

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, April 1, 1999

The Senate convened at 8:35 a.m., with President Myrdal presiding.

The prayer was offered by Senator Nething.

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

A quorum was declared by the President.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1414.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2202.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2202

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

Page 1, line 24, replace "twenty percent for collections in" with "and for the first two quarters of" and remove "thirty percent for"

Page 2, remove line 1

Page 2, line 2, remove "and thereafter"

Page 2, after line 8, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 2001, and after that date is ineffective."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment discontinues the mineral royalty payments to counties provided for in this bill on June 30, 2001, and reduces the county percentage allocation of collections during the first two quarters of the year 2000 from 20 percent to 10 percent.

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 2217.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2217

Page 1, line 1, remove "to create and enact a new subsection to section 57-39.2-04 of the North"

Page 1, remove lines 2 and 3

Page 1, line 4, remove "purposes;", replace "3" with "2", remove "57-39.2-01, sections", and remove the second comma

Page 1, line 5, remove "57-39.2-08.2," and after "and" insert "subsection 2 of section"

Page 1, line 6, remove the first "new", after "machinery" insert ", farm machinery repair parts,", and remove the second "new"

Page 1, line 7, remove "and" and after "date" insert "; to provide an expiration date; and to declare an emergency"

Page 1, remove lines 9 through 24

Page 2, remove lines 1 through 17

Page 2, line 18, replace "Section" with "Subsection 2 of section"

Page 2, remove lines 20 through 31

Page 3, remove lines 1 through 18

Page 3, line 25, after the period insert "There is imposed a tax of one and one-half percent upon the gross receipts of retailers from all sales at retail of used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes, including the leasing or renting of used farm machinery and used irrigation equipment used exclusively for agricultural purposes within this state to consumers or users. For purposes of this subsection, "used" means:

- a. Tax under this chapter has been paid on a previous sale;
- b. Originally purchased outside this state and previously owned by a farmer; or
- c. Has been under lease or rental for three years or more."

Page 3, remove lines 26 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 5

Page 5, line 6, replace "Section" with "Subsection 2 of section"

Page 5, remove lines 8 through 21

Page 6, line 5, after the period insert "An excise tax is imposed on the storage, use, or consumption in this state of used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes purchased at retail for storage, use, or consumption in this state at the rate of one and one-half percent of the purchase price thereof. Except as limited by section 57-40.2-11, an excise tax is imposed on the storage, use, or consumption in this state of used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes not originally purchased for storage, use, or consumption in this state at the rate of one and one-half percent of the fair market value of the used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes at the time it was brought into this state. For purposes of this subsection, "used" means:

- a. Tax under this chapter has been paid on a previous sale;
- b. Originally purchased outside this state and previously owned by a farmer; or
- c. Has been under lease or rental for three years or more."

Page 6, remove lines 6 through 18

Page 6, line 19, after "DATE" insert "- EXPIRATION DATE"

Page 6, line 20, replace "June" with "April" and after "1999" insert ", and before July 1, 2001, and is thereafter ineffective"

Page 6, after line 20, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

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 1024, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1024: Sens. Wardner, W. Stenehjem, DeMers.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2014 as printed on SJ page 935 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 2014: Sens. Solberg, Naaden, Krauter.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2019 as printed on SJ pages 935-937 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 2019: Sens. Naaden, Holmberg, Tomac.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2025 as printed on SJ pages 937-938 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 2025: Sens. Kringstad, Andrist, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2043 as printed on SJ pages 938-939 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2043: Sens. St. Aubyn, Solberg, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to SB 2044 as printed on SJ pages 939-941 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2044: Sens. St. Aubyn, Solberg, Robinson.

CONSIDERATION OF AMENDMENTS

HB 1004, as engrossed: SEN. ANDRIST (Appropriations Committee) MOVED that the amendments on SJ pages 963-964 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to provide for legislative intent; and to provide for a legislative council study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Mathern, D.; Mathern, T.; Naaden; Nelson, G.; Nething; Robinson; Sand; Solberg; St. Aubyn; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Cook; DeMers; Fischer; Flakoll; Kelsh; Kinnoin; Kroeplin; Lyson; Mutch; Nelson, C.; O'Connell; Redlin; Schobinger; Stenehjem, B.; Stenehjem, W.; Thompson

ABSENT AND NOT VOTING: Bercier; Mutzenberger

Engrossed HB 1004, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1014, as engrossed: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ pages 964-966 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1014: A BILL for an Act to provide an appropriation for defraying the expenses of the children's services coordinating committee; to provide for a legislative council study; to provide a statement of legislative intent; and to create and enact a new section to chapter 54-56 of the North Dakota Century Code, relating to the children's services coordinating committee operating fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Mutch; Sand; Solberg; Stenehjem, B.

ABSENT AND NOT VOTING: Bercier; Mutzenberger

Engrossed HB 1014, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1016, as engrossed: SEN. KRINGSTAD (Appropriations Committee) MOVED that the amendments on SJ pages 966-971 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1016: A BILL for an Act to provide an appropriation for defraying the expenses of the department of corrections and rehabilitation; to amend and reenact subsection 2 of section 12.1-32-07 of the North Dakota Century Code, relating to the supervision of probationers; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Stenehjem, B.; Thompson

ABSENT AND NOT VOTING: Bercier; Mutzenberger

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

CONSIDERATION OF AMENDMENTS

HB 1017, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 971-972 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1017: A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; 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; Mutzenberger

Engrossed HB 1017, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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

MR. SPEAKER: The President has signed: 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.

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 1024: Sens. Wardner; W. Stenehjem; DeMers

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2014, SB 2019, SB 2025, SB 2043, and SB 2044 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2014: Sens. Solberg; Naaden; Krauter
SB 2019: Sens. Naaden; Holmberg; Tomac
SB 2025: Sens. Kringstad; Andrist; Robinson
SB 2043: Sens. St. Aubyn; Solberg; Robinson
SB 2044: Sens. St. Aubyn; Solberg; Robinson

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1004, HB 1014.

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 1016, HB 1017.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval on April 1, 1999: 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 2024, SB 2081, SB 2096, SB 2299, SB 2425.

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 1075, HB 1151.

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-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 962, remove lines 7 through 28

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

CONSIDERATION OF AMENDMENTS

HB 1021, as engrossed: SEN. SOLBERG (Appropriations Committee) MOVED that the amendments on SJ pages 972-979 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act to provide an appropriation for defraying the expenses of the extension service, northern crops institute, upper great plains transportation institute, and the experiment centers; to provide for dairy diagnostic teams; to provide statements of legislative intent; and to amend and reenact sections 4-05.1-02, 4-05.1-04, 4-05.1-16, 4-05.1-17, 4-05.1-18, 4-05.1-19, 4-05.1-21, and 4-08-10 of the North Dakota Century Code, relating to the state board of agricultural research.

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; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

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

CONSIDERATION OF AMENDMENTS

HB 1034, as engrossed: SEN. WANZEK (Education Committee) MOVED that the amendments on SJ page 979 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1034: A BILL for an Act to create and enact title 15.1 of the North Dakota Century Code, relating to elementary and secondary education; to repeal chapter 15-21, sections 15-21.1-01, 15-21.1-02, 15-21.1-03, 15-21.1-04, 15-21.1-05, 15-21.1-06, 15-21.1-07, 15-21.1-09, chapters 15-21.2, 15-22, 15-27.1, 15-27.2, 15-27.3, 15-27.4, 15-27.5, 15-27.6, 15-27.7, 15-28, sections 15-29-01, 15-29-01.1, 15-29-02, 15-29-03, 15-29-03.1, 15-29-04, 15-29-05, 15-29-06, 15-29-07, 15-29-08, 15-29-08.4, 15-29-09, 15-29-10, 15-29-11, 15-29-13, 15-29-14, 15-34.2-12, 15-34.2-13, 15-34.2-14, 15-34.2-17, 15-34.2-18, 15-35-01.2, 15-35-09, 15-35-11, 15-35-12, 15-35-14, 15-38-04.1, 15-38-06, 15-38-13, 15-38-13.1, 15-38-13.2, 15-41-01, 15-41-02, 15-41-03, 15-41-04, 15-41-05, 15-41-07, 15-41-08, 15-41-27, chapter 15-41.1, sections 15-43-11.1, 15-43-11.2, 15-43-11.3, 15-43-11.4, 15-44-06, 15-44-09, 15-44-10, 15-44-11, chapter 15-46, sections 15-47-01, 15-47-01.1, 15-47-02.1, 15-47-04, 15-47-05, 15-47-06, 15-47-07, 15-47-08, 15-47-09, 15-47-10, 15-47-11, 15-47-12, 15-47-13, 15-47-14, 15-47-15, 15-47-16, 15-47-21, 15-47-22, 15-47-24, 15-47-25, 15-47-29, 15-47-30, 15-47-30.1, 15-47-31, 15-47-32, 15-47-33, 15-47-33.1, 15-47-36, 15-47-37, 15-47-39, 15-47-40, 15-47-40.1, 15-47-41, 15-47-43, 15-47-44.1, 15-47-44.2, 15-47-47, 15-47-48, 15-47-49, 15-47-50, 15-47-51, chapters 15-48, 15-49, 15-51, 15-64, and 15-65 of the North Dakota Century Code, relating to elementary and

secondary education provisions addressed in the creation of North Dakota Century Code title 15.1; to provide penalties; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1034, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1182: SEN. THOMPSON (Transportation Committee) MOVED that the amendments on SJ pages 979-981 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1182: A BILL for an Act to amend and reenact subsections 1 and 4 of section 23-07-01.1, subsection 1 of section 39-06-03.1, subsections 1, 2, and 3 of section 39-06-07.2, section 39-06-27, subsections 4, 6, and 7 of section 39-06-32, section 39-08-21, and subsection 1 of section 39-20-05 of the North Dakota Century Code, relating to reporting of physical or mental disorders to the department of transportation, nondriver photo identification cards, medical advice to the director, reporting of conviction, suspension, or revocation, or failure to appear by other jurisdictions, hearings on suspension or revocation for unlawful use of licenses, and medical qualifications exemptions for intrastate drivers; 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; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

