.00</del> 144.00	<del>91.00</del> 99.00
9,000 and over	<del>250.00</del> 268.00	<del>201.00</del> 214.00	<del>153.00</del> 164.00	<del>104.00</del> 112.00

Page 2, replace lines 21 through 30 with:

"Gross Weights	1st-2nd, 3rd, 4th, 5th, and through 6th Years	7th and 8th through 9th Years	9th and 10th through 12th Years	11th and Subsequent 13th through 19th Years	20th and Subsequent Years
Not over 4,000	<del>\$47.00</del> 66.00	<del>\$34.00</del> 48.00	<del>\$29.00</del> 41.00	<del>\$26.00</del> 35.00	<del>\$26.00</del> 35.00
4,001- 6,000	<del>52.00</del> 71.00	<del>39.00</del> 53.00	<del>33.00</del> 45.00	<del>27.00</del> 36.00	<del>27.00</del> 36.00
6,001- 8,000	<del>57.00</del> 76.00	<del>44.00</del> 58.00	<del>37.00</del> 49.00	<del>28.00</del> 37.00	<del>28.00</del> 37.00
8,001-10,000	<del>62.00</del> 81.00	<del>49.00</del> 63.00	<del>41.00</del> 53.00	<del>30.00</del> 39.00	<del>30.00</del> 39.00
10,001-12,000	<del>67.00</del> 85.00	<del>54.00</del> 67.00	<del>45.00</del> 56.00	<del>32.00</del> 40.00	<del>32.00</del> 40.00
12,001-14,000	<del>72.00</del> 90.00	<del>59.00</del> 72.00	<del>49.00</del> 60.00	<del>35.00</del> 43.00	<del>35.00</del> 43.00
14,001-16,000	<del>77.00</del> 95.00	<del>64.00</del> 77.00	<del>53.00</del> 64.00	<del>38.00</del> 46.00	<del>38.00</del> 46.00
16,001-18,000	<del>82.00</del> 100.00	<del>69.00</del> 82.00	<del>57.00</del> 68.00	<del>40.00</del> 48.00	<del>40.00</del> 48.00
18,001-20,000	<del>85.00</del> 103.00	<del>72.00</del> 85.00	<del>59.00</del> 70.00	<del>41.00</del> 49.00	<del>41.00</del> 49.00

Page 3, remove lines 1 and 2

Page 3, replace lines 7 through 28 with:

"20,001- 22,000	<del>\$445.00</del> 127.00	<del>\$89.00</del> 98.00	<del>\$76.00</del> 84.00
22,001- 26,000	<del>467.00</del> 184.00	<del>437.00</del> 151.00	<del>421.00</del> 134.00
26,001- 30,000	<del>228.00</del> 251.00	<del>486.00</del> 205.00	<del>464.00</del> 181.00
30,001- 34,000	<del>294.00</del> 324.00	<del>239.00</del> 263.00	<del>244.00</del> 233.00
34,001- 38,000	<del>355.00</del> 391.00	<del>288.00</del> 317.00	<del>254.00</del> 280.00
38,001- 42,000	<del>416.00</del> 458.00	<del>337.00</del> 371.00	<del>296.00</del> 326.00
42,001- 46,000	<del>477.00</del> 525.00	<del>385.00</del> 424.00	<del>339.00</del> 373.00
46,001- 50,000	<del>538.00</del> 592.00	<del>434.00</del> 478.00	<del>382.00</del> 421.00
50,001- 54,000	<del>608.00</del> 669.00	<del>492.00</del> 542.00	<del>433.00</del> 477.00
54,001- 58,000	<del>669.00</del> 736.00	<del>541.00</del> 596.00	<del>476.00</del> 524.00
58,001- 62,000	<del>730.00</del> 803.00	<del>590.00</del> 649.00	<del>519.00</del> 571.00
62,001- 66,000	<del>791.00</del> 871.00	<del>638.00</del> 702.00	<del>562.00</del> 619.00
66,001- 70,000	<del>852.00</del> 938.00	<del>687.00</del> 756.00	<del>604.00</del> 665.00
70,001- 74,000	<del>913.00</del> 1,005.00	<del>736.00</del> 810.00	<del>647.00</del> 712.00
74,001- 78,000	<del>974.00</del> 1,072.00	<del>785.00</del> 864.00	<del>690.00</del> 759.00
78,001- 82,000	<del>1,035.00</del> 1,139.00	<del>834.00</del> 918.00	<del>733.00</del> 807.00
82,001- 86,000	<del>1,158.00</del> 1,274.00	<del>899.00</del> 1,033.00	<del>820.00</del> 902.00
86,001- 90,000	<del>1,280.00</del> 1,408.00	<del>1,043.00</del> 1,148.00	<del>907.00</del> 998.00
90,001- 94,000	<del>1,402.00</del> 1,543.00	<del>1,148.00</del> 1,263.00	<del>994.00</del> 1,094.00
94,001- 98,000	<del>1,524.00</del> 1,677.00	<del>1,253.00</del> 1,379.00	<del>1,082.00</del> 1,191.00
98,001-102,000	<del>1,646.00</del> 1,811.00	<del>1,357.00</del> 1,493.00	<del>1,169.00</del> 1,286.00
102,001-105,500	<del>1,768.00</del> 1,945.00	<del>1,462.00</del> 1,609.00	<del>1,256.00</del> 1,382.00

Page 11, remove lines 16 through 31

Page 12, remove lines 1 through 31

Page 13, remove lines 1 through 4

Page 13, line 5, remove "- EXPIRATION DATE" and replace "Sections 2 through 5 of this" with "This Act is effective for registrations that are due after July 31, 1999"

Page 13, remove lines 6 through 10

Page 13, line 11, remove "whichever is earlier"

Renumber accordingly

**HB 1183:** A BILL for an Act to amend and reenact section 39-04-19 of the North Dakota Century Code, relating to motor vehicle registration fees; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Grindberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** DeMers; Freborg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Kroepelin; Lindaas; Mathern, D.; Mutzenberger; Naaden; O'Connell; Redlin; Robinson; Stenehjem, W.; Thompson; Tomac

**ABSENT AND NOT VOTING:** Bercier

Reengrossed HB 1183, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1329, as engrossed: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ pages 945-946 be adopted and then be placed on the Fourteenth order **WITHOUT RECOMMENDATION.**

**SECOND READING OF HOUSE BILL**

**HB 1329:** A BILL for an Act to amend and reenact section 30.1-21-03.1 of the North Dakota Century Code, relating to closing an estate and attorney's fees; and to provide for retroactive application.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Freborg; Grindberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lindaas; Lyson; Mathern, T.; Mutch; Nelson, G.; Robinson; Sand; Solberg; Stenehjem, W.; Thane; Tomac; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Fischer; Flakoll; Heitkamp; Holmberg; Kilzer; Lee; Mathern, D.; Mutzenberger; Naaden; Nelson, C.; Nething; O'Connell; Redlin; Schobinger; St. Aubyn; Stenehjem, B.; Tallackson; Thompson; Traynor

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1329, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1492:** A BILL for an Act to provide for renaissance zones in cities and to provide tax exemptions and credits for investments in renaissance zones; to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to tax exemptions and credits for investments in renaissance zones; and to provide an effective date.

**MOTION**

**SEN. GRINDBERG MOVED** that Engrossed HB 1492 be amended as follows, which motion prevailed.

In lieu of the amendments adopted by the Senate as printed on pages 850 and 851 of the Senate Journal, Engrossed House Bill No. 1492 is amended as follows:

Page 1, line 2, after the semicolon insert "to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to tax exemptions and credits for investments in renaissance zones;"

Page 1, line 4, after "in" insert "sections 1 through 10 of"

Page 2, line 26, after "under" insert "sections 4 through 7 of"

Page 3, line 4, remove "less than four square blocks nor"

Page 4, line 17, after "in" insert "sections 4 through 7 of"

Page 4, after line 18, insert:

- "6. A parcel of property may be exempted from property taxes under section 5 of this Act only once, but during the five taxable years of eligibility for that exemption, the property tax exemption transfers with the transfer of the property to a qualifying user. The ownership or lease of, or investment in, a parcel of property may qualify for exemption or credit under section 4 of this Act only once, but during the five taxable years of eligibility for that exemption or credit, the exemption or credit under section 4 of this Act transfers with the transfer of the property to a qualified user and with respect to the year in which the transfer is made must be prorated for use of the property during that year."

