

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, April 9, 2001

The Senate convened at 8:30 a.m., with President Dalrymple presiding.

The prayer was offered by Pastor Bob Weiss, Bismarck Baptist Church, Bismarck.

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

A quorum was declared by the President.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LEE MOVED** that the conference committee report on Engrossed HB 1462 as printed on SJ page 1214 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. COOK MOVED** that the conference committee report on Engrossed HB 1058 as printed on SJ pages 1237-1238 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1058, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1058:** A BILL for an Act relating to the transfer of duplicative payments received by the superintendent of public instruction.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1058, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. TRAYNOR MOVED** that the conference committee report on Engrossed HB 1269 as printed on SJ page 1238 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1269, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1269:** A BILL for an Act to provide for a legislative council study of issues relating to resident and nonresident hunting in this state.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christenson; Cook; Dever; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lindaas; Lyson; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist; Bercier; Christmann; Erbele; Heitkamp; Holmberg; Kroepelin; Lee; Mathern, D.; Nelson, G.; Tallackson; Thane

Engrossed HB 1269, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KREBSBACH MOVED** that the conference committee report on Engrossed HB 1457 as printed on SJ page 1187 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1457, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1457:** A BILL for an Act to amend and reenact section 23-13-15 of the North Dakota Century Code, relating to residential rental property smoke detection systems.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1457, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LEE MOVED** that the Senate do concur in the House amendments to Reengrossed SB 2098 as printed on SJ pages 965-966, which motion prevailed on a voice vote.

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

**SECOND READING OF SENATE BILL**

**SB 2098:** A BILL for an Act to amend and reenact sections 23-09.3-01.1 and 23-16-01.1 of the North Dakota Century Code, relating to the moratorium on expansion of basic and long-term care bed capacity.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroepelin; Lee; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Robinson; Schobinger; Solberg; Stenehjerm; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Christenson; Every; Heitkamp; Kelsh; Krauter; Lindaas; Lyson; Mathern, D.; Mathern, T.; O'Connell; Polovitz; Tallackson; Tomac

Reengrossed SB 2098 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. URLACHER MOVED** that the Senate do concur in the House amendments to SB 2454 as printed on SJ pages 1165-1166, which motion prevailed on a voice vote.

SB 2454, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2454:** A BILL for an Act to create and enact a new subsection to section 57-43.2-01 of the North Dakota Century Code, relating to the definition of biodiesel fuel; to amend and reenact section 24-02-01.5, subsection 1 of section 57-43.2-02, and subsection 1 of section 57-43.2-03 of the North Dakota Century Code, relating to a special fuels tax reduction for sales of diesel fuel blended with biodiesel fuel; to provide an effective date; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Solberg; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Cook; Dever; Mutch; Schobinger; Stenehjem

Engrossed SB 2454 passed and the title was agreed to.

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**MOTION**

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

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

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2005, SB 2006, SB 2010, SB 2014, SB 2018, SB 2090, SB 2097, SB 2102, SB 2113, SB 2116, SB 2150, SB 2162, SB 2187, SB 2194, SB 2197, SB 2224, SB 2226, SB 2264, SB 2297, SB 2300, SB 2314, SB 2315, SB 2337, SB 2342, SB 2352, SB 2373, SB 2379, SB 2384, SB 2403, SB 2413, SCR 4048, SCR 4049.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2034, SB 2082, SB 2118, SB 2201, SB 2265, SB 2365.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed: HB 1002, HB 1011, HB 1014, HB 1016, HB 1017, HB 1018, HB 1021, HB 1065, HB 1115, HB 1182, HB 1210, HB 1215, HB 1226, HB 1233, HB 1251, HB 1318, HB 1358, HB 1363, HB 1371, HB 1377, HB 1398, HB 1426, HB 1456, HB 1467, HCR 3015, HCR 3016, HCR 3027, HCR 3035, HCR 3039, HCR 3042, HCR 3048.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee report on HB 1462.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has adopted the conference committee reports and subsequently passed: HB 1058, HB 1269, and HB 1457.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2098 and SB 2454.

**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1287, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SCR 4052: SEN. NICHOLS (Agriculture Committee) MOVED** that the amendments on SJ page 1236 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4052:** A concurrent resolution for the amendment of section 8 of article VII of the Constitution of North Dakota, relating to the residency of a candidate for county elective office and to permit the legislative assembly to provide for the election of a county elective officer, other than the sheriff, to serve in more than one county.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** O'Connell

Engrossed SCR 4052 was declared adopted and the title was agreed to.

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#### **FIRST READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3071:** A concurrent resolution urging Congress to encourage the individuals and entities who received advance payments from the members of the Mandan High School Band and their families to make every possible effort to refund the payments or to otherwise provide compensation for the financial losses incurred by the band members and their families in preparation for their trip to Ireland.

Was read the first time.

#### **MOTION**

**SEN. COOK MOVED** that the rules be suspended, that HCR 3071 not be printed, not be referred to committee, not be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. R. Kelsch, Boehm, Porter, Renner and Sens. Cook, Tomac introduced:  
(Approved by the Delayed Bills Committee)

#### **HOUSE CONCURRENT RESOLUTION NO. 3071**

A concurrent resolution urging Congress to encourage the individuals and entities who received advance payments from the members of the Mandan High School Band and their families to make every possible effort to refund the payments or to otherwise provide compensation for the financial losses incurred by the band members and their families in preparation for their trip to Ireland.

**WHEREAS,** the Mandan High School Band had intended to travel to Ireland on March 11, 2001, and appear in the 2001 St. Patrick's Day Parade in Dublin, Ireland; and

**WHEREAS,** the cost per student was in excess of \$1,625 and the band's total advanced expenses for airfare, lodging, and food exceeded \$169,000; and

**WHEREAS,** each of the band members worked long and hard to raise funds necessary to offset the inherent costs of the trip and the families of band members were obligated to make up the difference between the amount generated through fundraising efforts and the actual cost of the trip; and

**WHEREAS,** the 2001 St. Patrick's Day Parade was canceled because of the outbreak of foot and mouth disease in Europe and the trip to Ireland was canceled in recognition of the high risk that the foot and mouth disease could be transported back to the United States and if so transported, could decimate the livestock industry in this state and country; and

**WHEREAS,** the members of the Mandan High School Band and their families need to be commended for their maturity and wisdom in understanding the value of this state's and this country's livestock industry; and

**WHEREAS,** the members of the Mandan High School Band and their families have incurred significant financial loss as a result of the trip's cancellation and their inability to be reimbursed for any advanced payments;

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

That the Fifty-seventh Legislative Assembly urges the Congress of the United States to encourage the individuals and entities who received advanced payments from the members of the Mandan High School Band and their families to make every possible effort to refund the payments or to otherwise provide compensation for the financial losses incurred by the band members and their families; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to the President of the United States, the President of Ireland, the United States Ambassador to Ireland, the Irish Ambassador to the United States, the Secretary of Agriculture, the North Dakota Agriculture Commissioner, the North Dakota Farm Bureau, the North Dakota Farmer's Union, the North Dakota Beef Commission, the North Dakota Stockmen's Association, the National Cattlemen's Beef Association, the Cattlemen's Beef Board, the United States Meat Export Federation, the American National Cattlewomen, and to each member of the North Dakota Congressional Delegation.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3071:** A concurrent resolution urging Congress to encourage the individuals and entities who received advance payments from the members of the Mandan High School Band and their families to make every possible effort to refund the payments or to otherwise provide compensation for the financial losses incurred by the band members and their families in preparation for their trip to Ireland.