HB 1182, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HCR 3018, as engrossed: SEN. TRAYNOR (Natural Resources Committee) MOVED that the amendments on SJ page 981 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3018: A concurrent resolution to create and enact a new section to article XI of the Constitution of North Dakota, relating to hunting, trapping, and fishing.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 40 YEAS, 8 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; Kringstad; Kroepelin; Lee;

Lindaas; Lyson; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Wanzek; Wardner

NAYS: Krebsbach; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Sand; Urlacher; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed HCR 3018, as amended, was declared adopted and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1038: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance coverage of prehospital emergency medical services; to amend and reenact section 23-27-04.2 of the North Dakota Century Code, relating to state assistance to prehospital emergency medical services; and to provide for allocation of appropriated funds for the training of prehospital emergency medical services personnel.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

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

SECOND READING OF HOUSE BILL

HB 1089: A BILL for an Act to amend and reenact section 52-02-18 and subsection 3 of section 52-03-07 of the North Dakota Century Code, relating to an audit of job service North Dakota and the administration of unemployment compensation programs; to provide for an audit of job service North Dakota; to provide an appropriation; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Reengrossed HB 1089, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1115: A BILL for an Act to create and enact two new sections to chapter 54-18 of the North Dakota Century Code, relating to the issuance of bonds by the industrial commission for the mill and elevator association.

ROLL CALL

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

YEAS: Andrist; Bowman; 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; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Christmann; Schobinger; Stenehjem, B.

ABSENT AND NOT VOTING: Bercier

HB 1115, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1404: A BILL for an Act to create and enact a new subdivision to subsection 13 of section 2 of chapter 299 of the 1991 Session Laws as amended by section 1 of chapter 286 of the 1993 Session Laws and five new subsections to section 27 of chapter 299 of the 1991 Session Laws, relating to the definition of tank and third-party judgments under the petroleum release compensation fund; to amend and reenact sections 17, 19, and 33 of chapter 299 of the 1991 Session Laws, relating to the petroleum release compensation fund; to repeal section 29 of chapter 299 of the 1991 Session Laws, relating to petroleum spill reports; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 1404, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 1001 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1165: A BILL for an Act to amend and reenact section 15-10-12 of the North Dakota Century Code, relating to deposit with the state treasurer of funds received by board of higher education institutions.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 1165 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1398: A BILL for an Act relating to the authority of a state agency or institution to expand a building project; and to amend and reenact sections 15-10-12.1 and 15-55-10 of the North Dakota Century Code, relating to limitations on buildings and other campus improvements.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 1398 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3065: A concurrent resolution directing the Legislative Council to study the uses of funding provided to the Children's Services Coordinating Committee.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3065 was declared lost on a voice vote.

SECOND READING OF HOUSE BILL

HB 1083: A BILL for an Act to amend and reenact section 15-03-16 of the North Dakota Century Code, relating to continuing appropriations for the board of university and school lands.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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

HB 1083 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1167, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1167: Sens. Fischer, Christmann, Redlin.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. WANZEK MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1252, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1252: Sens. Wanzek, Klein, Kinnoin.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2017 as printed on SJ page 873 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 2017: Sens. Andrist, Holmberg, Tallackson.

REPORT OF CONFERENCE COMMITTEE

SEN. FISCHER MOVED that the conference committee report on Engrossed SB 2170 as printed on SJ page 946 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2170, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2170: A BILL for an Act to create and enact a new section to chapter 14-08.1, a new section to chapter 14-19, and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to certification of child support records, the duties of voluntary paternity establishment service entities, and the recording of social security numbers on game and fish license and permit applications; to amend and reenact subsection 1 of section 14-09-08.4, sections 14-09-08.6, 14-09-08.10, 14-09-08.11, 14-09-09.6, 14-09-09.15, 14-09-09.16, 14-09-09.28, 14-09-25, subsection 3 of section 14-17-11, subsection 4 of section 14-17-14, sections 14-17-17, 14-19-01, 14-19-05, 14-19-07, 14-19-08, 39-06-07, section 50-09-02.4, subdivision h of subsection 1 of section 50-09-08.2, sections 50-09-08.3, and 50-09-08.5 of the North Dakota Century Code, relating to technical and conforming amendments to child support laws and the state disbursement unit; to repeal sections 14-09-14 and 14-09-27 of the North Dakota Century Code, relating to exceptions to parental liability for child support and to the state disbursement fund; to provide a continuing appropriation; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wardner; Watne

NAYS: Bowman; Christmann; Cook; Kroeplin; O'Connell; Solberg; Stenehjem, B.; Tomac; Wanzek

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2170, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the conference committee report on Engrossed SB 2189 as printed on SJ pages 946-947 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2189, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2189: A BILL for an Act to amend and reenact section 29-19-02 of the North Dakota Century Code, relating to a speedy trial.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2189, as amended, passed and the title was agreed to.

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

MR. SPEAKER: The Senate has failed to pass: HCR 3065.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1001, HB 1083, HB 1165, HB 1398.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1021, HB 1034, HB 1038, HB 1089, HB 1115, HCR 3018.

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 1182, HB 1404.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2170, SB 2189.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2017 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2017: Sens. Andrist; Holmberg; Tallackson

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 1167: Sens. Fischer; Christmann; Redlin

HB 1252: Sens. Wanzek; Klein; Kinnoin

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

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

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

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

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

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

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

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

Page 2, remove lines 19 through 21

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

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

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

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

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

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

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

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

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

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

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

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

Page 7, line 20, remove "The legislative assembly finds that continued construction of the southwest"

Page 7, remove lines 21 through 29

Page 7, line 30, remove "3."

Page 8, line 8, replace "4" with "3"

Page 8, line 12, replace "5" with "4"

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

Page 8, line 28, remove "and"

Page 8, after line 30, insert:

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

Page 9, line 12, replace "6" with "5" and replace "In furtherance of the public purpose set forth in subsection 2, the" with "The"

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

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

Page 9, line 23, replace "7" with "6", replace "3" with "2", and replace "4" with "3"

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

Page 9, after line 31, insert:

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

Page 10, line 11, replace "8" with "7"

Page 10, line 13, replace "9" with "8" and after "bonds" insert "authorized"

Page 10, line 14, replace "5" with "4", replace "7" with "6", and after "unless" insert "federal funds have been appropriated for"

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

Page 10, after line 15, insert:

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

Page 10, line 18, replace "5" with "4"

Page 10, line 20, replace "5" with "4"

Page 10, line 26, replace "5" with "4"

Page 10, line 28, replace "5" with "4"

Page 10, line 31, replace "5" with "4"

Page 11, line 2, replace "5" with "4"

Page 11, line 3, replace "under" with "as provided in" and replace "6" with "5"

Page 11, line 7, replace "under" with "as provided in" and replace "7" with "6"

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

Page 11, line 9, replace "7" with "6"

Page 11, line 12, replace "7" with "6"

Page 11, line 15, replace "7" with "6" and after "61-02.1-01" insert "and to repay the line of credit extended to the state water commission under section 4 of this Act"

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

Page 11, after line 23, insert:

- "4. For any project that requires federal participation, the state water commission may issue bonds equal to the estimated project costs less any local participation. If the state water commission issues bonds for both the state and local cost-share, an agreement for the local repayment of the local cost-share must be a part of an agreement between the state water commission and the local project sponsor to issue bonds for the nonfederal share.

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

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

Page 12, line 4, replace "5" with "6"

Page 12, line 5, remove "from transfers to be made and appropriated by the legislative assembly from"

Page 12, remove lines 6 through 9

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

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

Page 12, line 18, replace "5" with "6"

Page 12, line 19, remove "from transfers to be made and appropriated by the legislative assembly from"

Page 12, remove lines 20 through 23

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

Page 12, line 30, replace "7" with "6"

Page 13, line 1, replace "5" with "6" and remove ", from"

Page 13, remove lines 2 through 6

Page 13, line 7, remove "and interest on the bonds pursuant to a trust indenture,"

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

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

Page 13, after line 24, insert:

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

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

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

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

Page 14, line 16, replace "Forty-five" with "Thirty-five"

Page 14, line 19, replace "under" with "as provided in"

Page 14, line 20, after the period insert "Any funds from the settlement agreement deposited in the resources trust fund, and earnings on those funds, must be accounted for separately from any other funds in the resources trust fund."

Page 14, after line 25, insert:

"SECTION 8. APPROPRIATION. There is hereby appropriated out of any moneys in the resources trust fund, not otherwise appropriated, the sum of \$84,800,000, or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of repaying the line of credit extended to the state water commission under section 4 of this Act, for the biennium beginning July 1, 1999, and ending June 30, 2001. It is the intent of the legislative assembly that the funds appropriated in this section are from transfers to be made and appropriated by the legislative assembly from the resources trust fund as provided in section 6 of this Act."

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

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

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

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

SECTION 11. STATEWIDE WATER DEVELOPMENT PROGRAM. The state water commission shall develop a new comprehensive statewide water development program with priorities based upon expected funds available from the resources trust fund for water development projects."

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

ReNUMBER accordingly

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

MOTION

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

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

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. URLACHER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1462, which motion prevailed.

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do not concur in the House amendments to Engrossed SB 2202, 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 2202: Sens. Christmann, Bowman, Heitkamp.