Page 4, line 21, after "from" insert "up to ten thousand dollars of"

Page 4, line 22, after "tax" insert "liability as determined under section 57-38-29 or 57-38-30.3"

Page 5, line 10, replace "Buildings" with "A municipality may grant a partial or complete exemption from ad valorem taxation on buildings"

Page 5, line 11, replace "is exempt from" with ". An exemption granted under this subsection may not extend beyond"

Page 5, line 12, remove "ad valorem taxes on that property for"

Page 7, line 24, after "administer" insert "sections 1 through 10 of" and replace "as it relates" with "with respect"

Page 7, line 25, after "of" insert "sections 1 through 10 of"

Page 7, line 29, after "to" insert "exemptions or" and after "under" insert "sections 4, 6, and 7 of"

Page 7, line 30, replace "chapter" with "Act" and after "about" insert "exemptions or"

Page 7, line 31, after "under" insert "sections 4, 6, and 7 of", replace "chapter" with "Act", and after "authority" insert "or to the extent necessary for the tax commissioner to administer the tax exemptions or credits"

ReNUMBER accordingly

#### MOTION

**SEN. TOMAC MOVED** that Engrossed HB 1492 be amended as follows:

In addition to the amendments adopted by the Senate as printed on pages 958-959 of the Senate Journal, Engrossed House Bill No. 1492 is further amended as follows:

Page 1, line 1, remove "in cities"

Page 4, after line 18, insert:

"6. The office of intergovernmental assistance shall designate as a renaissance zone any county that, after the 2000 federal decennial census, has a net loss of population between the 1990 federal decennial census and the 2000 census. The designation of a county as a renaissance zone under this section is only effective for the purpose of eligibility for income tax exemptions under section 4 of this Act."

ReNUMBER accordingly

#### REQUEST

**SEN. KRAUTER REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1492, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1492, the roll was called and there were 19 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Sand; Thompson; Tomac; Urlacher

**NAYS:** Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier

The proposed amendments to Engrossed HB 1492 failed.

**HB 1492:** A BILL for an Act to provide for renaissance zones in cities and to provide tax exemptions and credits for investments in renaissance zones; to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to tax

exemptions and credits for investments in renaissance zones; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bowman; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist; Christmann; Cook; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Kroepelin; Lindaas; Mutzenberger; Naaden; O'Connell; Redlin; Robinson; Sand; Thompson; Tomac

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1492, as amended, passed and the title was agreed to.

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#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. W. STENEHJEM MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1405, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1405: Sens. Schobinger, B. Stenehjem, O'Connell.

#### 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 Conference Committee on Engrossed HB 1291, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1291: Sens. Cook, B. Stenehjem, Thompson.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. MUTCH MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1108, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1108: Sens. Mutch, Krebsbach, Heitkamp.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. MUTCH MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2180 as printed on SJ page 727 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2180: Sens. Klein, Sand, Heitkamp.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. WANZEK MOVED** that the Senate do not concur in the House amendments to SCR 4021 as printed on SJ page 877 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE PRESIDENT APPOINTED** as a Conference Committee on SCR 4021: Sens. Klein, Urlacher, D. Mathern.

#### 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 2024, SB 2081, SB 2096, SB 2299, SB 2425.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2006, SB 2018, SB 2030, SB 2036, SB 2047, SB 2055, SB 2058, SB 2166, SB 2186, SB 2216, SB 2287, SB 2288, SB 2290,

SB 2294, SB 2349, SB 2357, SB 2362, SB 2365, SB 2373, SB 2374, SB 2390, SB 2398, SB 2400, SB 2409, SB 2411, SB 2414, SB 2437, SCR 4003, SCR 4022, SCR 4027, SCR 4056, SCR 4058.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1018, HB 1025, HB 1039, HB 1052, HB 1067, HB 1081, HB 1091, HB 1150, HB 1152, HB 1176, HB 1178, HB 1196, HB 1227, HB 1229, HB 1243, HB 1294, HB 1382, HB 1383, HB 1396, HB 1399, HB 1403, HCR 3009, HCR 3037, HCR 3043, HCR 3046, HCR 3051, HCR 3057, HCR 3058, HCR 3063, HCR 3070, HCR 3074.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval on March 31, 1999: SB 2006, SB 2018, SB 2030, SB 2036, SB 2047, SB 2055, SB 2058, SB 2166, SB 2186, SB 2216, SB 2287, SB 2288, SB 2290, SB 2294, SB 2349, SB 2357, SB 2362, SB 2365, SB 2373, SB 2374, SB 2390, SB 2398, SB 2400, SB 2409, SB 2411, SB 2414, SB 2437.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing on March 31, 1999: SCR 4003, SCR 4022, SCR 4027, SCR 4056, SCR 4058.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2024, SB 2425.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1428.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1020, HB 1046, HB 1184.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1183, HB 1329, HB 1492.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1022, HB 1131.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2180 and SCR 4021 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2180:** Sens. Klein; Sand; Heitkamp

**SCR 4021:** Sens. Klein; Urlacher; D. Mathern

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

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

**HB 1108:** Sens. Mutch; Krebsbach; Heitkamp

**HB 1291:** Sens. Cook; B. Stenehjem; Thompson

**HB 1405:** Sens. Schobinger; B. Stenehjem; O'Connell

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2003, SB 2020, SB 2021, and SB 2344 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2003:** Sens. Naaden; Solberg; Lindaas

**SB 2020:** Sens. Andrist; Grindberg; Lindaas

**SB 2021:** Sens. Andrist; Grindberg; Lindaas

**SB 2344:** Sens. Cook; Freborg; O'Connell

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

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

**HB 1135:** Sens. Mutch; Sand; D. Mathern

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

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

**HB 1174:** Sens. Kilzer; Wardner; Mutzenberger

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2188.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2188**

That the proposed amendments to Engrossed Senate Bill No. 2188 as printed on pages 929-933 of the House Journal be amended as follows:

Page 930 of the House Journal, remove lines 23 through 28

Page 931 of the House Journal, remove lines 10 and 11

Page 931 of the House Journal, remove line 17

Page 931 of the House Journal, remove line 31

Page 931 of the House Journal, line 32, remove "replace "9" with "8" and"

Page 931 of the House Journal, line 33, remove "replace "5" with "4", replace "7" with "6", and"

Page 931 of the House Journal, line 37, replace "9" with "10"

Page 931 of the House Journal, line 40, replace "10" with "11"

Page 931 of the House Journal, remove lines 44 through 48

Page 932 of the House Journal, remove line 2

Page 932 of the House Journal, line 3, remove "and replace "6" with "5"

Page 932 of the House Journal, line 4, remove "and replace "7" with "6"

Page 932 of the House Journal, remove lines 7 and 8

Page 932 of the House Journal, line 9, remove "replace "7" with "6" and"

Page 932 of the House Journal, remove line 33

Renumber accordingly

**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 1166, HB 1272.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1024, HB 1035, HB 1167, HB 1252, and HB 1462 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1024:** Reps. Koppelman; Klemin; Meyer

**HB 1035:** Reps. D. Johnson; Haas; Nowatzki

**HB 1167:** Reps. Nottestad; Martinson; Solberg

**HB 1252:** Reps. Nicholas; Brandenburg; Froelich

**HB 1462:** Reps. Mickelson; Timm; Warner

**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 2410:** Reps. Nottestad; L. Thoreson; Grumbo

**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 2004:** Reps. Tollefson; Byerly; Huether  
**SB 2008:** Reps. Byerly; Poolman; Huether  
**SB 2010:** Reps. Poolman; Tollefson; Huether  
**SB 2022:** Reps. Carlisle; Tollefson; Gulleason  
**SB 2023:** Reps. Byerly; Carlisle; Gulleason  
**SB 2026:** Reps. Dalrymple; Poolman; Gulleason  
**SB 2125:** Reps. DeKrey; Hawken; Delmore

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Mueller to replace Rep. Solberg on the Conference Committee on SB 2154.

**MOTION**

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

**MOTION**

**SEN. ST. AUBYN MOVED** that the Senate be on the Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Thursday, April 1, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1004, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1004 was placed on the Sixth order on the calendar.