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

HCR 3071 was declared adopted on a voice vote.

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#### **MOTION**

**SEN. CHRISTMANN MOVED** that HB 1301, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

#### **MOTION**

**SEN. G. NELSON MOVED** that SB 2380, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2004 as printed on SJ pages 1201-1204 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 2004: Sens. Andrist, Grindberg, Robinson.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2011 as printed on SJ pages 1204-1205 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 2011: Sens. Nething, Kringstad, Tallackson.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2016 as printed on SJ pages 1205-1213 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 2016: Sens. Nething, Kringstad, Robinson.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. WANZEK MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2104 as printed on SJ page 1100 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 2104: Sens. Wanzek, Erbele, Nichols.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NETHING MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1006, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1006: Sens. Kringstad, Schobinger, Tallackson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NETHING MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1009, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1009: Sens. Bowman, Solberg, Tomac.

**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 1460, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1460: Sens. Stenehjem, Grindberg, Kroeplin.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NETHING MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1003, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1003: Sens. Nething, Holmberg, Robinson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NETHING MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1023, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1023: Sens. Nething, Holmberg, Robinson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. LEE MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Reengrossed HB 1441, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Reengrossed HB 1441: Sens. Lee, Kilzer, T. Mathern.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 9, 2001: SB 2114, SB 2117, SB 2121, SB 2144, SB 2223, SB 2359, SB 2370, SB 2371, SB 2420, SB 2443, SB 2444, SB 2446.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4052.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has passed unchanged: HCR 3071.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2004, SB 2011, SB 2016, and SB 2104 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2004:** Sens. Andrist; Grindberg; Robinson

**SB 2011:** Sens. Nething; Kringstad; Tallackson

**SB 2016:** Sens. Nething; Kringstad; Robinson

**SB 2104:** Sens. Wanzek; Erbele; Nichols

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

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

**HB 1003:** Sens. Nething; Holmberg; Robinson

**HB 1006:** Sens. Kringstad; Schobinger; Tallackson

**HB 1009:** Sens. Bowman; Solberg; Tomac

**HB 1023:** Sens. Nething; Holmberg; Robinson

**HB 1441:** Sens. Lee; Kilzer; T. Mathern

**HB 1460:** Sens. Stenehjem; Grindberg; Kroeplin

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed: SB 2114, SB 2117, SB 2121, SB 2144, SB 2223, SB 2359, SB 2370, SB 2371, SB 2420, SB 2443, SB 2444, SB 2446.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1008, HB 1160, HB 1162, HB 1202, HB 1400.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2020, SB 2021, SB 2022.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2020**

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

Page 1, after line 13, insert:

"Information technology technical education program development grants	422,300"
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Page 1, line 17, replace "28,756,397" with "29,178,697"

Page 1, line 19, replace "13,868,655" with "14,290,955"

Page 1, replace lines 20 through 24 with:

**"SECTION 2. WORKFORCE DEVELOPMENT ACTIVITIES - WORKFORCE DEVELOPMENT COUNCIL REPORT TO FIFTY-EIGHTH LEGISLATIVE ASSEMBLY.**

The workforce development council shall prepare a report annually on workforce training and development activities of the North Dakota university system, job service North Dakota, department of human services, state board for vocational and technical education, department of commerce, and other workforce partners. The workforce development council shall present the reports to the House and Senate appropriations committees of the fifty-eighth legislative assembly.

**SECTION 3. INFORMATION TECHNOLOGY TECHNICAL EDUCATION PROGRAM DEVELOPMENT GRANTS.**

The state board for vocational and technical education shall use the amount appropriated in the line item entitled information technology technical education program development grants in section 1 of this Act to contract with a nonprofit private entity to provide assistance to schools in information technology technical education program development.

**SECTION 4. WORKFORCE TRAINING AND DEVELOPMENT - LEGISLATIVE COUNCIL STUDY.**

During the 2001-02 interim, the legislative council shall consider studying the various workforce training and development programs administered by agencies of the state of North Dakota and the feasibility and desirability of consolidating in a single agency the funding and administration of those programs. Agencies to be considered as part of the study include job service North Dakota, the department of economic development and finance, the state board for vocational and technical education, and the North Dakota university system. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Page 2, remove lines 1 through 19

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2020 - Vocational Education - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$3,066,412	\$2,946,750		\$2,946,750
Operating expenses	682,906	596,147		596,147
Equipment	60,000	60,000		60,000
Grants	23,274,665	22,920,288		22,920,288
Information technology technical education grants			\$422,300	422,300
Adult farm management	525,760	525,760		525,760
Workforce training	875,000	1,350,000		1,350,000
Postsecondary education vocational grants	357,452	357,452		357,452
Total all funds	\$28,842,195	\$28,756,397	\$422,300	\$29,178,697
Less estimated income	<u>14,990,919</u>	<u>14,887,742</u>		<u>14,887,742</u>
General fund	\$13,851,276	\$13,868,655	\$422,300	\$14,290,955
FTE	29.50	28.50	0.00	28.50

**Dept. 270 - Vocational Education - Detail of House Changes**

	ADD FUNDING FOR GRANT TO EXPLORNET <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Grants		
Information technology technical education grants	\$422,300	\$422,300
Adult farm management		
Workforce training		
Postsecondary education vocational grants		
Total all funds	\$422,300	\$422,300
Less estimated income		
General fund	\$422,300	\$422,300
FTE	0.00	0.00

<sup>1</sup> An information technology technical education program development line item of \$422,300 is added for a grant to ExplorNet (a 501(c)(3) nonprofit corporation) for the purpose of providing services to schools to assist in information technology technical education program development.