REPORT OF CONFERENCE COMMITTEE

SEN. B. STENEHJEM MOVED that the conference committee report on Engrossed SB 2212 as printed on SJ page 947 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2212, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2212: A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to injuring another while fleeing a peace officer; and to amend and reenact section 39-10-71 of the North Dakota Century Code, relating to the penalty for fleeing a peace officer.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Heitkamp; Kroepelin; Lyson; Mathern, D.; O'Connell; Solberg

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2212, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. FREBORG MOVED that the conference committee report on Engrossed SB 2350 as printed on SJ page 947 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2350, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2350: A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to requirements for certified guides or outfitters.

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

NAYS: Andrist; Stenehjem, B.

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2350, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. KRINGSTAD MOVED that the conference committee report on Engrossed SB 2002 as printed on SJ pages 981-982 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2002, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the secretary of state and public printing; to provide for line item transfers for the 1997-99 biennium; to create and enact a new section to chapter 54-09 of the North Dakota Century Code, relating to the secretary of state's general services operating fund; to amend and reenact sections 41-09-42.1 and 54-09-05 of the North Dakota Century Code, relating to fees collected by the secretary of state and the salary of the secretary of state; 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; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand;

Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2002, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. LEE MOVED that the conference committee report on Engrossed SB 2309 as printed on SJ page 982 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2309, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 43-25-07 of the North Dakota Century Code, relating to school of massage therapy accreditation standards; to provide an expiration date; and to declare an emergency.

ROLL CALL

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

NAYS: Solberg; Stenehjem, B.

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2309, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. KILZER MOVED that the conference committee report on Engrossed SB 2320 as printed on SJ pages 982-983 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2320, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to amend and reenact subsection 5 of section 23-06.5-03 and subsection 4 of section 23-12-13 of the North Dakota Century Code, relating to withdrawing or withholding nutrition and hydration from incapacitated patients; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Lyson; Stenehjem, B.

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2320, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. THANE MOVED that the conference committee report on Engrossed SCR 4036 as printed on SJ page 983 be adopted, which motion prevailed, on a voice vote.

Engrossed SCR 4036, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4036: A concurrent resolution directing the Legislative Council to study the operation of the temporary assistance for needy families program in North Dakota as it relates to the relationship between the state and the federally recognized Indian tribes in the state.

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

Engrossed SCR 4036, as amended, was declared adopted on a voice vote, and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the conference committee report on HB 1166 as printed on SJ pages 983-984 be adopted, which motion prevailed, on a voice vote.

HB 1166, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1166: A BILL for an Act to create and enact five new sections to chapter 61-24.6 of the North Dakota Century Code, relating to water rates, operation and maintenance fund, reserve fund for replacement, capital costs, and areas served by the northwest area water supply project; and to amend and reenact sections 61-02-23.1, 61-24.3-19, and subsections 3, 6, and 7 of section 61-24.6-02 of the North Dakota Century Code, relating to condemnation of property for the northwest area water supply project, validation of southwest pipeline project water service contracts, and inclusion of Pierce County in the northwest area water supply project.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; 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

NAYS: Christmann

ABSENT AND NOT VOTING: Bercier

HB 1166, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. LEE MOVED that the conference committee report on Engrossed HB 1272 as printed on SJ page 984 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1272, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1272: A BILL for an Act to amend and reenact sections 49-11-21 and 49-11-22 of the North Dakota Century Code, relating to the sounding of a warning device on a locomotive engine.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; 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; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Kinnoin; Kroeplin; O'Connell

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1272, as amended, passed and the title was agreed to.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2002, SB 2212, SB 2309, SB 2320, SB 2350, SCR 4036.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1166, HB 1272.

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 1462: Sens. Wardner; Urlacher; Kinnoin

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2202 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2202: Sens. Christmann; Bowman; Heitkamp

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)
MADAM PRESIDENT: The House has passed unchanged: SB 2289, SCR 4055.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)
MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2195.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)
MADAM PRESIDENT: The House has amended and subsequently passed: SB 2016, SB 2038, SB 2114, SB 2307, SB 2440.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2016

Page 1, line 2, after "management" insert "; and to provide for the filing and paying of disaster claims relating to the spring 1997 Red River flooding"

Page 1, line 13, replace "55,738,332" with "62,738,332"

Page 1, line 14, replace "59,155,037" with "66,155,037"

Page 1, line 15, replace "58,230,947" with "65,230,947"

Page 1, after line 16, insert:

"SECTION 2. APPROPRIATION. All federal funds received by the division of emergency management, for expenditures for projects at the university of North Dakota, in excess of those funds appropriated in section 1 of this Act are hereby appropriated for the biennium beginning July 1, 1999, and ending June 30, 2001."

Page 1, replace lines 21 through 24 with:

"SECTION 4. FINAL SETTLEMENT OF SPRING 1997 FLOOD DISASTER CLAIMS - EMERGENCY MANAGEMENT, EMERGENCY COMMISSION, AND BUDGET SECTION APPROVAL. Before September 1, 2001, all disaster claims resulting from the governor's disaster declaration relating to the spring 1997 flooding in the Red River valley must be presented for final payment unless otherwise authorized

by the legislative assembly. During the 1999-2001 biennium, the division of emergency management may request that loans be made by the Bank of North Dakota to affected political subdivisions, including school districts, for only those disaster claims that have been approved by the division of emergency management, the emergency commission, and the budget section of the legislative council."

Page 2, remove lines 1 through 7

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 512 - DIVISION OF EMERGENCY MANAGEMENT

HOUSE - This amendment adds \$7 million of federal funds to the grants line item to reflect increased federal funds. The amendment also adds a section appropriating any additional federal funds received for disaster projects at the university of North Dakota.

This amendment requires all spring 1997 Red River Valley flooding disaster claims to be presented before September 1, 2001, unless otherwise authorized by the Legislative Assembly. The amendment also removes Section 3 which provided that the Division of Emergency Management and the University of North Dakota were not to borrow from the Bank of North Dakota in order to match federal funds relating to the spring 1997 flood in the Red River Valley. The section also provided that the impacted political subdivision was required to pay the state's share of the federal match in addition to the local share of the federal match in order to receive federal emergency management agency funds.

HOUSE AMENDMENTS TO SENATE BILL NO. 2038

In lieu of the amendments adopted by the House as printed on pages 804 and 805 of the House Journal, Senate Bill No. 2038 is amended as follows:

Page 1, line 1, replace "sections" with "section" and remove "and 23-16-01.1"

Page 1, line 2, remove "and nursing"

Page 1, line 3, remove "facility"

Page 1, line 9, remove "and for"

Page 1, remove line 10

Page 1, line 11, remove "use by the traumatic brain-injured population in the western part of the state."

Page 1, line 21, replace "The department of human services shall establish a limit on the bed size of a basic" with "Notwithstanding subsection 1, before August 1, 2001, the department may issue a license for up to ten beds in a single basic care facility which have been converted on a one-to-one basis from long-term care or basic care beds for use by the traumatic brain-injured population. The facility must be located in planning region one, two, seven, or eight of the governor's executive order 1978-12 dated October 5, 1978."

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 23

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2114

Page 1, line 1, after "reenact" insert "subsection 2 of section 50-01.2-00.1 and"

Page 1, line 2, after "to" insert "local expenses of administration and" and after "families" insert "; to authorize the department of human services to negotiate a pilot project for the state's participation in direct funding and administration of tribal temporary assistance to needy families; and to provide for reports to the legislative council"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 50-01.2-00.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. "Local expenses of administration" includes costs for personnel, space, equipment, computer software, ~~costs associated with achieving caseload ratios of sixty five cases to one worker,~~ materials, travel, utilities, and related costs, and the indirect costs properly allocated to those costs. The term does not include initial acquisition of computers and related hardware approved by the department for the training, education, employment, and management program, custom computer programs, custom software development, computer operations undertaken at the direction of the department, and computer processing costs to the extent those costs exceed, in any calendar year, that county's costs of operation of the technical eligibility computer system in calendar year 1995 increased by the increase in the consumer price index for all urban consumers (all items, United States city average) after January 1, 1996, or, unless agreed to by the county social service board, any costs related to pilot programs before the programs are implemented on a statewide basis."

Page 3, line 5, overstrike "Not exempt" and insert immediately thereafter "Consider exempting"

Page 3, line 9, replace "that is most appropriate" with "provided by job service North Dakota"

Page 4, after line 22, insert:

"SECTION 3. REPORTS TO LEGISLATIVE COUNCIL - UNEMPLOYMENT IN INDIAN COUNTRY. The department of human services shall periodically report to the legislative council, or an interim study committee designated by the legislative council, on the progress in its efforts to determine the most reliable current data concerning the proportion of adults living in Indian country who are unemployed.

SECTION 4. LEGISLATIVE INTENT - DEPARTMENT TO NEGOTIATE PILOT PROJECT - REPORTS TO LEGISLATIVE COUNCIL.