Page 1, line 2, after "health" insert "; to provide for legislative intent; and to provide for a legislative council study"

Page 1, line 10, replace "25,904,309" with "26,162,622"

Page 1, line 11, replace "15,226,857" with "15,315,557"

Page 1, line 16, replace "84,704,350" with "85,051,363"

Page 1, line 17, replace "70,293,306" with "70,595,319"

Page 1, line 18, replace "14,411,044" with "14,456,044"

Page 2, after line 21, insert:

**"SECTION 8. LEGISLATIVE COUNCIL STUDY LABORATORY SPACE AND STATE MORGUE.** The state department of health shall develop a master plan for its facilities; shall develop a definitive plan and firm cost estimates for upgrading the department's laboratory facilities, for providing a state morgue for the state medical examiner, and for bringing the department's facilities into compliance with applicable building code requirements; and shall submit the plans to the legislative council during the 1999-2000 interim. The legislative council shall study the plans submitted by the state department of health and shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly.

**SECTION 9. LEGISLATIVE COUNCIL STUDY COMMUNITY HEALTH GRANT PROGRAM.** The state department of health shall develop a comprehensive plan for a community health grant program and shall submit the plan to the legislative council during the 1999-2000 interim. The legislative council shall study the plan submitted by the state department of health and shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly.

**SECTION 10. LEGISLATIVE INTENT - STATE AID TO LOCAL HEALTH DISTRICTS.** It is the intent of the legislative assembly that the state department of health provide aid to local health districts grants during the biennium beginning July 1, 1999, and ending June 30, 2001, totaling \$1,100,000 and that the additional \$100,000 necessary to fund that level be found by the department within its appropriation."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 301 - DEPARTMENT OF HEALTH

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$26,380,615	\$25,904,309	\$258,313	\$26,162,622
Operating expenses	15,242,307	15,226,857	88,700	15,315,557
Equipment	1,461,678	1,321,678		1,321,678
Major improvements	40,446	40,446		40,446
Grants	24,134,130	23,984,130		23,984,130
WIC food payments	<u>18,226,930</u>	<u>18,226,930</u>		<u>18,226,930</u>
Total all funds	\$85,486,106	\$84,704,350	\$347,013	\$85,051,363
Less special funds	<u>70,512,102</u>	<u>70,293,306</u>	<u>302,013</u>	<u>70,595,319</u>
General fund	\$14,974,004	\$14,411,044	\$45,000	\$14,456,044
FTE	305.00	304.00	3.00	307.00

Detail of Senate changes to the House version includes:

	ADD FUNDS FOR HIGH- INTENSITY DRUG TRAFFICKING CRIME LAB WORK	REINSTATE 1 FTE OFFICE OF COMMUNITY ASSISTANCE AND RELATED EXPENSES <sup>1</sup>	ADD FUNDS FOR STUDY OF LAB SPACE AND MORGUE	TOTAL SENATE CHANGES
Salaries and wages	\$145,750	\$112,563		\$258,313
Operating expenses	28,250	15,450	45,000	88,700
Equipment				
Major improvements				
Grants				
WIC food payments				
Total all funds	\$174,000	\$128,013	\$45,000	\$347,013
Less special funds	<u>174,000</u>	<u>128,013</u>		<u>302,013</u>
General fund	\$0	\$0	\$45,000	\$45,000
FTE	2.00	1.00	0.00	3.00

<sup>1</sup> House removed FTE that was funded from the general fund. This amendment allows the department to fund the position from any federal or other funds that may become available.

In addition, these amendments provide for Legislative Council studies of the laboratory facilities and state morgue and of the community health grant program and provides legislative intent that \$1,100,000 be provided for aid to local health districts, with the additional \$100,000 necessary to come from within the department's appropriation.

**REPORT OF STANDING COMMITTEE**

**HB 1014, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1014 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first semicolon insert "to provide for a legislative council study;"

Page 2, line 18, replace "15" with "20"

Page 2, line 20, after "administrative" insert "and collaboration"

Page 2, line 21, replace "67.3" with "62.3"

Page 2, line 31, replace "\$1,125,000" with "\$1,500,000"

Page 3, line 1, after "administrative" insert "and collaboration"

Page 3, after line 9, insert:

**"SECTION 6. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying, during the 1999-2000 interim, the uses of funds appropriated to the children's services coordinating committee including:

1. A review of the uses of the funding received by the regional and tribal children's services coordinating committees and the appropriate level of administrative costs for these committees.
2. A review of the entities involved in generating "refinancing" funds and how the "refinancing" funding returned to them is being used."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 324 - CHILDREN'S SERVICES COORDINATING COMMITTEE

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$70,784	\$70,161	\$0	\$70,161
Operating expenses	120,313	57,339		57,339
Grants	<u>6,562,500</u>	<u>6,622,500</u>		<u>6,622,500</u>
Total all funds	\$6,753,597	\$6,750,000	\$0	\$6,750,000
Less special funds	<u>6,753,597</u>	<u>6,750,000</u>		<u>6,750,000</u>
General fund	\$0	\$0	\$0	\$0
FTE	1.00	1.00	0.00	1.00

Senate changes narrative:

This amendment changes the percentage allocation formula for the "refinancing" funds anticipated to be received during the 1999-2001 biennium.

The following schedule compares the percentage allocation used during the 1997-99 biennium, the 1999-2001 executive budget recommendation, the House version, and the Senate version:

	1997-99 BIENNIUM	1999-2001 EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION
Department of Human Services	10% up to a maximum of \$600,000	10% up to a maximum of \$750,000	10% up to a maximum of \$750,000	10% up to a maximum of \$750,000
Children's Services Coordinating Committee - Administration	2.5% up to a maximum of \$150,000	2.5% up to a maximum of \$187,500	\$127,500 (estimated at 1.7%)	\$ 127,500 (estimated at 1.7%)
Participating entities generating federal funds	20%	20%	20%	20%
Children's Services Coordinating Committee - Statewide grants	7.5%	7.5%	6%	6%
Children's Services Coordinating Committee - Grants to regional and tribal children's services coordinating committees for administrative and collaboration costs	\$1,080,000 (estimated at 18%)	\$1,500,000 (estimated at 20%)	\$1,125,000 (estimated at 15%)	\$1,500,000 (estimated at 20%)
Regional and tribal children's services coordinating committees - Grants to providers	42%	40%	47.3%	42.3%
Total	100%	100%	100%	100%

The allocation of "refinancing" funds that may be received in excess of the \$7.5 million is changed as follows:

	1997-99 BIENNIUM	1999-2001 EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION
Participating entities generating federal funds	20%	20%	20%	20%
Children's Services Coordinating Committee - Statewide grants	10%	10%	0%	0%

Regional and tribal children's services coordinating committees - Grants to providers	70%	70%	80%	80%
Total	100%	100%	100%	100%

A section is added providing for an interim Legislative Council study of the uses of the funds appropriated to the Children's Services Coordinating Committee including:

1. A review of the use of the funding received by the regional and tribal children's services coordinating committees and the appropriate level of administrative costs for these committees.
2. A review of the entities involved in generating "refinancing" funds and how the "refinancing" funding returned to them is being used.

#### REPORT OF STANDING COMMITTEE

**HB 1016, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1016 was placed on the Sixth order on the calendar.

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

Page 1, line 3, after "probationers" insert "; 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 "21,576,321"

Page 2, line 13, replace "61,461,535" with "65,549,172"

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

Page 2, line 15, replace "48,801,356" with "50,683,462"

Page 2, line 16, replace "61,118,562" with "63,020,338"

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

Page 2, line 18, replace "79,453,245" with "83,725,264"

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."

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

Page 3, after line 31, insert:

**"SECTION 6. 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	<u>18,209</u>
Total special funds	\$33,209

**SECTION 7. EFFECTIVE DATE.** Section 5 of this Act is effective for fees collected after December 31, 2000, for offenses committed after June 30, 1999.