This amendment removes Section 2 of the reengrossed bill, which required that prior to the distribution of fiscal year 2003 workforce training grants, each workforce training region certify that at least 75 percent of the regional funds estimated to be raised during the 2001-03 biennium were received or were pledged to be received.

This amendment adds a new Section 2, which requires the Workforce Development Council to prepare an annual report on workforce training and development activities offered through various state entities and to present that report to the Appropriations Committees of the Fifty-eighth Legislative Assembly.

This amendment adds Section 3, which provides that the \$422,300 amount added for information technology education grants is to be used to provide a grant to a nonprofit private entity to provide assistance to schools in information technology technical education program development.

This amendment adds Section 4, which directs the Legislative Council to consider studying the feasibility of consolidating in a single state agency the funding and administration of workforce training and development programs.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2021**

Page 1, line 4, replace the second "section" with "sections", after "4-05.1-16" insert ", 4-05.1-17, 4-05.1-19," and remove "subsection 1 of section"

Page 1, line 5, remove "changing", remove "voting", and after "membership" insert "and duties"

Page 1, line 6, after "education" insert ", the compensation of board members," and replace "use of" with "the" and remove "annual"

Page 1, line 7, remove "proceeds"

Page 2, line 15, replace "55,178,597" with "54,818,597"

Page 2, line 17, replace "28,365,985" with "28,005,985"

Page 2, line 20, replace "3,811,153" with "3,782,653"

Page 2, line 26, replace "2,959,679" with "3,259,679"

Page 2, line 27, replace "14,666,145" with "14,937,645"

Page 2, line 28, replace "6,848,485" with "6,903,485"

Page 2, line 29, replace "7,817,660" with "8,034,160"

Page 3, line 3, replace "51,742,895" with "51,599,395"

Page 3, line 4, replace "62,334,583" with "62,389,583"

Page 3, line 5, replace "114,077,478" with "113,988,978"

Page 3, line 12, remove "the state board of higher"

Page 3, line 13, remove the first "education," and remove the second comma

Page 3, line 23, replace "\$650,000" with "\$500,000"

Page 3, after line 25, insert:

**"SECTION 6. LEGISLATIVE INTENT - CARRINGTON RESEARCH CENTER.**

It is the intent of the legislative assembly that the agricultural experiment station develop a modern feedmill and feedlot at the Carrington research extension center that will address genetic, management, marketing, coproduct, and environmental research needs of beef producers.

**SECTION 7. LEGISLATIVE INTENT - MALT BARLEYS.** It is the intent of the fifty-seventh legislative assembly that the agricultural experiment station allocate from the main research center \$288,000 of funding for the purpose of developing western North Dakota malt barleys for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 8. LEGISLATIVE INTENT - BEEFLINE INITIATIVE.** It is the intent of the fifty-seventh legislative assembly that the agricultural experiment station allocate at least \$445,000 of funding for the beeline initiative for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 9. LEGISLATIVE INTENT - NEW BARLEY VARIETIES.** It is the intent of the fifty-seventh legislative assembly that the agricultural experiment station allocate at least \$228,000 of funding for the purpose of conducting research to develop new feed barley varieties for the biennium beginning July 1, 2001, and ending June 30, 2003."

Page 4, line 24, replace ", who serves in an ex officio" with "or the president's designee"

Page 4, line 25, remove "nonvoting capacity"

Page 4, line 27, remove ", who serves in an"

Page 4, line 28, remove "ex officio nonvoting capacity"

Page 5, line 9, remove ", who"

Page 5, line 10, remove "serves in an ex officio nonvoting capacity"

Page 6, after line 8, insert:

**"SECTION 13. AMENDMENT.** Section 4-05.1-17 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-05.1-17. Compensation of board members - Expenses.** Each appointed member of the state board of agricultural research and education is entitled to receive ~~sixty-two~~ seventy-five dollars ~~and fifty cents~~ per day as compensation for the time actually spent devoted to the duties of office and is entitled to receive necessary

expenses in the same manner and amounts as state officials for attending meetings and performing other functions of office.

**SECTION 14. AMENDMENT.** Section 4-05.1-19 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-05.1-19. State board of agricultural research and education - Duties.** Within the policies of the state board of higher education, the state board of agricultural research and education is responsible for ~~the budgeting, supervision, and policymaking responsibilities~~ associated with the ~~supervision of the~~ agricultural experiment station and the North Dakota state university extension service. The board of agricultural research and education shall:

1. Determine the causes of any adverse economic impacts on crops and livestock produced in this state;
2. Develop ongoing strategies for the provision of research solutions and resources to negate adverse economic impacts on crops and livestock produced in this state;
3. ~~Make available financial resources, including grants and salaries, and make available equipment and facilities to implement~~ Develop ongoing strategies for the dissemination of research information through the extension service;
4. ~~Implement the strategies developed under~~ subsection subsections 2 and 3, subject to approval by the state board of higher education;
4. ~~5.~~ 5. Develop ~~an annual budget for the operation of,~~ with the agricultural experiment station and the North Dakota state university extension service, an annual budget for the operations of these entities;
5. ~~6.~~ 6. Develop, with the agricultural experiment station and the North Dakota state university extension service, a biennial budget request and submit that request to the president of North Dakota state university and the state board of higher education ~~on or before March first of each even-numbered year;~~
6. ~~7.~~ 7. Maximize the use of existing financial resources, equipment, and facilities to generate the greatest economic benefit from research and extension efforts and to promote efficiency;
7. ~~8.~~ 8. Annually evaluate the results of research and extension activities and expenditures and report the findings to the legislative council and the state board of higher education;
8. ~~9.~~ 9. Advise the ~~administration~~ president of North Dakota state university regarding the recruitment and, selection, and performance of the vice president of agricultural affairs, the extension service director, and the station director; and
9. ~~10.~~ 10. ~~Develop ongoing strategies for the dissemination of research information and the best practices for management of the extension service~~ Present a status report to the budget section of the legislative council."