1. It is the legislative intent of the legislative assembly that the department of human services offer to negotiate with the tribal government of any Indian tribe in this state to establish a pilot project to begin operation no sooner than July 1, 2001, under which that tribal government will secure direct funding for the administration of a tribal family assistance grant under 42 U.S.C. 612 from the United States department of health and human services, and under which the state will participate, in cash or in kind, in the cost of providing services under the tribal family assistance grant, provided:
 - a. All components of the program are administered by the department of human services, one or more county social service boards, one or more or more contractors with the department of human services, or any combination thereof;
 - b. Interagency agreements entered into between the department of human services and other state or federal agencies, essential to the state's receipt of federal funds otherwise available under title IV-A, title IV-B, title IV-D, or title IV-E of the Social Security Act, will be honored by the tribe to the extent the department of human services requires the county social service boards to honor those agreements;
 - c. The annual funding contributed by the state may not exceed an amount calculated by dividing the nonfederal share of total state expenditures under title IV-A of the Social Security Act for the twelve-month period beginning October 1, 1993, and ending September 30, 1994, by the monthly average number of title IV-A filing units receiving title IV-A benefits in the state during that period, and multiplying the result times the number of IV-A filing units on April 1, 1999, with a primary information person who:
 - (1) Is an enrolled member of the tribe or is married to an enrolled member of the tribe who is also a member of that IV-A filing unit; and
 - (2) Lives in Indian country within a North Dakota county that also includes Indian reservation lands subject to the exclusive jurisdiction of the tribe;

- d. The state's financial participation in the pilot project will be terminated upon breach of the negotiated agreement.
2. The department of human services shall periodically report to the legislative council, or to an interim study committee designated by the legislative council, on the progress of any negotiation conducted under subsection 1.
3. An interim committee designated by the legislative council to receive reports under subsection 2 shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2307

Page 1, line 4, after "communications" insert "; to provide for a legislative council study"

Page 1, line 5, remove "a" and replace "appropriation" with "appropriations"

Page 2, line 24, replace "one dollar" with "twenty-five cents"

Page 2, line 26, after the underscored period insert "On or after January 1, 2003, the fee under this section is subject to adjustment as provided in subsection 2 of section 57-40.6-02.2."

Page 4, line 1, after "2." insert "a."

Page 4, after line 17, insert:

- "b. A political subdivision may not begin implementation of phase II of enhanced 911 wireless service, as defined by the federal communications commission, before August 1, 2001. A political subdivision that has not certified by January 1, 2003, that it has formally begun the implementation of phase II of enhanced 911 wireless service as defined by the federal communications commission is not entitled to allocation of the funds and interest held in escrow for that political subdivision under subdivision a, except to the extent those funds are necessary to complete phase I of enhanced 911 wireless service. The state treasurer shall transfer funds and interest to which a political subdivision is not entitled to a special rebate account for rebates to commercial mobile radio service customers through their providers. Upon application to the tax commissioner, each provider is entitled to a rebate of a percentage of the funds in the special rebate account equal to the percentage that provider paid of the total deposits into escrow under subdivision a and the provider shall allocate the rebate pro rata among the provider's customers. The funds and interest in the special rebate account are appropriated as a standing and continuing appropriation to the tax commissioner for rebates under this subdivision.
- c. By February 1, 2003, the tax commissioner shall administratively adjust the wireless 911 service fee under section 57-40.6-02.1. The fee must be reduced to reflect elimination of funding under subdivision b for political subdivisions that will not receive allocations of funds or interest because of failure to implement phase II of enhanced 911 wireless service."

Page 5, line 17, after "agent," insert "subcontractor,"

Page 6, line 5, replace "agency" with "agent, subcontractor"

Page 6, after line 17, insert:

"SECTION 7. LEGISLATIVE COUNCIL 911 SERVICE STUDY. The legislative council shall study the current public safety answering points and systems for their capability to adequately administer systems, consider the feasibility and advisability of consolidating systems for the purposes of more efficiently administering systems and utilizing available funds, and review the technology under development or deployed to satisfy the requirements of the federal mandate for wireless enhanced 911 service and

how such service could be integrated into the existing 911 system. The legislative council shall report its findings and recommendations, with any legislation necessary to implement the recommendations, to the fifty-seventh legislative assembly."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2440

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

Page 1, remove lines 2 and 3

Page 1, remove lines 5 through 10

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 1307.

MOTION

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

MOTION

SEN. ST. AUBYN MOVED that the Senate be on the Fifth, Ninth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Friday, April 2, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1003, 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 1003 was placed on the Sixth order on the calendar.

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

Page 1, replace lines 12 through 24 with:

"NORTH DAKOTA UNIVERSITY SYSTEM

Salaries and wages		\$342,117,813
Technology		21,948,467
Restoration pool		<u>1,178,000</u>
Total salaries, wages, technology, and restoration		\$365,244,280
Estimated income:		
Bismarck state college	\$7,339,776	
University of North Dakota - Lake Region	1,453,806	
University of North Dakota - Williston	2,300,265	
University of North Dakota	52,633,093	
North Dakota state university	48,866,414	
North Dakota state college of science	9,485,836	
Dickinson state university	6,146,576	
Mayville state university	2,908,718	
Minot state university	11,501,851	
Valley City state university	3,893,786	
Minot state university - Bottineau	1,364,817	
University of North Dakota medical center	10,812,782	
Forest service	<u>663,040</u>	
Less institutional estimated income		<u>159,370,760</u>
General fund appropriation		\$205,873,520

Subdivision 2.

NORTH DAKOTA UNIVERSITY SYSTEM OFFICE

Operating expenses		\$760,709
Equipment		26,000
Student financial assistance grants		4,450,281
Information technology management		215,255
Professional student exchange program		1,310,716
Disabled student services		26,560

Technical administration	197,627
Contingency and capital improvements emergency fund	398,000
Scholars program	706,230
Native American scholarships	204,082
Title II	534,000
Competitive research program	1,971,100
Prairie public broadcasting	992,513
Board initiatives	<u>2,296,000</u>
Total operating funds	\$14,089,073
Less estimated income	<u>4,933,900</u>
General fund appropriation	\$9,155,173

Subdivision 3.

BISMARCK STATE COLLEGE

Operating expenses	\$4,893,212
Equipment	367,187
Capital improvements	<u>958,835</u>
Total operating funds	\$6,219,234
Less estimated income	450,000
General fund appropriation	\$5,769,234
Local funds appropriation	\$11,370,000
Total all funds appropriation	\$17,589,234

Subdivision 4.

UNIVERSITY OF NORTH DAKOTA - LAKE REGION

Operating expenses	\$1,338,042
Equipment	150,338
Capital improvements	<u>1,094,318</u>
Total operating funds	\$2,582,698
Less estimated income	<u>495,000</u>
General fund appropriation	\$2,087,698
Local funds appropriation	\$6,403,766
Total all funds appropriation	\$8,986,464

Subdivision 5.

UNIVERSITY OF NORTH DAKOTA - WILLISTON

Operating expenses	\$1,521,116
Equipment	249,596
Capital improvements	88,790
Total operating funds	\$1,859,502
Less estimated income	
General fund appropriation	<u>\$1,859,502</u>
Local funds appropriation	\$1,653,000
Total all funds appropriation	\$3,512,502

Subdivision 6.

UNIVERSITY OF NORTH DAKOTA

Operating expenses	\$27,655,286
Equipment	1,520,260
Capital improvements	4,917,136
Special initiatives pool	<u>1,462,223</u>
Total operating funds	\$35,554,905
Less estimated income	
General fund appropriation	<u>\$35,554,905</u>
Local funds appropriation	\$282,733,609
Total all funds appropriation	\$318,288,514

Subdivision 7.

NORTH DAKOTA STATE UNIVERSITY

Operating expenses	\$21,576,515
Equipment	1,867,800
Capital improvements	8,652,531
Skills training center	<u>1,535,000</u>
Total operating funds	\$33,631,846
Less estimated income	<u>7,037,500</u>
General fund appropriation	\$26,594,346
Local funds appropriation	\$111,620,179
Total all funds appropriation	\$145,252,025

Subdivision 8.

NORTH DAKOTA STATE COLLEGE OF SCIENCE	
Operating expenses	\$6,605,363
Equipment	1,494,368
Capital improvements	<u>635,885</u>
Total operating funds	\$8,735,616
Less estimated income	
General fund appropriation	<u>\$8,735,616</u>
Local funds appropriation	\$15,580,000
Total all funds appropriation	\$24,315,616

Subdivision 9.

DICKINSON STATE UNIVERSITY	
Operating expenses	\$4,074,962
Equipment	390,000
Capital improvements	<u>693,962</u>
Total operating funds	\$5,158,924
Less estimated income	
General fund appropriation	<u>\$5,158,924</u>
Local funds appropriation	\$8,221,397
Total all funds appropriation	\$13,380,321

Subdivision 10.

MAYVILLE STATE UNIVERSITY	
Operating expenses	\$2,211,150
Equipment	170,500
Capital improvements	<u>931,671</u>
Total operating funds	\$3,313,321
Less estimated income	
General fund appropriation	<u>\$3,313,321</u>
Local funds appropriation	\$7,400,000
Total all funds appropriation	\$10,713,321

Subdivision 11.

MINOT STATE UNIVERSITY	
Operating expenses	\$6,043,525
Equipment	917,929
Capital improvements	<u>1,050,466</u>
Total operating funds	\$8,011,920
Less estimated income	
General fund appropriation	<u>\$8,011,920</u>
Local funds appropriation	\$19,003,936
Total all funds appropriation	\$27,015,856

Subdivision 12.

VALLEY CITY STATE UNIVERSITY	
Operating expenses	\$2,842,167
Equipment	323,100
Capital improvements	812,334
Center for innovation in instruction	299,583
Special initiatives	<u>68,714</u>
Total operating funds	\$4,345,898
Less estimated income	
General fund appropriation	<u>\$4,345,898</u>
Local funds appropriation	\$8,820,000
Total all funds appropriation	\$13,165,898

Subdivision 13.

MINOT STATE UNIVERSITY - BOTTINEAU	
Operating expenses	\$1,063,035
Equipment	147,500
Capital improvements	<u>218,130</u>
Total operating funds	\$1,428,665
Less estimated income	60,000
General fund appropriation	<u>\$1,368,665</u>
Local funds appropriation	\$2,124,426
Total all funds appropriation	\$3,553,091

Subdivision 14.