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Central Office:				
Salaries and wages	\$878,152	\$865,070		\$865,070
Operating expenses	118,682	115,000	3,682	118,682
Equipment	<u>26,950</u>	<u>20,200</u>	<u>6,750</u>	<u>26,950</u>
Total all funds	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702
Less estimated income	<u>          </u>	<u>          </u>	<u>          </u>	<u>          </u>
Total general fund	\$1,023,784	\$1,000,270	\$10,432	\$1,010,702
Juvenile Services:				
Salaries and wages	\$9,764,955	\$9,552,045		\$9,552,045
Operating expenses	4,344,374	4,229,174	\$115,200	4,344,374
Equipment	141,771	104,321	19,250	123,571
Capital improvements	371,900	35,000	39,500	74,500
Grants	2,870,900	2,870,900		2,870,900
Delinquency prevention consortium	<u>200,000</u>	<u>200,000</u>		<u>200,000</u>
Total all funds	\$17,693,900	\$16,991,440	\$173,950	\$17,165,390
Less estimated income	<u>5,688,979</u>	<u>5,674,504</u>	<u>164,712</u>	<u>5,839,216</u>
Total general fund	\$12,004,921	\$11,316,936	\$9,238	\$11,326,174
Adult Services:				
Victim services	\$2,610,550	\$2,609,036		\$2,609,036
Institutional offender services	828,335	821,649		821,649
Community offender services	10,029,660	9,635,277	\$201,482	9,836,759
Support services	20,234,931	16,699,252	2,651,000	19,350,252
Program services	3,853,788	3,833,361		3,833,361
Security and safety	23,625,750	20,341,166	1,235,155	21,576,321
Roughrider Industries	<u>9,243,724</u>	<u>7,521,794</u>		<u>7,521,794</u>
Total all funds	\$70,426,738	\$61,461,535	\$4,087,637	\$65,549,172
Less estimated income	<u>16,335,431</u>	<u>12,660,179</u>	<u>2,205,531</u>	<u>14,865,710</u>
Total general fund	\$54,091,307	\$48,801,356	\$1,882,106	\$50,683,462
Grand total all funds	\$89,144,422	\$79,453,245	\$4,272,019	\$83,725,264
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>
Grand total general fund	\$67,120,012	\$61,118,562	\$1,901,776	\$63,020,338
FTE	577.21	546.68	26.00	572.68

Detail of Senate 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		\$3,682 <sup>3</sup>				
Operating expenses	\$6,750 <sup>1</sup>					
Equipment						
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		\$115,200 <sup>4</sup>				
Operating expenses	\$19,250 <sup>2</sup>					
Equipment						
Capital improvements			\$39,500 <sup>5</sup>			
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> <sup>9</sup>
Total general fund	\$0	\$115,200	\$39,500	\$0	\$0	(\$12,094) <sup>9</sup>
Adult Services:						
Victim services						
Institutional offender services						
Community offender services						
Support services			\$2,751,000 <sup>6</sup>	(\$100,000) <sup>7</sup>		
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> <sup>8</sup>	
Total general fund	\$0	\$0	\$437,469	(\$100,000)	\$108,000 <sup>8</sup>	\$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)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	RESTORE POSITIONS AND RELATED OPERATING EXPENSES	RESTORE POSITIONS AND OPERATING EXPENSES FOR 5TH AND 6TH FLOOR RENOVATION AT JRCC	RESTORE OPERATING EXPENSES FOR CONTRACT INMATE HOUSING	FUNDING SOURCE CHANGE TO REFLECT ADDITIONAL LAND DEPARTMENT DISTRIBUTIONS	TOTAL SENATE CHANGES
Central Office:					
Salaries and wages					\$3,682
Operating expenses					<u>6,750</u>
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				<u>133,368</u> <sup>14</sup>	<u>164,712</u>
Total general fund	\$0	\$0	\$0	(\$133,368) <sup>14</sup>	\$9,238
Adult Services:					
Victim services					
Institutional offender services					
Community offender services	\$201,482 <sup>10</sup>				\$201,482
Support services					2,651,000
Program services					
Security and safety	115,390 <sup>11</sup>	\$857,345 <sup>12</sup>	\$262,420 <sup>13</sup>		1,235,155
Roughrider Industries					
Total all funds	\$316,872	\$857,345	\$262,420	\$0	\$4,087,637

Less estimated income					<u>2,205,531</u>
Total general fund	\$316,872	\$857,345	\$262,420	\$0	\$1,882,106
Grand total all funds	\$316,872	\$857,345	\$262,420	\$0	\$4,272,019
Less grand total special funds				133,368	<u>2,370,243</u>
Grand total general fund	\$316,872	\$857,345	\$262,420	(\$133,368)	\$1,901,776
FTE	6.00	20.00	0.00	0.00	26.00

## Senate changes narrative:

This amendment adds Section 6, which provides an appropriation of \$33,209 from federal funds for the 1997-99 biennium. This amendment also makes the following changes:

- 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 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 Senate 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 the extraordinary repairs funding for adult services from \$1,003,700 to \$650,000.)	23,000		23,000
<b>Total Adult Services Division capital improvements restorations</b>	<u>\$437,469</u>	<u>\$2,313,531</u>	<u>\$2,751,000</u>

- 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>
<b>Total positions and related costs restored for community offender services</b>	<u>4.00</u>	<u>\$201,482</u>	<u>\$0</u>	<u>\$201,482</u>

- 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>
<b>Total positions and related costs restored for the security and safety program</b>	<u>2.00</u>	<u>\$115,390</u>	<u>\$0</u>	<u>\$115,390</u>

- <sup>12</sup> 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 the funding for the operation of the facility. The Senate assumes that the facility will be completed by November 2000.
- <sup>13</sup> Restores funding for contract inmate housing, increasing the amount provided from \$2,661,040 to \$2,923,460. 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, and not completing the 5th and 6th floors of the JRCC. The Senate amount is 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, and November 2000 completion of the 5th and 6th floors of the JRCC.
- <sup>14</sup> 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.

#### REPORT OF STANDING COMMITTEE

**HB 1017, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1017 was placed on the Sixth order on the calendar.

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

Page 1, line 9, replace "31,186,659" with "31,431,972"

Page 1, line 10, replace "10,318,989" with "15,267,676"

Page 1, line 14, replace "1,000,676" with "2,000,676"

Page 1, line 15, replace "51,864,230" with "58,058,230"

Page 1, line 16, replace "50,864,230" with "56,058,230"

Page 1, line 17, replace "1,000,000" with "2,000,000"

Page 1, after line 20, insert:

**"SECTION 3. 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 job service North Dakota 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	\$707,580
Equipment	460,600
Total special funds	\$1,168,180"

Page 1, line 22, replace "\$100,000" with "\$150,000" and replace "\$1,000,676" with "\$2,000,676"

Page 2, remove lines 3 through 7

Page 2, after line 20, insert:

**"SECTION 8. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 380 - JOB SERVICE NORTH DAKOTA

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$31,727,196	\$31,186,659	\$245,313	\$31,431,972
Operating expenses	15,268,989	10,318,989	4,948,687	15,267,676
Equipment	887,100	887,100		887,100
Capital improvements	493,553	493,553		493,553
Grants	7,977,253	7,977,253		7,977,253
Work Force 2000	<u>2,000,676</u>	<u>1,000,676</u>	<u>1,000,000</u>	<u>2,000,676</u>
Total all funds	\$58,354,767	\$51,864,230	\$6,194,000	\$58,058,230
Less special funds	<u>56,354,767</u>	<u>50,864,230</u>	<u>5,194,000</u>	<u>56,058,230</u>
General fund	\$2,000,000	\$1,000,000	\$1,000,000	\$2,000,000
FTE	390.40	387.40	3.00	390.40

Detail of Senate changes to the House version:

	RESTORE SALARY FUNDING FROM CONTRACTING FEES	RESTORE WORK FORCE 2000 FUNDING	RESTORE ANTICIPATED ASBESTOS SETTLEMENT PROCEEDS	REDUCE OASIS ADMINISTRATIVE FEE FUNDING	TOTAL SENATE CHANGES
Salaries and wages	\$250,000			(\$4,687)	\$245,313
Operating expenses	(250,000)		\$5,200,000	(1,313)	4,948,687
Equipment					
Capital improvements					
Grants					
Work Force 2000		<u>\$1,000,000</u>			<u>1,000,000</u>
Total all funds	\$0	\$1,000,000	\$5,200,000	(\$6,000)	\$6,194,000
Less special funds			<u>5,200,000</u>	<u>(6,000)</u>	<u>5,194,000</u>
General fund	\$0	\$1,000,000	\$0	\$0	\$1,000,000
FTE	3.00	0.00	0.00	0.00	3.00

Senate changes narrative:

This amendment restores three information technology positions and transfers \$250,000 of other funds from the operating expenses line item (contracted services) to salaries and wages.