Page 6, line 9, replace "Subsection 1 of section" with "Section"

Page 6, replace lines 11 through 26 with:

**"4-05.1-21. State board of agricultural research and education - Apportionment of research funds.**

1. The state board of agricultural research and education may use up to ten percent of the proceeds of the agricultural research fund, not to exceed fifty thousand dollars, for administrative expenses and annually shall apportion the remaining proceeds of the agricultural research fund as follows:
  - a. Seventy percent to research activities affecting North Dakota agricultural commodities that account for at least two percent of the gross sales of all agricultural commodities grown or produced in the

state. The percentage of the dollars available for each agricultural commodity under this section may not exceed the percentage that the gross sales of the agricultural commodity bear to the North Dakota gross sales of all agricultural commodities grown or produced during the previous year, as determined by the agricultural statistics service;

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

**SECTION 16. TRANSFER AUTHORITY.** Upon approval from the state board of agricultural research and education, the director of the North Dakota agricultural experiment station may transfer appropriation authority within subdivisions 1, 4, and 5 of section 1 of this Act of up to \$90,000 of estimated income for beef quality assurance and up to \$60,000 of estimated income for applied research initiatives, for the biennium beginning July 1, 2001, and ending June 30, 2003."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2021 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Transportation Institute				
Total all funds	\$7,888,427	\$7,888,427	\$0	\$7,888,427
Less estimated income	7,383,348	7,383,348		7,383,348
General fund	\$505,079	\$505,079	\$0	\$505,079
Branch Research Centers				
Total all funds	\$13,772,645	\$14,666,145	\$271,500	\$14,937,645
Less estimated income	5,873,485	6,848,485	55,000	6,903,485
General fund	\$7,899,160	\$7,817,660	\$216,500	\$8,034,160
NDSU Extension Service				
Total all funds	\$33,678,046	\$33,628,046	\$0	\$33,628,046
Less estimated income	19,298,301	19,298,301		19,298,301
General fund	\$14,379,745	\$14,329,745	\$0	\$14,329,745
Northern Crops Institute				
Total all funds	\$1,457,123	\$1,457,123	\$0	\$1,457,123
Less estimated income	732,697	732,697		732,697
General fund	\$724,426	\$724,426	\$0	\$724,426
Main Research Station				
Total all funds	\$55,228,597	\$55,178,597	(\$360,000)	\$54,818,597
Less estimated income	26,812,612	26,812,612		26,812,612
General fund	\$28,415,985	\$28,365,985	(\$360,000)	\$28,005,985
Agronomy Seed Farm				
Total all funds	\$1,259,140	\$1,259,140	\$0	\$1,259,140
Less estimated income	1,259,140	1,259,140		1,259,140
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$113,283,978	\$114,077,478	(\$88,500)	\$113,988,978
Less estimated income	61,359,583	62,334,583	55,000	62,389,583
General fund	\$51,924,395	\$51,742,895	(\$143,500)	\$51,599,395

**Senate Bill No. 2021 - Transportation Institute - House Action**

The House did not change the Senate version of the bill.

**Senate Bill No. 2021 - Branch Research Centers - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Dickinson Research Center	\$3,132,653	\$3,811,153	(\$28,500)	\$3,782,653
Central Grasslands Research Center	1,413,982	1,413,982		1,413,982
Hettinger Research Center	1,559,583	1,559,583		1,559,583
Langdon Research Center	1,781,894	1,916,894		1,916,894
North Central Research Center	1,511,068	1,511,068		1,511,068
Williston Research Center	1,413,786	1,493,786		1,493,786
Carrington Research Center	<u>2,959,679</u>	<u>2,959,679</u>	<u>300,000</u>	<u>3,259,679</u>
Total all funds	\$13,772,645	\$14,666,145	\$271,500	\$14,937,645
Less estimated income	<u>5,873,485</u>	<u>6,848,485</u>	<u>55,000</u>	<u>6,903,485</u>
General fund	\$7,899,160	\$7,817,660	\$216,500	\$8,034,160
FTE	76.36	76.36	0.00	76.36

**Dept. 628 - Branch Research Centers - Detail of House Changes**

	RESTORE FUNDING <sup>1</sup>	CHANGE FUNDING FOR LEARNING CENTER <sup>2</sup>	REDUCE FUNDING FOR BEEFLINE <sup>3</sup>	PROVIDE FUNDING FOR MODERN FEEDMILL AND FEEDLOT <sup>4</sup>	PROVIDE ADDITIONAL FUNDING FOR BEEFLINE AND FEED BARLEY RESEARCH <sup>5</sup>	TOTAL HOUSE CHANGES
Dickinson Research Center	\$66,500		(\$300,000)		\$205,000	(\$28,500)
Central Grasslands Research Center						
Hettinger Research Center						
Langdon Research Center						
North Central Research Center						
Williston Research Center						
Carrington Research Center				<u>\$300,000</u>		<u>300,000</u>
Total all funds	\$66,500	\$0	(\$300,000)	\$300,000	\$205,000	\$271,500
Less estimated income		<u>(150,000)</u>	<u>(300,000)</u>	<u>300,000</u>	<u>205,000</u>	<u>55,000</u>
General fund	\$66,500	\$150,000	\$0	\$0	\$0	\$216,500
FTE	0.00	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Restores funding to the Dickinson Research Center which was removed by the Senate.

<sup>2</sup> Changes funding of \$150,000 from special funds to the general fund for the Langdon Learning Center project. The total authorization for the project is \$810,000, \$300,000 of which is from the general fund and \$510,000 of special funds. The section requiring \$650,000 in cash or pledges before construction can begin is lowered to \$500,000.

<sup>3</sup> Funding added in the Senate to the Dickinson Research Center for the beefline initiative is reduced by \$300,000, from \$745,000 to \$445,000. Funding is from Dickinson oil revenues.

<sup>4</sup> Provides funding from Dickinson oil revenues for the development of a modern feedmill and feedlot to be established at the Carrington Research Center.

<sup>5</sup> Provides funding from additional Dickinson oil revenues, if available, for the beefline initiative and feed barley research. Total funding included in this amendment from Dickinson oil revenues is \$950,000 which is provided for the beefline initiative, the Carrington feedmill and feedlot, and for feed barley research.

**Senate Bill No. 2021 - NDSU Extension Service - House Action**

The House did not change the Senate version of the bill.

**Senate Bill No. 2021 - Northern Crops Institute - House Action**

The House did not change the Senate version of the bill.

**Senate Bill No. 2021 - Main Research Station - House Action**

EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
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Salaries and wages	\$40,952,648			
Operating expenses	10,027,903			
Equipment	1,532,746			
Capital improvements	415,300			
Agricultural research grants	2,000,000			
Animal replacement	300,000			
Main Research Station		<u>\$55,178,597</u>	<u>(\$360,000)</u>	<u>\$54,818,597</u>
Total all funds	\$55,228,597	\$55,178,597	(\$360,000)	\$54,818,597
Less estimated income	<u>26,812,612</u>	<u>26,812,612</u>		<u>26,812,612</u>
General fund	\$28,415,985	\$28,365,985	(\$360,000)	\$28,005,985
FTE	351.28	351.28	(1.80)	349.48

### Dept. 640 - Main Research Station - Detail of House Changes

	REDUCE OPERATING LINE ITEM	REMOVE VACANT POSITIONS <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages			
Operating expenses			
Equipment			
Capital improvements			
Agricultural research grants			
Animal replacement			
Main Research Station	<u>(\$360,000)</u>		<u>(\$360,000)</u>
Total all funds	<u>(\$360,000)</u>	<u>\$0</u>	<u>(\$360,000)</u>
Less estimated income			
General fund	<u>(\$360,000)</u>	<u>\$0</u>	<u>(\$360,000)</u>
FTE	0.00	(1.80)	(1.80)

<sup>1</sup> The following vacant FTE positions are removed, but the funding for the positions remains and may be reallocated for other purposes.