NORTH DAKOTA FOREST SERVICE

Operating expenses	\$423,601
Equipment	65,011
Capital improvements	79,541
Grants to centennial trees	147,486
Total operating funds	\$715,639
Less estimated income	195,966
General fund appropriation	\$519,673
Local funds appropriation	\$1,336,082
Total all funds appropriation	\$2,051,721

Subdivision 15.

UNIVERSITY OF NORTH DAKOTA MEDICAL CENTER

Operating expenses	\$7,502,327
Equipment	547,915
Total operating funds	\$8,050,242
Less estimated income	
General fund appropriation	\$8,050,242
Local funds appropriation	\$47,592,145
Total all funds appropriation	\$55,642,387
Grand total general fund appropriation H.B. 1003	\$326,398,637
Grand total estimated income appropriation H.B. 1003	\$172,543,126
Grand total local funds appropriation H.B. 1003	\$523,858,540
Grand total all funds appropriation H.B. 1003	\$1,022,800,303"

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 3

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

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

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

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

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

Page 8, line 12, remove "appropriations"

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

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

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

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

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

Page 8, remove lines 28 through 30

Page 9, remove lines 1 and 2

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

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

Page 9, remove lines 16 through 20

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

Page 10, remove lines 8 through 10

Page 10, after line 15, insert:

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

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

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

SECTION 16. SALARY POOL. The salary pool amount in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 2 through 15 of section 1 as determined by the board of higher education. When making allocations from the salary appropriation pool in subdivision 1 of section 1, the state board of higher education shall allocate a minimum of ninety-five percent of the 1997-99 salary and wage appropriation to the institutions and entities in subdivisions 2 through 15 of section 1. The board is encouraged to allocate the funds to achieve the reinvestment of funds included in the 1999-2001 biennium entity budget requests. The board may, at its discretion, allocate funds to address equity funding issues and additional salary increases beyond legislative appropriations although it is recognized by the legislative assembly that significant additional funds or reallocations between campuses are necessary to fully address the equity funding and salary increase issues.

SECTION 17. ALLOCATION OF RESTORATION LINE. The restoration line in subdivision 1 of section 1 must be used for the benefit of the institutions and entities in subdivisions 2 through 15 of section 1 as determined by the board of higher education. When making allocations from the restoration line in subdivision 1 of section 1, the board of higher education is strongly encouraged to consider allocating the funds to address equity funding issues and special academic program needs of the entities under its control.

SECTION 18. LEGISLATIVE COUNCIL INTERIM STUDY OF HIGHER EDUCATION FUNDING. The legislative council shall consider studying higher education funding during the 1999-2000 interim. If conducted, the study should solicit input from the governor, board of higher education, executive branch, university system campuses, and representatives of business and industry. The study should address the expectations of the North Dakota university system in meeting the state's needs in the twenty-first century, the funding methodology needed to meet these expectations and needs, and an accountability system and reporting methodology for the university system. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly.

SECTION 19. UTILITY SAVINGS. Any utility savings realized during the 1999-2001 biennium by the entities listed in section 1 of this Act must be used for maintenance or capital project expenditures.

SECTION 20. LAND BOARD DISTRIBUTIONS. Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands shall distribute to the appropriate entities in section 1 of this Act all income from permanent funds managed for the benefit of those institutions.

SECTION 21. PARTICIPATION IN MIDWESTERN REGIONAL HIGHER EDUCATION COMPACT STUDENT EXCHANGE PROGRAM. Notwithstanding section 22 of this Act, it is the intent of the fifty-sixth legislative assembly that during the 1999-2001 biennium North Dakota's membership in the midwestern regional higher education compact may not include participation in the compact's student exchange program. The legislative council shall consider including a review of North Dakota's participation in the student exchange program portion of the midwestern regional higher education compact in the study provided for in section 18 of this Act.

SECTION 22. A new chapter to title 15 of the North Dakota Century Code is created and enacted as follows:

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

Article I. Purpose

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

Article II. The Commission

1. The compacting states create the midwestern higher education commission, hereinafter called the commission. The commission is a body corporate of each compacting state. The commission has all the responsibilities, powers, and duties set forth in this chapter, including the power to sue and be sued, and any additional powers conferred upon it by subsequent action of the respective legislative assemblies of the compacting states in accordance with the terms of this compact.
2. The commission consists of the following five resident members from each state: the governor or the governor's designee who serves during the tenure of office of the governor; two legislators, one from each house, except for Nebraska, which may appoint two legislators from its legislative assembly, who serve two-year terms and are appointed by the appropriate appointing authority in each house of the legislative assembly; and two other at large members, at least one of whom is to be selected from the field of higher education. The at large members are to be appointed as provided by the laws of the appointing state. One of the two at large members initially appointed in each state serves a two-year term. The other, and any regularly appointed successor to either at large member, serves a four-year term. All vacancies are to be filled in accordance with the laws of the appointing states. Any commissioner appointed to fill a vacancy serves until the end of the incomplete term.
3. The commission shall select annually, from among its members, a chairman, a vice chairman, and a treasurer.
4. The commission shall appoint an executive director who serves at its pleasure and who is secretary to the commission. The treasurer, the executive director, and other personnel as the commission determines must be bonded in the amounts required by the commission.
5. The commission shall meet at least once each calendar year. The chairman may call additional meetings and upon the request of a majority of the commission members of three or more compacting states, shall call additional meetings. The commission shall give public notice of all meetings. All meetings must be open to the public.

6. Each compacting state represented at any meeting of the commission is entitled to one vote. A majority of the compacting states constitute a quorum for the transaction of business, unless a larger quorum is required by the bylaws of the commission.

Article III. Powers and Duties of the Commission

1. The commission shall adopt bylaws governing its management and operations.
2. Notwithstanding the laws of any compacting state, the commission shall provide for the personnel policies and programs of the compact in its bylaws.
3. The commission shall submit a budget to the governor and legislative assembly of each compacting state at the time and for the period required by each state. The budget must contain recommendations regarding the amount to be appropriated by each compacting state.
4. The commission shall report annually to the legislative assemblies and governors of the compacting states, to the midwestern governors' conference, and to the midwestern legislative conference of the council of state governments regarding the activities of the commission during the preceding year. The reports must include any recommendations that have been adopted by the commission.
5. The commission may borrow, accept, or contract for the services of personnel from any state or from the United States, or from any subdivision or agency thereof, from any interstate agency, or from any person.
6. The commission may accept for any of its purposes and functions under the compact donations and grants of money, equipment, supplies, materials, and services, conditional or otherwise, from any state or the United States or from any subdivision or agency thereof, from an interstate agency, or from any person, and may receive, use, and dispose of the same.
7. The commission may enter agreements with any other interstate education organization or agency, with institutions of higher education located in nonmember states, and with any of the various states to provide adequate programs and services in higher education for the citizens of the respective compacting states. After negotiations with interested institutions and interstate organizations or agencies, the commission shall determine the cost of providing the programs and services in higher education for use in these agreements.
8. The commission may establish and maintain offices in one or more of the compacting states.
9. The commission may establish committees and hire staff as necessary to carry out its functions.
10. The commission may provide for actual and necessary expenses for the attendance of its members at official meetings of the commission or of its designated committees.

Article IV. Activities of the Commission

1. The commission shall collect data on the long-range effects of the compact on higher education. By the end of the fourth year from the effective date of the compact and every two years thereafter, the commission shall review its accomplishments and make recommendations to the governors and legislative assemblies of the compacting states regarding continuance of the compact.
2. The commission shall study higher education issues that are of particular concern to the midwestern region. The commission also shall study the need for higher education programs and services in the compacting states and the resources for meeting those needs. The commission shall prepare reports, on its research, for presentation to the governors and legislative

assemblies of the compacting states, as well as to other interested parties. In conducting the studies, the commission may confer with any national or regional planning body. The commission may draft and recommend to the governors and legislative assemblies of the various compacting states suggested legislation addressing issues in higher education.

3. The commission shall study the need for the provision of adequate programs and services in higher education, such as undergraduate, graduate, or professional student exchanges in the region. If a need for exchange in a field is apparent, the commission may enter agreements with any institution of higher education and with any compacting state to provide programs and services in higher education for the citizens of the respective compacting states. After negotiating with interested institutions and the compacting states, the commission shall determine the cost of providing the programs and services in higher education for use in its agreements. The contracting states shall contribute funds not otherwise provided, as determined by the commission, to carry out the agreements. The commission may also serve as the administrative and fiscal agent in carrying out agreements for higher education programs and services.
4. The commission shall serve as a clearinghouse for information regarding higher education activities among institutions and agencies.
5. The commission may provide services and research in any other area of regional concern.

Article V. Finance

1. The compacting states will appropriate the amount necessary to finance the general operations of the commission, not otherwise provided for, when authorized by their respective legislative assemblies. The amount must be apportioned equally among the compacting states.
2. The commission may not incur any obligations prior to the passage of appropriations adequate to meet the same; nor may the commission pledge the credit of any of the compacting states, except by and with the authority of the compacting state.
3. The commission shall keep accurate accounts of its receipts and disbursements. The receipts and disbursements of the commission are subject to the audit and accounting procedures established under its bylaws. All receipts and disbursements handled by the commission must be audited yearly by a certified or licensed public accountant and the report of the audit must be included in and become part of the annual report of the commission.
4. The accounts of the commission must be open at any reasonable time for inspection by duly authorized representatives of the compacting states and by persons authorized by the commission.