The amendment also restores the \$1,000,000 of general fund money for Work Force 2000 and the \$5,200,000 of asbestos settlement proceeds which had been removed by the House.

The amendment also reduces the administrative costs paid from the OASIS fund by \$6,000, from \$16,000 to \$10,000.

The amendment also:

- Removes the section restricting the uses of Work Force 2000 funds; and
- Adds a section appropriating \$1,168,180 of federal funds to Job Service North Dakota for the 1997-99 biennium for implementation of a one-step career center deliver system (\$460,600) and to upgrade computer equipment and software for year 2000 issues (\$707,580).

#### REPORT OF STANDING COMMITTEE

**HB 1021, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1021 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "24,744,286" with "24,795,190"

Page 1, line 18, replace "3,546,836" with "3,656,836"

Page 1, line 19, replace "432,850" with "517,850"

Page 1, line 21, replace "29,303,972" with "29,549,876"

Page 1, line 22, replace "16,596,765" with "16,732,669"

Page 1, line 23, replace "12,707,207" with "12,817,207"

Page 2, line 10, replace "2,850,752" with "3,076,552"

Page 2, line 11, replace "2,211,908" with "2,268,108"

Page 2, line 12, replace "250,000" with "256,000"

Page 2, line 14, replace "6,462,660" with "6,750,660"

Page 2, line 15, replace "5,980,240" with "6,268,240"

Page 2, line 19, replace "38,080,539" with "37,935,339"

Page 2, line 20, replace "4,163,330" with "4,193,330"

Page 2, line 22, replace "658,800" with "748,800"

Page 2, line 25, replace "46,735,415" with "46,710,215"

Page 2, line 26, replace "20,463,068" with "20,553,068"

Page 2, line 27, replace "26,272,347" with "26,157,147"

Page 2, line 30, replace "2,268,116" with "2,314,316"

Page 2, line 31, replace "1,297,963" with "1,379,963"

Page 3, line 1, replace "1,220,740" with "1,297,740"

Page 3, line 5, replace "2,425,452" with "2,435,452"

Page 3, line 6, replace "10,712,500" with "10,927,700"

Page 3, line 8, replace "6,791,091" with "7,006,291"

Page 3, replace lines 11 through 14 with:  
"Agronomy seed farm

\$1,202,339"

Page 3, line 16, replace "46,915,156" with "47,125,156"

Page 3, line 17, replace "48,571,778" with "49,085,682"

Page 3, line 18, replace "95,486,934" with "96,210,838"

Page 3, line 28, after "available" insert "and may be expended"

Page 3, line 29, remove ", and may be expended, as directed by the"

Page 3, remove line 30

Page 3, line 31, remove "one-time expenditures"

Page 4, line 6, after "research" insert "and extension"

Page 4, after line 9, insert:

**"SECTION 6. INITIATIVES - TRANSFER AUTHORITY.** Upon approval of the state board of agricultural research and extension, the director of the North Dakota agricultural experiment station may transfer appropriation authority of up to \$227,335 from subdivision 4 to subdivision 1 of section 1 of this Act and shall notify the office of management and budget within ten days."

Page 4, replace lines 26 through 30 with:

**"SECTION 10. ESTIMATED INCOME - MAIN RESEARCH CENTER - ENVIRONMENT AND RANGELAND PROTECTION FUND.** The estimated income line item in subdivision 4 of section 1 of this Act includes the sum of \$90,000, or so much of the sum as may be necessary, from the environment and rangeland protection fund for the purpose of constructing chemical handling facilities at select research centers for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 11. ESTIMATED INCOME - TRANSPORTATION INSTITUTE - DEPARTMENT OF TRANSPORTATION.** The estimated income line item in

subdivision 3 of section 1 of this Act includes \$188,000 of federal strategic planning and research funds from the department of transportation. The director of the department of transportation may not transfer the \$188,000 of federal funds until the director of the upper great plains transportation institute has certified to the department of transportation that the institute has raised \$100,000 to supplement the federal funds available from the department of transportation for the strategic freight transportation analysis for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 12. LEGISLATIVE INTENT - SOIL CONSERVATION DISTRICT SUPERVISOR TRAINING.** It is the intent of the fifty-sixth legislative assembly that the NDSU extension service use the funding provided for the soil conservation leadership initiative only for providing training to soil conservation district supervisors and that the training address specific issues and concerns of the local district supervisors for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 13. STATE BOARD OF AGRICULTURAL RESEARCH AND EXTENSION - REPORT TO LEGISLATIVE COUNCIL.** The state board of agricultural research and extension shall report periodically to the legislative council or a committee designated by the council on its activities associated with researching and developing market opportunities for biotechnologically enhanced crops for the biennium beginning July 1, 1999, and ending June 30, 2001."

Page 5, line 4, replace "education" with "extension"

Page 5, line 13, replace "education" with "extension"

Page 5, line 18, replace "education" with "extension"

Page 5, line 25, replace "**education**" with "**extension**"

Page 5, line 27, replace "education" with "extension"

Page 6, line 29, overstrike "two" and insert immediately thereafter "one"

Page 7, line 6, overstrike "two" and insert immediately thereafter "one"

Page 7, line 14, replace "education" with "extension"

Page 7, line 20, replace "**education**" with "**extension**"

Page 7, line 21, replace "education" with "extension"

Page 7, line 27, replace "**education**" with "**extension**"

Page 7, line 29, replace "education" with "extension"

Page 7, line 31, replace "services" with "service" and replace "education" with "extension"

Page 8, line 26, replace "**education**" with "**extension**"

Page 8, line 28, replace "education" with "extension"

Page 9, line 11, replace "education" with "extension"

Page 9, line 20, replace "education" with "extension"

Page 10, line 9, replace "education" with "extension"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 627 - UPPER GREAT PLAINS TRANSPORTATION INSTITUTE

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,876,922	\$2,850,752	\$225,800	\$3,076,552
Operating expenses	2,211,908	2,211,908	56,200	2,268,108
Equipment	250,000	250,000	6,000	256,000
Grants	<u>1,150,000</u>	<u>1,150,000</u>		<u>1,150,000</u>

Total all funds	\$6,488,830	\$6,462,660	\$288,000	\$6,750,660
Less special funds	<u>6,001,444</u>	<u>5,980,240</u>	<u>288,000</u>	<u>6,268,240</u>
General fund	\$487,386	\$482,420	\$0	\$482,420
FTE	23.00	23.00	2.00	25.00

Detail of Senate changes to the House version includes:

	ADD FUNDING FOR STRATEGIC FREIGHT ANALYSIS 1	TOTAL SENATE CHANGES
Salaries and wages	\$225,800	\$225,800
Operating expenses	56,200	56,200
Equipment	6,000	6,000
Grants		
Total all funds	<u>\$288,000</u>	<u>\$288,000</u>
Less special funds	<u>288,000</u>	<u>288,000</u>
General fund	\$0	\$0
FTE	2.00	2.00

Senate changes narrative:

1 Adds funding for conducting a strategic freight transportation analysis. Funding of \$188,000 is to be provided by the Department of Transportation from federal Strategic Planning and Research (SPR) funds and the remaining \$100,000 is to be raised by the Transportation Institute. A section is added providing that the director of the Department of Transportation may not provide the \$188,000 of federal funds until the institute has raised its \$100,000 for the analysis.