	FTE
Assistant professor	(.45)
Information processing position	(.95)
Information systems position	(.25)
Public information position	(.15)
Total FTEs reduced	(1.80)

### Senate Bill No. 2021 - Agronomy Seed Farm - House Action

The House did not change the Senate version of the bill.

### Senate Bill No. 2021 - Other Changes - House Action

The State Board of Higher Education is removed from the transfer authority approval process in Section 3.

Section 6 provides intent for the establishment of a modern feedmill and feedlot at the Carrington Research Extension Center.

Section 7 provides intent that \$288,000 be allocated from the Main Research Center for developing western North Dakota malt barleys.

Section 8 provides intent that at least \$445,000 be allocated for the beefline initiative.

Section 9 provides intent that at least \$228,000 be allocated for the development of new feed barley varieties.

This amendment amends Section 12 to reinstate the president of North Dakota State University, the administrator of the Agricultural Experiment Station, and the director of the North Dakota State University Extension Service as voting members of the State Board of Agricultural Research and Education.

Section 13 changes the per diem of the members of the State Board of Agricultural Research and Education from \$62.50 to \$75.00.

The duties of the State Board of Agricultural Research and Education are redefined in Section 14 to include a status report to the Budget Section.

The administrative expenses of the State Board of Agricultural Research and Education are limited to 10 percent of the proceeds of the agricultural research fund, not to exceed \$50,000.

Transfer authority among the Extension Service, Main Research Center, and research centers of up to \$150,000 is authorized in Section 16 for funding of beef quality assurance (\$90,000) and applied research initiatives (\$60,000).

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2022

Page 1, line 2, after "department" insert "; to provide a contingent appropriation; to provide a statement of legislative intent; and to provide an expiration date"

Page 1, line 10, replace "25,985,352" with "25,576,531"

Page 1, line 11, replace "36,076,824" with "35,661,772"

Page 1, line 12, replace "5,595,000" with "5,080,000"

Page 1, line 13, replace "934,583" with "600,334"

Page 1, line 15, replace "1,973,669" with "1,173,669"

Page 1, remove line 16

Page 1, line 17, replace "9,968,905" with "9,647,121"

Page 1, line 18, replace "11,971,373" with "1,503,666"

Page 1, line 19, replace "1,407,513" with "1,407,513"

Page 1, remove line 20

Page 1, line 21, replace "96,903,519" with "82,850,606"

Page 1, line 22, replace "71,185,087" with "71,883,880"

Page 1, line 23, replace "25,718,432" with "10,966,726"

Page 2, after line 4, insert:

**"SECTION 3. ESTIMATED INCOME.** The estimated income line item included in section 1 of this Act includes \$1,045,000, or so much of the line item as may be necessary, of payments from school districts that contain a high school. Each school district that contains a high school is to provide the information technology department \$2,500 per year for costs associated with being connected to the statewide wide area network.

**SECTION 4. CONTINGENT APPROPRIATION - GEOGRAPHIC INFORMATION SYSTEMS.** If the information technology department develops a centralized geographic information system initiative proposal that identifies all geographic information system participants, a process for implementing a centralized geographic information system, and efficiencies resulting from a centralized geographic information system and the proposal is approved by the budget section of the legislative council, there is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$750,000 to the information technology department for implementing a centralized geographic information system for fiscal year beginning July 1, 2002, and ending June 30, 2003.

**SECTION 5. LEGISLATIVE INTENT - ENTERPRISE RESOURCE PLANNING - REPORT TO FIFTY-EIGHTH LEGISLATIVE ASSEMBLY.** It is the intent of the fifty-seventh legislative assembly that during the biennium beginning July 1, 2001, and ending June 30, 2003, the information technology department review the enterprise resource planning concept and the request for proposal process anticipated to be used to solicit bids for the project, if authorized; that the department prepare a report and its

recommendations relating to the project; and that the report and recommendations be presented to the appropriations committees of the fifty-eighth legislative assembly.

**SECTION 6. EXPIRATION DATE.** Section 3 of this Act is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2022 - Information Technology Department - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$25,985,352	\$25,985,352	(\$408,821)	\$25,576,531
Operating expenses	36,076,824	36,076,824	(415,052)	35,661,772
Equipment	5,595,000	5,595,000	(515,000)	5,080,000
Center for Innovation and Instruction	934,583	934,583	(334,249)	600,334
Education Technology Commission grants	3,500,000	2,200,000		2,200,000
SENDIT network	1,973,669	1,973,669	(800,000)	1,173,669
IT technical education program development	590,300	590,300	(590,300)	
Wide area network	9,968,905	9,968,905	(321,784)	9,647,121
Enterprise resource planning system	20,488,873	11,971,373	(10,467,707)	1,503,666
Prairie Public Broadcasting	1,407,513	1,407,513		1,407,513
IT innovation fund	500,000	200,000	(200,000)	
Contingent GIS appropriation			750,000	750,000
<b>Total all funds</b>	<b>\$107,021,019</b>	<b>\$96,903,519</b>	<b>(\$13,302,913)</b>	<b>\$83,600,606</b>
Less estimated income	71,185,087	71,185,087	698,793	71,883,880
<b>General fund</b>	<b>\$35,835,932</b>	<b>\$25,718,432</b>	<b>(\$14,001,706)</b>	<b>\$11,716,726</b>
FTE	212.00	212.00	(8.00)	204.00