Article VI. Eligible Parties and Entry Into Force

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

Article VII. Withdrawal, Default, and Termination

1. A compacting state may withdraw from the compact by enacting a statute repealing the compact, but the withdrawal may not become effective until two years after the enactment of such statute. A withdrawing state is liable for any obligation that it incurred on account of its party status, up to the effective date of withdrawal, except that if the withdrawing state has

specifically undertaken or committed itself to any performance of an obligation extending beyond the effective date of withdrawal, it remains liable to the extent of the obligation.

2. If a compacting state at any time defaults in the performance of its obligations, assumed or imposed, in accordance with this compact, all rights, privileges, and benefits conferred by this compact or by agreements made under the compact are suspended from the effective date of the default, as fixed by the commission. The commission shall stipulate the conditions and maximum time for compliance under which the defaulting state may resume its regular status. Unless the default is remedied under the stipulations and within the time period set by the commission, the compact may be terminated with respect to the defaulting state by affirmative vote of a majority of the other member states. A defaulting state may be reinstated by performing all acts and obligations required by the commission.

Article VIII. Severability and Construction

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

Midwestern higher education commission - Terms - Vacancies.

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

SECTION 23. EMERGENCY. The capital improvements line items contained in subdivisions 2 through 14 of section 1 of this Act are declared to be emergency measures, and those funds are available immediately upon filing of this Act with the secretary of state. Sections 9 and 10 of this Act are declared to be emergency measures."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

SENATE - This amendment provides for the following changes:

General fund:

	SYSTEM POOLS	UNIVERSITY SYSTEM OFFICE	BISMARCK STATE COLLEGE	UND-LAKE REGION	UND- WILLISTON	UNIVERSITY OF NORTH DAKOTA
Executive budget		\$28,856,525	\$14,512,720	\$4,950,031	\$4,771,162	\$93,355,802
House changes	_____	(15,076,229)	464,155	120,099	148,684	2,126,429

House version	\$0	\$13,780,296	\$14,976,875	\$5,070,130	\$4,919,846	\$95,482,231
Senate changes:						
Restore EPSCoR funding		\$200,000				
Provide funding to complete Schafer Hall hallway renovation project			\$72,000			
Correct other funds portion of Med School pay plan error						
Utility reductions			(27,701)	(\$2,441)	(\$19,776)	(\$435,553)
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House						154,831
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide restoration pool	\$1,178,000					
Funding transferred to the system technology pool	21,948,467					(12,291,515)
Funding transferred to the system salary pool	182,747,053	(4,825,123)	(9,251,940)	(2,979,991)	(3,040,568)	(47,214,067)
Funding source change for increased land department revenue distributions						(141,022)
Total Senate changes	<u>\$205,873,520</u>	<u>(\$4,625,123)</u>	<u>(\$9,207,641)</u>	<u>(\$2,982,432)</u>	<u>(\$3,060,344)</u>	<u>(\$59,927,326)</u>
Senate version (general fund)	\$205,873,520	\$9,155,173	\$5,769,234	\$2,087,698	\$1,859,502	\$35,554,905

	NORTH DAKOTA STATE UNIVERSITY	STATE COLLEGE OF SCIENCE	DICKINSON STATE UNIVERSITY	MAYVILLE STATE UNIVERSITY	MINOT STATE UNIVERSITY	VALLEY CITY STATE UNIVERSITY
Executive budget	\$72,401,732	\$22,682,030	\$13,039,293	\$8,461,666	\$24,852,277	\$11,371,567
House changes	1,331,066	649,764	215,047	223,528	748,976	262,372
House version	\$73,732,798	\$23,331,794	\$13,254,340	\$8,685,194	\$25,601,253	\$11,633,939
Senate changes:						
Restore EPSCoR funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds portion of Med School pay plan error						
Utility reductions	(\$65,450)	(\$2,364)		(\$1,038)		
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House	95,169					
Restore a portion of the specific operating expense reductions made by the House	161,874					
Restore all of the Skills Center funding removed by the House	250,000					
Provide for a systemwide restoration pool						
Funding transferred to the system technology pool	(9,656,952)					
Funding transferred to the system salary pool	(37,717,319)	(14,510,720)	(\$8,089,566)	(5,340,344)	(\$17,583,483)	(\$7,260,842)
Funding source change for increased land department revenue distributions	(205,774)	(83,094)	(5,850)	(30,491)	(5,850)	(27,199)
Total Senate changes	<u>(\$47,138,452)</u>	<u>(\$14,596,178)</u>	<u>(\$8,095,416)</u>	<u>(\$5,371,873)</u>	<u>(\$17,589,333)</u>	<u>(\$7,288,041)</u>
Senate version (other funds)	\$26,594,346	\$8,735,616	\$5,158,924	\$3,313,321	\$8,011,920	\$4,345,898

	MSU- BOTTINEAU	FOREST SERVICE	UND SCHOOL OF MEDICINE AND HEALTH SCIENCES	TOTAL
Executive budget	\$3,872,632	\$1,573,548	\$28,223,862	\$332,924,847
House changes	319,477	53,203	892,349	(7,521,080)
House version	\$4,192,109	\$1,626,751	\$29,116,211	\$325,403,767
Senate changes:				
Restore EPSCoR funding				\$200,000
Provide funding to complete Schafer				72,000

Hall hallway renovation project				
Correct other funds portion of Med School pay plan error				
Utility reductions			(554,323)	
Remove information technology initiative added by the House	(\$200,000)		(200,000)	
Restore a portion of the capital improvement funds removed by the House			250,000	
Restore a portion of the specific operating expense reductions made by the House		\$142,449	304,323	
Restore all of the Skills Center funding removed by the House			250,000	
Provide for a systemwide restoration pool			1,178,000	
Funding transferred to the system technology pool				
Funding transferred to the system salary pool	(2,617,594)	(1,107,078)	(21,208,418)	
Funding source change for increased land department revenue distributions	(5,850)		(505,130)	
Total Senate changes	<u>(\$2,823,444)</u>	<u>(\$1,107,078)</u>	<u>(\$21,065,969)</u>	<u>\$994,870</u>
Senate version (other funds)	\$1,368,665	\$519,673	\$8,050,242	\$326,398,637

Other funds:

	SYSTEM POOLS	UNIVERSITY SYSTEM OFFICE	BISMARCK STATE COLLEGE	UND-LAKE REGION	UND-WILLISTON	UNIVERSITY OF NORTH DAKOTA
Executive budget		\$4,933,900	\$7,789,776	\$1,948,806	\$2,300,265	\$56,492,071
House changes			11,370,000	6,403,766	1,653,000	278,733,609
House version	\$0	\$4,933,900	\$19,159,776	\$8,352,572	\$3,953,265	\$335,225,680
Senate changes:						
Restore EPSCoR funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds portion of Med School pay plan error						
Utility reductions						
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House						
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide restoration pool						
Funding transferred to the system technology pool						
Funding transferred to the system salary pool	\$159,370,760		(\$7,339,776)	(\$1,453,806)	(\$2,300,265)	(\$52,633,093)
Funding source change for increased land department revenue distributions						141,022
Total Senate changes:	<u>\$159,370,760</u>	<u>\$0</u>	<u>(\$7,339,776)</u>	<u>(\$1,453,806)</u>	<u>(\$2,300,265)</u>	<u>(\$52,492,071)</u>
Senate version (other funds)	\$159,370,760	\$4,933,900	\$11,820,000	\$6,898,766	\$1,653,000	\$282,733,609
	NORTH DAKOTA STATE UNIVERSITY	STATE COLLEGE OF SCIENCE	DICKINSON STATE UNIVERSITY	MAYVILLE STATE UNIVERSITY	MINOT STATE UNIVERSITY	VALLEY CITY STATE UNIVERSITY
Executive budget	\$55,698,903	\$9,018,742	\$8,340,726	\$2,878,227	\$11,680,734	\$3,866,587
House changes	111,619,416	15,964,000	6,021,397	7,400,000	18,819,203	8,820,000
House version	\$167,318,319	\$24,982,742	\$14,362,123	\$10,278,227	\$30,499,937	\$12,686,587
Senate changes:						
Restore EPSCoR funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds						

portion of Med School pay plan error						
Utility reductions						
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House						
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide restoration pool						
Funding transferred to the system technology pool						
Funding transferred to the system salary pool	(\$48,866,414)	(\$9,485,836)	(\$6,146,576)	(\$2,908,718)	(\$11,501,851)	(\$3,893,786)
Funding source change for increased land department revenue distributions	205,774	83,094	5,850	30,491	5,850	27,199
Total Senate changes	<u>(\$48,660,640)</u>	<u>(\$9,402,742)</u>	<u>(\$6,140,726)</u>	<u>(\$2,878,227)</u>	<u>(\$11,496,001)</u>	<u>(\$3,866,587)</u>
Senate version (other funds)	\$118,657,679	\$15,580,000	\$8,221,397	\$7,400,000	\$19,003,936	\$8,820,000

	MSU-BOTTINEAU	FOREST SERVICE	UND SCHOOL OF MEDICINE AND HEALTH SCIENCES	TOTAL
Executive budget	\$1,418,967	\$859,006	\$59,472,012	\$226,698,722
House changes	2,152,561	1,336,082	(545,582)	469,747,452
House version	\$3,571,528	\$2,195,088	\$58,926,430	\$696,446,174
Senate changes:				
Restore EPSCoR funding				
Provide funding to complete Schafer Hall hallway renovation project				
Correct other funds portion of Med School pay plan error			(\$521,503)	(\$521,503)
Utility reductions				
Remove information technology initiative added by the House	(\$28,135)			(28,135)
Restore a portion of the capital improvement funds removed by the House				
Restore a portion of the specific operating expense reductions made by the House				
Restore all of the Skills Center funding removed by the House				
Provide for a systemwide restoration pool				
Funding transferred to the system technology pool				
Funding transferred to the system salary pool	(1,364,817)	(\$663,040)	(10,812,782)	
Funding source change for increased land department revenue distributions	5,850			505,130
Total Senate changes	<u>(\$1,387,102)</u>	<u>(\$663,040)</u>	<u>(\$11,334,285)</u>	<u>(\$44,508)</u>
Senate version (other funds)	\$2,184,426	\$1,532,048	\$47,592,145	\$696,401,666