DEPARTMENT 630 - NDSU EXTENSION SERVICE

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$25,121,626	\$24,744,286	\$50,904	\$24,795,190
Operating expenses	3,564,436	3,546,836	110,000	3,656,836
Equipment	625,640	432,850	85,000	517,850
Grants	<u>560,000</u>	<u>580,000</u>		<u>580,000</u>
Total all funds	<u>\$29,871,702</u>	<u>\$29,303,972</u>	<u>\$245,904</u>	<u>\$29,549,876</u>
Less special funds	<u>16,772,588</u>	<u>16,596,765</u>	<u>135,904</u>	<u>16,732,669</u>
General fund	\$13,099,114	\$12,707,207	\$110,000	\$12,817,207
FTE	267.50	266.80	1.00	267.80

Detail of Senate changes to the House version includes:

	RESTORE FACULTY POSITION 1	RESTORE EQUIPMENT	RESTORE MIDSIZED FARMS INITIATIVE 3	RESTORE FUNDING FOR VALUE-ADDED CENTER 3	REMOVE UNDESIGNATED INITIATIVE FUNDING 3	REMOVE CROP PROTECTION SPECIALIST
Salaries and wages	\$157,592		\$70,309	\$31,636	(\$101,945)	(\$156,688) 4
Operating expenses			10,100	7,500	(17,600)	
Equipment	10,000	75,000 2	5,290	2,500	(7,790)	
Grants						
Total all funds	<u>\$167,592</u>	<u>\$75,000</u>	<u>\$85,699</u>	<u>\$41,636</u>	<u>(\$127,335)</u>	<u>(\$156,688)</u>
Less special funds	<u>90,129</u>					
General fund	\$77,463	\$75,000	\$85,699	\$41,636	(\$127,335)	(\$156,688)
FTE	1.00	0.00	0.50	0.20	(0.70)	(1.00)

	ADD 4-H YOUTH POSITION 5	ADD FUNDING FOR DAIRY DIAGNOSTIC TEAMS 6	ADD FUNDING FOR SOIL CONSERVATION LEADERSHIP 7	TOTAL SENATE CHANGES
Salaries and wages	\$50,000 5			\$50,904
Operating expenses		\$50,000 6	\$60,000 7	110,000
Equipment				85,000
Grants				
Total all funds	<u>\$50,000</u>	<u>\$50,000</u>	<u>\$60,000</u>	<u>\$245,904</u>
Less special funds	<u>45,775</u>			<u>135,904</u>
General fund	\$4,225	\$50,000	\$60,000	\$110,000
FTE	1.00	0.00	0.00	1.00

Senate changes narrative:

- 1 Restores 1 FTE undesignated faculty position removed by the House.
- 2 Restores \$75,000 of the \$175,000 equipment funding reduction made by the House.
- 3 Restores funding for the midsized farms initiative and value-added center initiative removed by the House and reduces initiative funding in undesignated areas by the same amount. The State Board of Agricultural Research may determine the specific areas to reduce within the total funding available for the initiatives.
- 4 Removes 1 FTE crop protection specialist position added in the executive budget.
- 5 Adds funding for the 4-H youth position in Burleigh and Morton Counties.
- 6 Adds funding to develop and operate dairy diagnostic teams. The section added by the House providing that the NDSU Extension Service spend up to \$100,000 of its 1999-2001 appropriation for the dairy diagnostic teams is removed.
- 7 Adds funding for the soil conservation leadership initiative. A section of legislative intent is added providing that this funding is to be used only for training local district supervisors and that the training address specific issues and concerns of the local district supervisors.

Section 3 of the bill is changed to allow the Agricultural Experiment Station, the NDSU Extension Service, the Upper Great Plains Transportation Institute, and the Northern Crops Institute to spend unspent general fund appropriation authority and excess income continued into the 2001-03 biennium for any types of expenditures, not only capital repairs and improvements, equipment, and one-time expenditures as provided in the House version.

A section is added authorizing the director of the Agricultural Experiment Station, upon approval of the State Board of Agricultural Research, to transfer up to \$227,335 of its appropriation to the NDSU Extension Service based on the agricultural initiatives prioritized by the State Board of Agricultural Research.

North Dakota Century Code Section 4-05.1-16 is amended to provide that the Ag Coalition and the advisory groups to the multicounty program units each submit one or more names to the Board of Higher Education for appointment of representatives to the State Board of Agricultural Research. Current law provides that each of these groups submit two or more names to the board.

Sections added by the House changing the name of the State Board of Agricultural Research to the State Board of Agricultural Research and Education are changed to provide that the name of the board be the State Board of Agricultural Research and Extension.

#### DEPARTMENT 640 - AGRICULTURAL EXPERIMENT STATION

SENATE - This amendment makes the following all funds changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Main Research Center	\$47,349,738	\$46,735,415	(\$25,200)	\$46,710,215
Dickinson Research Extension Center	2,232,735	2,268,116	46,200	2,314,316
Central Grasslands Research Extension Center	1,363,529	1,297,963	82,000	1,379,963
Hettinger Research Extension Center	1,227,445	1,220,740	77,000	1,297,740
Langdon Research Extension Center	1,141,330	1,075,049		1,075,049
North Central Research Extension Center	1,251,892	1,301,950		1,301,950
Williston Research Extension Center	1,130,090	1,123,230		1,123,230
Carrington Research Extension Center	2,450,704	2,425,452	10,000	2,435,452
Agronomy Seed Farm	<u>1,205,952</u>	<u>1,202,339</u>		<u>1,202,339</u>
Total all funds	\$59,353,415	\$58,650,254	\$190,000	\$58,840,254
FTE	418.10	416.35	0.00	416.35

Detail of Senate all funds changes to the House version includes:

	REALLOCATE FUNDING FOR RANGE INITIATIVE <sup>1</sup>	REALLOCATE OPERATING EXPENSES REDUCTIONS <sup>2</sup>	RESTORE MIDSIZED FARMS INITIATIVE	RESTORE FUNDING FOR VALUE-ADDED CENTER	REMOVE UNDESIGNATED INITIATIVES FUNDING	ADD FUNDING FOR CHEMICAL FACILITIES
Main Research Center	(\$190,200)	(\$25,000)	\$125,163 <sup>3</sup>	\$102,814 <sup>3</sup>	(\$227,977) <sup>3</sup>	\$90,000 <sup>4</sup>
Dickinson Research Extension Center	36,200	10,000				
Central Grasslands Research Extension Center	77,000	5,000				
Hettinger Research Extension Center	77,000					
Langdon Research Extension Center						
North Central Research Extension Center						
Williston Research Extension Center						
Carrington Research Extension Center		10,000				
Agronomy Seed Farm						
<b>Total all funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$125,163</b>	<b>\$102,814</b>	<b>(\$227,977)</b>	<b>\$90,000</b>
FTE	0.00	0.00	1.00	0.75	(1.75)	0.00

	ADD FUNDING FOR BIOTECH CROPS	TOTAL SENATE CHANGES
Main Research Center	\$100,000 <sup>5</sup>	(\$25,200)
Dickinson Research Extension Center		46,200
Central Grasslands Research Extension Center		82,000
Hettinger Research Extension Center		77,000
Langdon Research Extension Center		
North Central Research Extension Center		
Williston Research Extension Center		
Carrington Research Extension Center		10,000
Agronomy Seed Farm		
<b>Total all funds</b>	<b>\$100,000</b>	<b>\$190,000</b>
FTE	0.00	0.00

This amendment makes the following general fund changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Main Research Center	\$26,793,360	\$26,272,347	(\$115,200)	\$26,157,147
Dickinson Research Extension Center	1,468,109	1,503,592	46,200	1,549,792
Central Grasslands Research Extension Center	841,086	775,520	82,000	857,520
Hettinger Research Extension Center	732,281	726,792	77,000	803,792
Langdon Research Extension Center	919,578	853,985		853,985
North Central Research Extension Center	731,532	782,716		782,716
Williston Research Extension Center	847,928	841,226		841,226
Carrington Research Extension Center	1,328,872	1,307,260	10,000	1,317,260
Agronomy Seed Farm				
<b>Total general fund</b>	<b>\$33,662,746</b>	<b>\$33,063,438</b>	<b>\$100,000</b>	<b>\$33,163,438</b>

Detail of Senate general fund changes to the House version includes:

	REALLOCATE FUNDING FOR RANGE INITIATIVE <sup>1</sup>	REALLOCATE OPERATING EXPENSES REDUCTIONS <sup>2</sup>	RESTORE MIDSIZED FARMS INITIATIVE	RESTORE FUNDING FOR VALUE-ADDED CENTER	REMOVE UNDESIGNATED INITIATIVES FUNDING	ADD FUNDING FOR CHEMICAL FACILITIES <sup>4</sup>
Main Research Center	(\$190,200)	(\$25,000)	\$125,163 <sup>3</sup>	\$102,814 <sup>3</sup>	(\$227,977) <sup>3</sup>	
Dickinson Research Extension Center	36,200	10,000				
Central Grasslands Research Extension Center	77,000	5,000				
Hettinger Research Extension Center	77,000					
Langdon Research Extension Center						
North Central Research Extension Center						
Williston Research Extension Center						
Carrington Research		10,000				