**Dept. 112 - Information Technology Department - Detail of House Changes**

	REDUCE FUNDING FOR THE CENTER FOR INNOVATION AND INSTRUCTION 1	REDUCE FUNDING FOR SENDIT NETWORK 2	REMOVE FUNDING FOR IT TECHNICAL EDUCATION PROGRAM DEVELOPMENT 3	REMOVE FUNDING FOR THE IT INNOVATION FUND 4	PROVIDE A FUNDING SOURCE CHANGE FOR WIDE AREA NETWORK 5	REMOVE POSITIONS AND RELATED FUNDING FOR WIDE AREA NETWORK 6
Salaries and wages						
Operating expenses						
Equipment						
Center for Innovation and Instruction	(\$334,249)					
Education Technology Commission grants						
SENDIT network		(\$800,000)				
IT technical education program development			(\$590,300)			
Wide area network						(\$321,784)
Enterprise resource planning system						
Prairie Public Broadcasting						
IT innovation fund				(\$200,000)		
Contingent GIS appropriation						
<b>Total all funds</b>	<b>(\$334,249)</b>	<b>(\$800,000)</b>	<b>(\$590,300)</b>	<b>(\$200,000)</b>	<b>\$0</b>	<b>(\$321,784)</b>
Less estimated income					1,045,000	
<b>General fund</b>	<b>(\$334,249)</b>	<b>(\$800,000)</b>	<b>(\$590,300)</b>	<b>(\$200,000)</b>	<b>(\$1,045,000)</b>	<b>(\$321,784)</b>
FTE	0.00	0.00	0.00	0.00	0.00	(2.00)
	PROVIDE CORRECT FUNDING FOR RECOMMENDED SALARY INCREASES	DECREASE FUNDING FOR E-GOVERNMENT INITIATIVE 7	REMOVE FUNDING FOR GIS 8	DECREASE FUNDING FOR RESEARCH AND PLANNING POSITION	REMOVE FUNDING FOR THE ENTERPRISE RESOURCE PLANNING SYSTEM 9	RESTORE FUNDING FOR HIGHER EDUCATION FINANCIAL AID SYSTEM 10
Salaries and wages		(\$140,404)	(\$268,417)			
Operating expenses		(21,684)	(293,368)			
Equipment		(5,000)	(510,000)	(100,000)		
Center for Innovation and Instruction						
Education Technology Commission grants						
SENDIT network						
IT technical education program development						
Wide area network						
Enterprise resource planning system					(11,971,373)	1,503,666
Prairie Public Broadcasting						
IT innovation fund						

Contingent GIS appropriation						
Total all funds	\$0	(\$167,088)	(\$1,071,785)	(\$100,000)	(\$11,971,373)	\$1,503,666
Less estimated income	<u>142,666</u>				<u>(488,873)</u>	
General fund	(\$142,666)	(\$167,088)	(\$1,071,785)	(\$100,000)	(\$11,482,500)	\$1,503,666
FTE	0.00	(1.00)	(2.00)	0.00	(3.00)	0.00
	PROVIDE FOR A CONTINGENT APPROPRIATION (GIS) <sup>11</sup>	TOTAL HOUSE CHANGES				
Salaries and wages		(\$408,821)				
Operating expenses		(415,052)				
Equipment		(515,000)				
Center for Innovation and Instruction		(334,249)				
Education Technology Commission grants						
SENDIT network		(800,000)				
IT technical education program development		(590,300)				
Wide area network		(321,784)				
Enterprise resource planning system		(10,467,707)				
Prairie Public Broadcasting						
IT innovation fund		(200,000)				
Contingent GIS appropriation	<u>750,000</u>	<u>750,000</u>				
Total all funds	\$750,000	(\$13,302,913)				
Less estimated income		<u>698,793</u>				
General fund	\$750,000	(\$14,001,706)				
FTE	0.00	(8.00)				

<sup>1</sup> This amendment reduces funding from the general fund for the Center for Innovation in Instruction by \$334,249, from \$934,583 to \$600,334.

<sup>2</sup> This amendment reduces funding from the general fund for the SENDIT network by \$800,000, from \$1,973,669 to \$1,173,669.

<sup>3</sup> This amendment removes funding from the general fund of \$590,300 for information technical education program development.

<sup>4</sup> This amendment removes funding from the general fund of \$200,000 for an information technology innovation fund.

<sup>5</sup> This amendment provides a change in funding relating to the costs associated with connecting the statewide wide area network to school districts that contain a high school. Each school district that contains a high school will be required to provide the Information Technology Department \$2,500 per year for connection to the statewide wide area network. This will result in approximately \$1,045,000 in special funds revenues and therefore the general fund appropriation for the wide area network is reduced by \$1,045,000.

<sup>6</sup> This amendment removes funding of \$321,784 from the general fund and two FTE positions associated with the implementation of the statewide wide area network.

<sup>7</sup> This amendment reduces \$167,088 of funding from the general fund and removes one FTE associated with the e-government initiative.

<sup>8</sup> This amendment removes funding of \$1,071,785 from the general fund and two FTE positions for the geographic information system (GIS).

<sup>9</sup> This amendment removes funding of \$11,971,373, of which \$11,482,500 is from the general fund for the enterprise resource planning (ERP) project and authority for three FTE positions relating to the project. This amendment also adds a section of legislative intent that during the 2001-03 biennium, the Information Technology Department study the ERP concept and present recommendations to the 2003 Legislative Assembly.

<sup>10</sup> This amendment provides funding of \$1,503,666 from the general fund for a higher education financial aid system.

<sup>11</sup> This amendment adds a section to the bill that provides a contingent appropriation of \$750,000 from the general fund to the department for the GIS initiative if the department submits a proposal regarding implementing a GIS initiative to the Budget Section and receives Budget Section approval. The total general fund changes of (\$14,001,706) include the contingent appropriation.

#### MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2095.

#### MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee reports on SB 2204, SCR 4020, SB 2389, and SB 2345.

#### MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee reports and subsequently passed: HB 1189 and HB 1261.

#### MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has sustained the Governor's veto on HB 1228. The vote was 43 YEA, 53 NAYS, 2 ABSENT AND NOT VOTING.

#### MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

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

- SB 2012: Reps. Koppelman; Carlisle; Glassheim
- SB 2015: Reps. B. Thoreson; Koppelman; Huether
- SB 2019: Reps. Skarphol; Byerly; Huether
- SB 2106: Reps. Brusegaard; D. Johnson; Hanson
- SB 2167: Reps. Lloyd; Wrangham; Onstad
- SB 2229: Reps. Martinson; Carlisle; Aarsvold
- SB 2347: Reps. Renner; Koppang; Froelich
- SB 2419: Reps. Pietsch; Brandenburg; Mueller

**MOTION**

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

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Tuesday, April 10, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SCR 4050: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4050 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1045, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1045 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "15-38.1,"

Page 14, line 20, replace "No cause of action for libel or slander may be brought" with "An individual who acts without malice is not subject to civil liability for libel or slander"

Page 16, line 15, replace "No cause of action for libel or slander may be brought" with "An individual who acts without malice is not subject to civil liability for libel or slander"

Page 18, line 24, replace "No cause of action for libel or slander may be brought" with "An individual who acts without malice is not subject to civil liability for libel or slander"