Total funds:

	SYSTEM POOLS	UNIVERSITY SYSTEM OFFICE	BISMARCK STATE COLLEGE	UND-LAKE REGION	UND-WILLISTON	UNIVERSITY OF NORTH DAKOTA
Executive budget		\$33,790,425	\$22,302,496	\$6,898,837	\$7,071,427	\$149,847,873
House changes		(15,076,229)	11,834,155	6,523,865	1,801,684	280,860,038
House version	\$0	\$18,714,196	\$34,136,651	\$13,422,702	\$8,873,111	\$430,707,911
Senate changes:						
Restore EPSCoR funding		\$200,000				
Provide funding to complete Schafer Hall hallway renovation project			\$72,000			
Correct other funds portion of Med School pay plan						

error						
Utility reductions		(27,701)		(\$2,441)		(\$19,776)
Remove information technology initiative added by the House						(\$435,553)
Restore a portion of the capital improvement funds removed by the House						154,831
Restore a portion of the specific operating expense reductions made by the House						
Restore all of the Skills Center funding removed by the House						
Provide for a systemwide restoration pool	\$1,178,000					
Funding transferred to the system technology pool	21,948,467					(12,291,515)
Funding transferred to the system salary pool	342,117,813	(4,825,123)	(16,591,716)	(4,433,797)	(5,340,833)	(99,847,160)
Funding source change for increased land department revenue distributions						
Total Senate changes	<u>\$365,244,280</u>	<u>(\$4,625,123)</u>	<u>(\$16,547,417)</u>	<u>(\$4,436,238)</u>	<u>(\$5,360,609)</u>	<u>(\$112,419,397)</u>
Senate version (total funds)	\$365,244,280	\$14,089,073	\$17,589,234	\$8,986,464	\$3,512,502	\$318,288,514

	NORTH DAKOTA STATE UNIVERSITY	STATE COLLEGE OF SCIENCE	DICKINSON STATE UNIVERSITY	MAYVILLE STATE UNIVERSITY	MINOT STATE UNIVERSITY	VALLEY CITY STATE UNIVERSITY
Executive budget	\$128,100,635	\$31,700,772	\$21,380,019	\$11,339,893	\$36,533,011	\$15,238,154
House changes	112,950,482	16,613,764	6,236,444	7,623,528	19,568,179	9,082,372
House version	\$241,051,117	\$48,314,536	\$27,616,463	\$18,963,421	\$56,101,190	\$24,320,526
Senate changes:						
Restore EPSCoR funding						
Provide funding to complete Schafer Hall hallway renovation project						
Correct other funds portion of Med School pay plan error						
Utility reductions	(\$65,450)	(\$2,364)		(\$1,038)		
Remove information technology initiative added by the House						
Restore a portion of the capital improvement funds removed by the House	95,169					
Restore a portion of the specific operating expense reductions made by the House	161,874					
Restore all of the Skills Center funding removed by the House	250,000					
Provide for a systemwide restoration pool						
Funding transferred to the system technology pool	(9,656,952)					
Funding transferred to the system salary pool	(86,583,733)	(23,996,556)	(\$14,236,142)	(8,249,062)	(\$29,085,334)	(\$11,154,628)
Funding source change for increased land department revenue distributions						
Total Senate changes	<u>(\$95,799,092)</u>	<u>(\$23,998,920)</u>	<u>(\$14,236,142)</u>	<u>(\$8,250,100)</u>	<u>(\$29,085,334)</u>	<u>(\$11,154,628)</u>
Senate version (total funds)	\$145,252,025	\$24,315,616	\$13,380,321	\$10,713,321	\$27,015,856	\$13,165,898

	MSU- BOTTINEAU	FOREST SERVICE	UND SCHOOL OF MEDICINE AND HEALTH SCIENCES	TOTAL
Executive budget	\$5,291,599	\$2,432,554	\$87,695,874	\$559,623,569
House changes	2,472,038	1,389,285	346,767	462,226,372
House version	\$7,763,637	\$3,821,839	\$88,042,641	\$1,021,849,941
Senate changes:				
Restore EPSCoR funding				\$200,000
Provide funding to complete Schafer Hall hallway renovation project				72,000
Correct other funds portion of Med School pay plan error			(\$521,503)	(521,503)
Utility reductions				(554,323)
Remove information technology initiative added by the House	(\$228,135)			(228,135)
Restore a portion of				250,000

the capital improvement funds removed by the House				
Restore a portion of the specific operating expense reductions made by the House		142,449		304,323
Restore all of the Skills Center funding removed by the House				250,000
Provide for a systemwide restoration pool				1,178,000
Funding transferred to the system technology pool				
Funding transferred to the system salary pool	(3,982,411)	(\$1,770,118)	(32,021,200)	
Funding source change for increased land department revenue distributions				
Total Senate changes	<u>(\$4,210,546)</u>	<u>(\$1,770,118)</u>	<u>(\$32,400,254)</u>	<u>\$950,362</u>
Senate version (total funds)	\$3,553,091	\$2,051,721	\$55,642,387	\$1,022,800,303

This amendment also:

- Adds a section providing that funding for the Skills Training Center may not be used for the operations of the center and that no general fund support will be provided for the center after the 1999-2001 biennium.
- Adds a section urging the Board of Higher Education to review accreditation of new programs which are already accredited at another institution.
- Adds sections providing directive regarding the allocations to be made from the technology and salary pools and the restoration line.
- Adds a section providing for a Legislative Council study of the funding of higher education.
- Adds a section directing that any utility savings be used for repair or maintenance items.
- Adds a section providing for the additional distributions by the Land Board to the institutions.
- Adds sections providing for the state to join the Midwestern Regional Higher Education Compact.
- Adds a section providing that North Dakota may not participate in the Midwestern Regional Higher Education Compact student exchange program during the 1999-2001 biennium.

REPORT OF STANDING COMMITTEE

HB 1013, 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 1013 was placed on the Sixth order on the calendar.

Page 1, line 2, after "lands" insert "; to amend and reenact subsection 2 of section 47-30.1-30 and section 47-30.1-32 of the North Dakota Century Code, relating to unclaimed property; to provide for retroactive application; and to declare an emergency"

Page 1, line 10, replace "2,415,900" with "2,343,160"

Page 1, line 12, replace "7,415,900" with "7,343,160"

Page 2, after line 2, insert:

"SECTION 5. LEGISLATIVE INTENT - UNCLAIMED PROPERTY EXAMINATIONS - REPORT TO THE FIFTY-SEVENTH LEGISLATIVE ASSEMBLY. It is the intent of the fifty-sixth legislative assembly that when conducting examinations pursuant to North Dakota Century Code chapter 47-30.1, the administrator of the state abandoned property office give priority to examinations of financial institutions and hospitals. The administrator of the state abandoned property office shall present a report to the fifty-seventh legislative assembly on abandoned property examinations conducted during the 1999-2001 biennium.

SECTION 6. AMENDMENT. Subsection 2 of section 47-30.1-30 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The administrator, at reasonable times and upon reasonable notice, may examine the records of any person to determine whether the person has complied with this chapter. The administrator may not require a person to provide records for a period exceeding the current year and seven preceding fiscal years. The administrator may conduct the examination even if the person believes ~~that~~ that person is not in possession of any property reportable or deliverable under this chapter. The administrator may not contract for an examination done within this state.

SECTION 7. AMENDMENT. Section 47-30.1-32 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

47-30.1-32. Enforcement - Appeals. The administrator may bring an action in a court of competent jurisdiction to enforce this chapter. A person in this state who is aggrieved by an audit that in any form requests the payment of money or a civil penalty is entitled to a hearing before the board of university and school lands. A demand for a hearing must be made within thirty days of the request by the administrator. The request by the administrator must contain notice of the right to a hearing. The board's decision is the final order of the agency and is appealable to the district court. Any amount of money requested by the administrator which may increase over time is tolled at the time of filing an appeal, retroactive to the date of the request.

SECTION 8. RETROACTIVE APPLICATION. Section 7 of this Act applies to all audits not settled before January 1, 1999.

SECTION 9. EMERGENCY. Section 7 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 226 - LAND DEPARTMENT

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Assets management	\$2,436,471	\$2,415,900	(\$72,740)	\$2,343,160
Energy development impact office	5,004,267	5,000,000		5,000,000
Total all funds	\$7,440,738	\$7,415,900	(\$72,740)	\$7,343,160
Less special funds	<u>7,440,738</u>	<u>7,415,900</u>	<u>(72,740)</u>	<u>7,343,160</u>
General fund	\$0	\$0	\$0	\$0
FTE	19.00	19.00	(1.00)	18.00

Detail of Senate changes to the House version:

	REMOVE UNCLAIMED PROPERTY AUDITOR	TOTAL SENATE CHANGES
Assets management	(\$72,740)	(\$72,740)
Energy development impact office		
Total all funds	(\$72,740)	(\$72,740)
Less special funds	<u>(72,740)</u>	<u>(72,740)</u>
General fund	\$0	\$0
FTE	(1.00)	(1.00)

Senate changes narrative:

This amendment makes the following changes:

- Removes 1 FTE auditor I position from the unclaimed property audit program.