Extension Center  
Agronomy Seed Farm

Total general fund	\$0	\$0	\$125,163	\$102,814	(\$227,977)	\$0
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	ADD FUNDING FOR BIOTECH CROPS	TOTAL SENATE CHANGES
Main Research Center	\$100,000 <sup>5</sup>	(\$115,200)
Dickinson Research Extension Center		46,200
Central Grasslands Research Extension Center		82,000
Hettinger Research Extension Center		77,000
Langdon Research Extension Center		
North Central Research Extension Center		
Williston Research Extension Center		
Carrington Research Extension Center		10,000
Agronomy Seed Farm		
Total general fund	\$100,000	\$100,000

Senate changes narrative:

- 1 Reallocates funding for the range initiative from the Main Research Center to the Dickinson, Central Grasslands, and Hettinger Extension Centers as follows:

	MAIN RESEARCH CENTER	DICKINSON RESEARCH EXTENSION CENTER	CENTRAL GRASSLANDS RESEARCH EXTENSION CENTER	HETTINGER RESEARCH EXTENSION CENTER	TOTAL
Salaries and wages	(\$145,200)	\$30,000	\$60,000	\$60,000	\$4,800
Operating expenses	(45,000)	6,200	17,000	17,000	(4,800)
Total general fund	(\$190,200)	\$36,200	\$77,000	\$77,000	\$0

- 2 Reallocates operating expenses reductions made by the House to the Dickinson, Central Grasslands, and Carrington Extension Centers to the Main Research Center.
- 3 Restores funding for the mid-sized farms initiative and the value-added center initiative removed by the House and reduces initiative funding in undesignated areas by the same amount. The State Board of Agricultural Research may determine the specific areas to reduce within the total funding available for the initiatives. Detail of these changes includes:

	MIDSIZED FARMS INITIATIVE	VALUE-ADDED CENTER INITIATIVE	UNDESIGNATED INITIATIVES	INCREASE (DECREASE)
Salaries and wages	\$111,111	\$52,616	(\$163,727)	\$0
Operating expenses	14,052	50,198	(64,250)	0
Total	\$125,163	\$102,814	(\$227,977)	\$0
FTE	1.00	0.75	(1.75)	0.00

- 4 Adds funding from the environment and rangeland protection fund for constructing chemical handling facilities at the Main Research Center or branch research centers as selected by the State Board of Agricultural Research. It is anticipated that the funds provided will complete one facility that is partially built and will construct three additional facilities.
- 5 Adds operating expenses funding for an initiative to research and develop market opportunities for biotechnologically enhanced crops in North Dakota. A section is added providing that the State Board of Agricultural Research and Extension report to an interim Legislative Council committee during the 1999-2000 interim on its activities associated with this initiative.

The Agronomy Seed Farm appropriation is changed from a specific line item appropriation to a lump sum appropriation.

Section 3 of the bill is changed to allow the Agricultural Experiment Station, the NDSU Extension Service, the Upper Great Plains Transportation Institute, and the Northern Crops Institute to spend unspent general fund appropriation authority and excess income continued into the 2001-03 biennium for any types of expenditures, not only capital repairs and improvements, equipment, and one-time expenditures as provided in the House version.

A section is added authorizing the director of the Agricultural Experiment Station, upon approval of the State Board of Agricultural Research, to transfer up to \$227,335 of its appropriation to the NDSU Extension Service based on the agricultural initiatives prioritized by the State Board of Agricultural Research.

North Dakota Century Code Section 4-05.1-16 is amended to provide that the Ag Coalition and the advisory groups to the multicounty program units each submit one or more names to the Board of Higher Education for appointment of representatives to the State Board of Agricultural Research. Current law provides that each of these groups submit two or more names to the board.

Sections added by the House changing the name of the State Board of Agricultural Research to the State Board of Agricultural Research and Education are changed to provide that the name of the board be the State Board of Agricultural Research and Extension.

Total general fund changes - House Bill No. 1021

	EXECUTIVE BUDGET	HOUSE VERSION	INCREASE (DECREASE)	SENATE VERSION
Upper Great Plains Transportation Institute	\$487,386	\$482,420		\$482,420
NDSU Extension Service	13,099,114	12,707,207	\$110,000	12,817,207
Northern Crops Institute	668,034	662,091		662,091
Agricultural Experiment Station	<u>33,662,746</u>	<u>33,063,438</u>	<u>100,000</u>	<u>33,163,438</u>
Total general fund	\$47,917,280	\$46,915,156	\$210,000	\$47,125,156

#### REPORT OF STANDING COMMITTEE

**HB 1034, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1034 was placed on the Sixth order on the calendar.

Page 6, line 13, replace "private" with "nonpublic"

Page 6, line 17, remove "library"

Page 26, line 6, replace "**Warrants**" with "**Negotiable instruments**"

Page 27, line 5, replace "No" with "A" and replace "may have" with "who has"

Page 27, line 6, remove "unless the individual has"

Page 27, line 7, replace "disclosed" with "shall disclose" and replace "the board has unanimously approved the" with "may not participate in any discussions or votes regarding that contract without the consent of all other board members"

Page 27, line 8, remove "contract"

Page 45, line 1, replace "Appoint" with "Contract for the services of" and remove ", certified under rules adopted by the superintendent of public"

Page 45, line 2, remove "instruction, to perform duties as directed by the school district superintendent"

Page 55, line 2, remove "and"

Page 55, line 3, after "instruction" insert "; and

- d. Obtains written approval of the assignments from the superintendent of public instruction"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1083: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1083 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1182: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1182 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "subsection 1 of section 39-06-33" with "section 39-08-21"

Page 1, line 8, replace "time for holding hearings" with "medical qualifications exemptions for intrastate drivers; and to declare an emergency"

Page 3, line 4, after "in" insert "a tribal court or in", remove the overstrike over "~~state~~", and remove "jurisdiction"

Page 3, line 6, after the period insert "The director may act on a report of a conviction in tribal court received from any tribal law enforcement agency."

Page 3, line 8, after "in" insert "a tribal court or in", remove the overstrike over "~~state~~", and remove "jurisdiction"

Page 3, line 10, after the second "revocation" insert "on an Indian reservation or"

Page 3, line 11, remove the overstrike over "~~state~~" and remove "jurisdiction"

Page 3, line 13, after "licensing" insert "or other"

Page 3, line 16, after "revoked" insert "on an Indian reservation or", remove the overstrike over "~~state~~", and remove "jurisdiction"

Page 3, line 22, overstrike "such" and insert immediately thereafter "the Indian reservation or the"

Page 3, line 23, remove the overstrike over "~~state~~" and remove "jurisdiction"

Page 3, line 28, after "test" insert "on an Indian reservation or", remove the overstrike over "~~state~~", and remove "jurisdiction"

Page 3, line 30, after "used" insert "on the Indian reservation or", remove the overstrike over "~~state~~", and remove "jurisdiction"

Page 4, line 14, after "decision" insert "on an Indian reservation or", remove the overstrike over "~~state~~", and remove "jurisdiction"

Page 4, line 15, after "drive" insert "on that Indian reservation or", remove the overstrike over "~~state~~", and remove "jurisdiction"

Page 4, line 16, after "that" insert "Indian reservation's or", remove the overstrike over "~~state's~~", and remove "jurisdiction's"

Page 4, line 20, after "that" insert "Indian reservation's or", remove the overstrike over "~~state's~~", and remove "jurisdiction's"

Page 4, line 23, after "violation" insert "on the Indian reservation or", remove the overstrike over "~~state~~", and remove "jurisdiction"

Page 4, line 24, after the second "the" insert "Indian reservation's or", remove the overstrike over "~~state's~~", and remove "jurisdiction's"

Page 4, line 30, replace "Subsection 1 of section 39-06-33" with "Section 39-08-21"

Page 5, replace lines 1 through 8 with:

**"39-08-21. Medical qualifications exemption for intrastate drivers.**

Notwithstanding the adoption by the superintendent of the state highway patrol of federal motor carrier safety regulations pursuant to subsection 2 of section 39-21-46, the provisions of 49 CFR 391.41(b)(1)-(11) do not apply to a person who is qualified through a state medical waiver program to operate a commercial motor vehicle within the boundaries of this state or a person who:

1. Is otherwise qualified to operate a commercial motor vehicle and who possesses, on March 26, 1991, a class 1 license issued pursuant to section 39-06-14, as that section existed on June 30, 1989, or a class A license issued pursuant to chapter 39-06.2;

2. Operates a commercial motor vehicle only within the boundaries of this state;
3. Does not operate a motor vehicle used in the transportation of hazardous materials in a quantity requiring placarding under regulations issued pursuant to the Hazardous Materials Transportation Act [49 U.S.C. App. 1801 et seq.]; and
4. Has a medical or physical condition which:
  - a. Would prevent such person from operating a commercial motor vehicle under federal motor carrier safety regulations contained in 49 CFR, Chapter III, subchapter B;
  - b. Existed on March 26, 1991, or at the time of the first required physical examination after that date; and
  - c. An examining physician has determined has not substantially worsened since March 26, 1991, or the time of the first required physical examination after that date."

Page 5, after line 25, insert:

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

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3018, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3018 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "I" with "XI"

Page 1, line 2, replace "the right to hunt, trap, and fish" with "hunting, trapping, and fishing"

Page 1, line 4, replace "protect the right to hunt, trap, and fish" with "provide that hunting, trapping, and fishing are a valued part of residents' heritage and will be preserved for the people and managed by law and regulation for the public good"

Page 1, line 7, replace "I" with "XI"

Page 1, line 11, replace "I" with "XI"

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

**SB 2002, as engrossed:** Your conference committee (Sens. Kringstad, Andrist, Tomac and Reps. Carlisle, Tollefson, Guleson) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 813-814, adopt further amendments as follows, and place SB 2002 on the Seventh order:

That the Senate accede to the House amendments as printed on pages 813 and 814 of the Senate Journal and page 891 of the House Journal, and that Engrossed Senate Bill No. 2002 be further amended as follows:

Page 1, line 2, after the semicolon insert "to provide for line item transfers for the 1997-99 biennium;"

Page 1, line 3, remove "and"

Page 1, line 5, after the second "state" insert "; and to declare an emergency"

Page 2, after line 5, insert:

**"SECTION 2. LINE ITEM TRANSFERS - 1997-99 BIENNIUM.** Notwithstanding section 54-16-04, the director of the office of management and budget and the state

treasurer, at the request of the secretary of state, shall transfer \$7,000 from the operating expenses line item contained in subdivision 1 of section 1 of chapter 2 of the 1997 Session Laws to the equipment line item contained in subdivision 1 of section 1 of chapter 2 of the 1997 Session Laws. The authority to make this transfer begins with the effective date of this Act and ends on June 30, 1999."

Page 2, after line 26, insert:

**"SECTION 6. EMERGENCY.** Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 108 - SECRETARY OF STATE

CONFERENCE COMMITTEE - This amendment adds a section as an emergency clause authorizing a line item transfer of \$7,000 from operating expenses to equipment within the Secretary of State's 1997-99 appropriation to allow the Secretary of State to replace five personal computers.

Engrossed SB 2002 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2309, as engrossed:** Your conference committee (Sens. Lee, Flakoll, Kelsh and Reps. Jensen, B. Thoreson, Rose) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 626, adopt amendments as follows, and place SB 2309 on the Seventh order:

That the House recede from its amendments as printed on page 626 of the Senate Journal and page 701 of the House Journal and that Engrossed Senate Bill No. 2309 be amended as follows:

Page 1, line 2, after "standards" insert "; to provide an expiration date; and to declare an emergency"

Page 1, line 9, remove "but which must require at least seven hundred fifty hours of"

Page 1, line 10, remove "supervised instruction"

Page 1, after line 17, insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2001, and after that date is ineffective.

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

Renumber accordingly

Engrossed SB 2309 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2320, as engrossed:** Your conference committee (Sens. Kilzer, Lee, DeMers and Reps. Jensen, Weisz, Metcalf) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 797, adopt amendments as follows, and place SB 2320 on the Seventh order:

That the House recede from its amendments as printed on page 797 of the Senate Journal and page 877 of the House Journal and that Engrossed Senate Bill No. 2320 be amended as follows:

Page 1, line 3, remove "; to provide an effective date"

Page 1, line 13, remove "the patient"

Page 1, line 14, replace "Made a valid written statement concerning nutrition or hydration" with "The agent is acting pursuant to subdivision a of subsection 2"

Page 1, line 15, replace "Has" with "The patient has"

Page 2, line 4, remove "valid" and after "written" insert "or oral"

Page 2, line 10, remove "EFFECTIVE DATE -" and remove "This Act applies to every"

Page 2, line 11, remove "durable power of attorney for health care executed after July 31, 1999."

Renumber accordingly

Engrossed SB 2320 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SCR 4036, as engrossed:** Your conference committee (Sens. Thane, Lee, DeMers and Reps. Galvin, Porter, Metcalf) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 773, adopt amendments as follows, and place SCR 4036 on the Seventh order:

That the House recede from its amendments as printed on page 773 of the Senate Journal and pages 860 and 861 of the House Journal and that Engrossed Senate Concurrent Resolution No. 4036 be amended as follows:

Page 1, after line 20, insert:

"**WHEREAS**, while federal law requires states to disregard the months of assistance received by an adult while living on an Indian reservation with at least fifty percent unemployment, a question has arisen as to the method to be used to determine unemployment rate statistics; and"

Page 2, after line 6, insert:

"**BE IT FURTHER RESOLVED**, that the Legislative Council, in conducting its study, evaluate the use of the Bureau of Indian Affairs unemployment rate statistics to determine if adults within an Indian reservation are exempt from the state's lifetime limit under the temporary assistance for needy families program and evaluate and consider other methods of determining the unemployment rate specifically as it applies to those areas; and"

Renumber accordingly

Engrossed SCR 4036 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1166:** Your conference committee (Sens. Traynor, Fischer, Redlin and Reps. Drovdal, DeKrey, Sandvig) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 810, adopt amendments as follows, and place HB 1166 on the Seventh order:

That the Senate recede from its amendments as printed on page 810 of the House Journal and page 662 of the Senate Journal and that House Bill No. 1166 be amended as follows:

Page 1, line 4, replace the first "section" with "sections" and after "61-02-23.1" insert ", 61-24.3-19,"

Page 1, line 5, after "for" insert "the northwest area water supply project, validation of southwest pipeline project water service contracts,"

Page 1, after line 18, insert:

"**SECTION 2. AMENDMENT.** Section 61-24.3-19 of the North Dakota Century Code is amended and reenacted as follows:

**61-24.3-19. Validation of water service contracts.** Water service contracts entered ~~into~~ by the commission for the distribution and sale of water to water user entities from the southwest pipeline project are ~~hereby deemed~~ confirmed and approved by the legislative assembly. The commission may commence a special proceeding in and by which the proceedings of the commission and the making of water service contracts ~~shall be~~ are judicially examined, approved, and confirmed, or disapproved and disaffirmed. ~~Such~~ The proceeding ~~shall~~ must comply as nearly as possible with the

procedure authorized by sections 61-07-22 through 61-07-28 for irrigation district contracts. The requirements of section 40-33-16 are not applicable to contracts between the state water commission and cities for water service and cities for water service from the southwest pipeline project, provided the contracts were approved by the city governing body and executed before January 1, 1999."

Renumber accordingly

HB 1166 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1272, as engrossed:** Your conference committee (Sens. Lee, Flakoll, C. Nelson and Reps. Koppelman, Wikenheiser, Ekstrom) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 790, adopt amendments as follows, and place Engrossed HB 1272 on the Seventh order:

That the Senate recede from its amendments as printed on page 790 of the House Journal and page 643 of the Senate Journal and that Engrossed House Bill No. 1272 be amended as follows:

Page 1, line 18, replace "with an" with "that owns or has a leasehold"

Renumber accordingly

Engrossed HB 1272 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**