Page 20, line 18, replace "No cause of action for libel or slander may be brought" with "An individual who acts without malice is not subject to civil liability for libel or slander"

Page 22, line 28, replace "No cause of action for libel or slander may be brought" with "An individual who acts without malice is not subject to civil liability for libel or slander"

Page 24, line 24, replace "No cause of action for libel or slander may be brought" with "An individual who acts without malice is not subject to civil liability for libel or slander"

Page 30, line 6, replace "No cause of action for libel or slander may be brought" with "An individual who acts without malice is not subject to civil liability for libel or slander"

Page 31, line 26, replace "No cause of action for libel or slander may be brought" with "An individual who acts without malice is not subject to civil liability for libel or slander"

Page 33, remove lines 6 through 31

Page 34, remove lines 1 through 31

Page 35, remove lines 1 through 31

Page 36, remove lines 1 through 31

Page 37, remove lines 1 through 31

Page 38, remove lines 1 through 31

Page 39, remove lines 1 through 8

Page 50, line 30, after the second "a" insert "basic"

Page 118, line 21, remove "15-38.1,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1326, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1326 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1344, as reengrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1344 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for teacher mentoring and evaluation programs and for contingent payments for declining enrollment; to create and enact a new section to chapter 15.1-02 and a new section to chapter 15.1-09 of the North Dakota Century Code, relating to a school district employee compensation report and bonuses; to amend and reenact section 15-40.1-06 of the North Dakota Century Code or in the alternative to amend and reenact sections 15.1-27-04 and 15.1-27-05 of the North Dakota Century Code and to amend and reenact section 57-15-27 of the North Dakota Century Code, relating to per student payments and ending fund balances; to provide for a legislative council report; to provide an appropriation; and to provide an effective date.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** If House Bill No. 1045 does not become effective, section 15-40.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-40.1-06. Declaration of legislative intent - Educational support per student - School district equalization factor - Limitations.**

1. It is the intent of the legislative assembly to support elementary and secondary education in this state from state funds. For purposes of this section, state funds include all appropriations for foundation aid, tuition apportionment, supplemental per student payments, special education, vocational education, transportation aid, school district technology, the governor's school, teacher centers, and the leadership in educational administration development consortium. For purposes of distributing state funds, the superintendent of public instruction shall determine the educational cost per student. In determining the educational cost per student, the superintendent may not use:
  - a. Expenditures for capital outlay for buildings and sites, or debt service.
  - b. Expenditures from school activities and school lunch programs.
  - c. Expenditures for the cost of transportation, including the cost of schoolbuses.
2.
  - a. The educational support per student ~~during~~ for the first year of the ~~1999-2001~~ 2001-03 biennium ~~must be~~ is two thousand ~~one~~ four hundred ~~forty five~~ twenty seven dollars ~~and~~. The educational support per student for the second year of the ~~1999-2001~~ 2001-03 biennium ~~the educational support per student must be~~ is two thousand ~~two~~ four hundred ~~thirty nine~~ and thirty nine dollars ~~and~~. The educational support per student is the basis for calculating grants-in-aid on a per student basis as provided in sections 15-40.1-07 and 15-40.1-08.
  - b. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 must be supported in the amount of two hundred twenty dollars, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07.
  - c. School districts operating high schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1991, or that become unaccredited in any succeeding school year must be supported for the first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07, but those school districts are not entitled to the amounts resulting from applying the factors in that section. The amount of aid

a school district is entitled to under this subsection for each high school that is not accredited must be reduced by two hundred dollars times the number of students in the school for the second school year that the high school is unaccredited, and an additional two hundred dollars per student in the unaccredited school for each additional year the school remains unaccredited. Any high school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-07 for the entire school year in which the school becomes accredited.

- d. School districts operating elementary schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1992, or that become unaccredited in any succeeding school year must be supported for the first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-08, except that the amount of aid that a school district is entitled to under this subsection for each elementary school that is unaccredited must be reduced by two hundred dollars times the number of students in the school each year that the elementary school is unaccredited. Any elementary school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-08 for the entire school year in which the school becomes accredited.
3. ~~In determining the amount of payments due a school district for tuition apportionment provided in section 15-44-03, and per student aid under this section, the amount of district, the superintendent of public instruction shall add the tuition apportionment, foundation aid payments, per student payments, special education aid, and transportation aid for which a school district is eligible must be added together, and from that total, subtract the following amounts must be subtracted:~~
    - a. The product of thirty-two mills times the latest available net assessed and equalized valuation of property of the school district.
    - b. The amount that the unobligated general fund balance of a school district on the preceding June thirtieth is in excess of ~~three-fourths~~ sixty percent of ~~the~~its actual expenditures, plus ~~an additional~~ twenty thousand dollars.
  4. No school district may receive foundation payments beyond the October payment unless the following reports have been filed with the superintendent of public instruction:
    - a. Annual average daily membership report.
    - b. Annual school district financial report.
    - c. The September tenth fall enrollment report.
    - d. The personnel report forms for certified and noncertified employees.
  5. No school district may receive the January foundation payment unless the taxable valuation and mill levy certifications are on file with the department of public instruction by December fifteenth.

**SECTION 2.** A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

School district employee compensation report.

1. On or before September tenth of each year, beginning in 2002, each school district shall provide the following information to the superintendent of public instruction, with respect to teachers and with respect to administrators:
  - a. The total amount of base salary.

- b. The total amount of compensation reportable as gross income under the Internal Revenue Code.
  - c. Any other compensation paid or provided to or on behalf of individuals employed as teachers and as administrators.
  - d. Health insurance benefits paid to or on behalf of individuals employed as teachers and as administrators.
  - e. Retirement benefits paid on behalf of individuals employed as teachers and as administrators, and including individual shares if paid by the district.
  - f. Any other benefits paid or provided to or on behalf of individuals employed as teachers and as administrators.
2. The superintendent of public instruction shall compile the information required by subsection 1 in a manner that allows for accurate comparisons based on:
    - a. Full-time versus part-time personnel;
    - b. A normal schoolday versus an extended schoolday; and
    - c. A regular school calendar of approximately one hundred eighty days versus an extended school year.
  3. If any school district fails without good cause to provide the information required by this section on or before September tenth and in the manner directed by the superintendent of public instruction, the superintendent shall withhold all state aid until the information is received.
  4. For purposes of this section:
    - a. "Administrator" means an individual employed by a school district in an administrative position and includes a school district superintendent, an assistant or associate superintendent, a principal, an assistant principal, a special education director, a vocational education director, and any other individual whose position requires an administrator's credential.
    - b. "Teacher" means an individual employed by a school district in a position other than an administrator which requires licensure by the education standards and practices board or approval by the education standards and practices board.