- Amends North Dakota Century Code Section 47-30.1-30 to provide that when conducting an unclaimed property audit, the Land Department cannot require a business to produce records for a period in excess of seven preceding years and to provide that the department cannot contract for unclaimed property audits conducted in this state.
- Amends Section 47-30.1-32 to provide that a person may appeal unclaimed property audit findings to the Board of University and School Lands and subsequently to district court.
- Provides legislative intent that for unclaimed property examinations conducted by the Land Department during the 1999-2001 biennium, priority must be given to examinations of financial institutions and hospitals and provides that a report must be presented to the Fifty-seventh Legislative Assembly on the examinations conducted.

REPORT OF STANDING COMMITTEE

HB 1043, as reengrossed, and amended: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1043, as amended, was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the Senate as printed on page 740 of the Senate Journal, Reengrossed House Bill No. 1043 is further amended as follows:

Page 16, line 31, replace "\$29,000" with "\$39,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 406 - LABOR COMMISSIONER

SENATE - This amendment increases the general fund appropriation to the Labor Commissioner by \$10,000, from \$29,000 to \$39,000. The funds are for the provision of services to prevent employment discrimination and unfair housing practices.

REPORT OF STANDING COMMITTEE

HB 1434, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends that, in lieu of the amendments adopted by the Senate as printed on page 664 of the Senate Journal, the Senate **Appropriations Committee** recommends Engrossed HB 1434 **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1434 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1443, as reengrossed and amended: 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). Reengrossed HB 1443, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 644 of the Senate Journal, Reengrossed House Bill No. 1443 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact five new sections to chapter 52-08 of the North Dakota Century Code, relating to work force training; to amend and reenact subsection 6 of section 15-10-01 and subsection 13 of section 15-10-17 of the North Dakota Century Code, relating to name changes of institutions of higher education; to repeal section 15-11-02.1 of the North Dakota Century Code, relating to supervision of the college at Devils Lake; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

employee's contribution. If an employee makes the election allowed under this subdivision, that employee relinquishes all rights the employee or any of the employee's beneficiaries may have had to benefits provided under chapter 54-52.

The board shall provide for the administration of the alternate retirement program and establish rules ~~therefor~~ for the program consistent with ~~the foregoing guidelines~~ this subsection. ~~Nothing in this~~ This subsection shall ~~be construed in derogation of~~ does not derogate any existing retirement programs approved by the board.

SECTION 3. A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

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

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

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

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

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

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

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

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

Work force training - Investment fee.

1. Except for employers with fewer than fifteen employees and public school districts, job service North Dakota shall assess each employer a work force training investment fee of four one-hundredths of one percent of taxable wages paid by the employer to employees during each calendar year. The work force training investment fee is a fee separate from contributions made under chapter 52-04 and may not be deposited in the unemployment compensation fund. Job service shall assess the fee on an annual basis and may assess the fee in the same manner as it collects contributions and taxable wages reported by reimbursing employers under chapter 52-04.

The work force training investment fee payments may not be included in computing unemployment compensation rates assigned to employers and may not be deducted by an employer from the wages of the employer's employees.

2. Funds collected under this section must be deposited in a work force training investment account and used to provide work force training programs at institutions of higher education that are assigned primary responsibility for work force training as defined by the state board of higher education. Administrative costs incurred by job service for collection of the work force training investment fee and for costs related to the establishment and maintenance of the work force training investment account must be paid from the work force training investment account. The funds may not be used by institutions of higher education for capital construction projects. The funds must be used to provide work force training, including operation and administration of a training division, acquisition of equipment, marketing, and program development. The institutions of higher education, job service, the work force 2000 advisory board and the tribal colleges in the state shall cooperate in addressing work force training needs in the state.
3. The state board of higher education shall establish up to four regions reflecting the geographical areas of work force training responsibility for the institutions of higher education eligible for funds under this section. Funds collected under this section must be allocated for use in the region of the state in which the funds were collected based upon covered employment, as defined by job service, in that region of the state.
4. Each institution of higher education providing a work force training program shall submit a report annually to the legislative council, the governor, the state board of higher education, the state board for vocational and technical education, and the North Dakota work force development council regarding the work force training programs receiving funds under this section.

SECTION 8. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$375,000, or so much of the sum as may be necessary, to the state board for vocational and technical education for the purpose of contracting with institutions of higher education assigned primary responsibility for work force training in this state for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 9. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$71,000, or so much of the sum as may be necessary, to job service North Dakota for the purpose of creating the collection structure and administering collection of the work force training investment fee for providing work force training programs under this Act, for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 10. APPROPRIATION. There is hereby appropriated out of any moneys in the work force training investment account, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the state board for vocational and technical education for the purpose of contracting with institutions of higher education assigned primary responsibility for providing work force training programs under this Act, for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 11. APPROPRIATION. There is hereby appropriated out of any moneys in the work force training investment account, not otherwise appropriated, the sum of \$40,000, or so much of the sum as may be necessary, to job service North Dakota for the purpose of administering the collection of the work force training investment fee for providing work force training programs under this Act, for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 12. REPEAL. Section 15-11-02.1 of the North Dakota Century Code is repealed."

REPORT OF STANDING COMMITTEE

HB 1476, as reengrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1476 was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2068, as engrossed: Your conference committee (Sens. Freborg, Wanzek, O'Connell and Reps. Haas, Nelson, Mueller) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 728-729, adopt amendments as follows, and place SB 2068 on the Seventh order:

That the House recede from its amendments as printed on pages 728 and 729 of the Senate Journal and page 805 of the House Journal and that Engrossed Senate Bill No. 2068 be amended as follows:

Page 1, line 16, replace "approved" with ":

- (1) Approved"

Page 1, line 20, after the semicolon insert "or

- (2) Approved by a majority of each participating school district's electors voting on the question at a regular school district election or at a special election called by the board;"

Page 2, line 12, remove "and"

Page 2, line 13, after the first period insert "The loan is:

- (1) Approved by a majority of the eligible electors residing in each school district participating in the consortium, as evidenced by their signatures on a petition clearly stating the purpose of the loan, the amount of the loan, and its terms of repayment, and filed with the superintendent of public instruction; or
- (2) Approved by a majority of each participating school district's electors voting on the question at a regular school district election or at a special election called by the board; and

e."

Page 2, line 15, after the period insert "The superintendent of public instruction may not approve a loan under this section if the superintendent determines that the instructional technology acquisition is not compatible with the statewide information technology plan."

Reorder accordingly

Engrossed SB 2068 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2088: Your conference committee (Sens. Wanzek, Freborg, Kelsh and Reps. Drovdal, Nelson, Hanson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 769-770, adopt amendments as follows, and place SB 2088 on the Seventh order:

That the House recede from its amendments as printed on pages 769 and 770 of the Senate Journal and page 857 of the House Journal and that Senate Bill No. 2088 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 15-04 of the North Dakota Century Code, relating to payments for county services benefiting school trust lands; and" and remove "15-04-09,"

Page 1, remove lines 4 through 16

Page 1, line 21, remove the overstrike over the overstruck comma

Page 1, line 22, remove the overstrike over "~~and must be held at the county seat~~"

Page 2, after line 3, insert:

"**SECTION 2.** A new section to chapter 15-04 of the North Dakota Century Code is created and enacted as follows:

County services benefiting school trust lands - Payment. On or before March first of each year, the board of university and school lands shall pay a fee to the board of county commissioners of each county in which the state retains original grant lands. The board of county commissioners shall forward a prorated portion of any fee received under this section to the organized townships in which the original grant lands are located for use in the repair, maintenance, and construction of roads and bridges and shall use the remainder of the fee for the repair, maintenance, and construction of roads and bridges in unorganized townships in which original grant lands are located. The total fees paid under this section may not exceed five percent of the net revenue generated from the original grant lands in that county during the year preceding the payment. For purposes of this section, net revenue means the gross revenue from surface management, less any administrative and operating expenses, but does not include any moneys that must be deposited in a permanent trust fund."

Renumber accordingly

SB 2088 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2300: Your conference committee (Sens. W. Stenehjem, Watne, C. Nelson and Reps. DeKrey, Sveen, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 797-798, adopt amendments as follows, and place SB 2300 on the Seventh order:

That the House recede from its amendments as printed on pages 797 and 798 of the Senate Journal and pages 876 and 877 of the House Journal and that Senate Bill No. 2300 be amended as follows:

Page 1, line 3, after "records" insert "; to provide an effective date; and to declare an emergency"

Page 2, after line 5, insert:

"**SECTION 3. EFFECTIVE DATE.** This Act becomes effective on June 1, 1999.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2300 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2327, as engrossed: Your conference committee (Sens. Thane, Kilzer, DeMers and Reps. Devlin, Pollert, Niemeier) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 817, adopt further amendments as follows, and place SB 2327 on the Seventh order:

That the Senate accede to the House amendments as printed on page 817 of the Senate Journal and page 877 of the House Journal and that Engrossed Senate Bill No. 2327 be further amended as follows:

Page 2, line 14, replace "A" with "Unless a court of competent jurisdiction determines otherwise, a"

Renumber accordingly

Engrossed SB 2327 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1075, as engrossed: Your conference committee (Sens. Fischer, Thane, DeMers and Reps. Devlin, Porter, Niemeier) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 861 and place Engrossed HB 1075 on the Seventh order.

Engrossed HB 1075 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1151, as engrossed: Your conference committee (Sens. Wanzek, Flakoll, Kelsh and Reps. Drovdal, Brandenburg, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 758 and place Engrossed HB 1151 on the Seventh order.

Engrossed HB 1151 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1307, as engrossed: Your conference committee (Sens. B. Stenehjem, Urlacher, Kinnoin and Reps. Mickelson, Herbel, Winrich) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 967 and place HB 1307 on the Seventh order.

Engrossed HB 1307 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