**SECTION 3.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

School board authority - Signing bonuses - Retention bonuses.

1. The board of a school district may offer to pay a signing bonus to an individual who:
  - a. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
  - b. Has signed a contract of employment to serve as a full-time classroom teacher in the district; and
  - c. Has not previously been employed by the board of the district as a classroom teacher or as an administrator.
2. The board of a school district may offer to pay a retention bonus to an individual who has been employed by the district as a full-time classroom teacher for at least one full school year and who agrees to continued employment by the district as a full-time classroom teacher.

3. The board may pay a bonus under this section in one lump sum at the time the contract is signed or in multiple installments over the period of time agreed to by the board and the individual.
4. A bonus paid under this section does not affect the provisions of any negotiated salary schedule agreed to by the teachers and the board of a school district.

**SECTION 4. AMENDMENT.** Section 15.1-27-04 of the North Dakota Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

**15.1-27-04. Per student payment.** The per student payment to which each school district is entitled for the first year of the biennium is two thousand ~~one~~ four hundred forty five ~~twenty-seven~~ dollars. The per student payment to which each school district is entitled for the second year of the biennium is two thousand ~~two~~ four ~~hundred thirty~~ ninety dollars. The per student amount is the basis for calculating state payments to school districts, as provided in sections 15.1-27-06 and 15.1-27-07.

**SECTION 5. AMENDMENT.** Section 15.1-27-05 of the North Dakota Century Code as created by House Bill No. 1045, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

**15.1-27-05. School district equalization factor.** To determine the amount of payments due a school district, the superintendent of public instruction shall add the tuition apportionment payments, per student payments, special education aid, and transportation aid for which a school district is eligible and from that total subtract the following:

1. The product of thirty-two mills times the latest available net assessed and equalized valuation of property in the district.
2. The amount by which the unobligated general fund balance of the district on the preceding June thirtieth is in excess of ~~seventy-five~~ sixty percent of its actual expenditures, plus twenty thousand dollars.

**SECTION 6. AMENDMENT.** Section 57-15-27 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-27. Interim fund.** The governing body of any county, city, ~~school district,~~ park district, ~~or~~ other municipality, other than a school district, which is authorized to levy taxes may include in its budget an item to be known as the "interim fund" which must be carried over to the next ensuing fiscal year to meet the cash requirements of all funds or purposes to which the credit of the municipality may be legally extended, for that portion of such fiscal year prior to the receipt of taxes therein. In no case may ~~such~~ the interim fund be in excess of the amount reasonably required to finance the municipality for the first nine months of the next ensuing fiscal year. ~~Such~~ The interim fund may not be in excess of three-fourths of the current annual appropriation for all purposes other than debt retirement purposes and appropriations financed from bond sources ~~and, for school districts, an additional twenty thousand dollars.~~

**SECTION 7. TEACHER MENTORING AND EVALUATION PROGRAMS - APPROVAL - REPORT TO LEGISLATIVE COUNCIL.**

1. The education standards and practices board, with the advice and consent of the superintendent of public instruction, shall develop a proposal for:
  - a. The development and implementation of teacher mentoring programs and teacher evaluation programs by school districts; and
  - b. The approval of teacher mentoring and evaluation programs by the board.
2. The education standards and practices board shall present the proposal to a committee designated by the Legislative Council before July 1, 2002.

**SECTION 8. CONTINGENT PAYMENT - DECLINING ENROLLMENT.**

1. If the superintendent of public instruction determines that the portion of the grants-foundation aid and transportation line item designated for per

student payments during the first year of the 2001-03 biennium in House Bill No. 1013, as approved by the fifty-seventh legislative assembly, exceeds the estimated expenditure for per student payments during the first year of the biennium by an amount sufficient to provide for a distribution of \$150 per student to school districts whose 2000-01 fall enrollment is less than their 1997-98 fall enrollment, the superintendent shall distribute \$150 per student to those school districts.

2. If the superintendent of public instruction determines that the portion of the grants-foundation aid and transportation line item designated for per student payments during the first year of the biennium in House Bill No. 1013, as approved by the fifty-seventh legislative assembly, does not exceed the estimated expenditure for per student payments during the first year of the biennium by the amount required for a payment under subsection 1, the superintendent may not distribute any amounts under subsection 1.
3. If the superintendent of public instruction determines that the portion of the grants-foundation aid and transportation line item designated for per student payments during the second year of the 2001-03 biennium in House Bill No. 1013, as approved by the fifty-seventh legislative assembly, exceeds the estimated expenditure for per student payments during the second year of the biennium, the superintendent shall distribute \$250 per student to each school district in which the district's 2000-01 fall enrollment was less than the district's 1997-98 fall enrollment, or a lesser proportionate amount if the amount available is insufficient to provide for a distribution of \$250 per student to those school districts.
4. No school district may receive payments for declining enrollments in excess of four hundred students under this section.

#### **SECTION 9. APPROPRIATION - GRANTS FOR NATIONAL TEACHER CERTIFICATION.**

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$83,000, or so much of the sum as may be necessary, to the education standards and practices board for the purpose of making grants to assist teachers in obtaining national certification, for the biennium beginning July 1, 2001, and ending June 30, 2003.
2. An individual who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board may file an application with the board for a grant to assist with the cost of obtaining national teacher certification after July 1, 2001.
3. The education standards and practices board shall review each application chronologically.
4. A successful applicant is eligible to receive a grant in the amount of \$1,150 to assist with the assessment costs of national teacher certification.
5. At the conclusion of each of the first four full school years after the individual obtains the national teacher certification, the individual is entitled to receive an additional \$1,500, if:
  - a. The individual served during the school year as a full-time classroom teacher in a public school in this state; and
  - b. The individual participated in any efforts of the employing school district to develop and implement teacher mentoring programs and teacher evaluation programs.

#### **SECTION 10. APPROPRIATION - PILOT PROJECT - STUDENT ACHIEVEMENT AND TEACHER QUALITY.**

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$340,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of funding a pilot project designed to enhance student

achievement and teacher quality as provided in this section, for the biennium beginning July 1, 2001, and ending June 30, 2003.

2. The superintendent of public instruction shall select two school districts, based on an application process, for participation in a pilot project designed to enhance student achievement and teacher quality during the 2001-03 biennium as provided in this section. The school districts must be in different parts of the state.
3. To be eligible to participate in the pilot project as provided in this section, a school district must:
  - a. Have over two thousand five hundred students in average daily membership;
  - b. Commit to develop and implement:
    - (1) A mentoring program for individuals in their first three years of teaching;
    - (2) A professional development program that supports individual teacher improvement which is aligned to the district's student achievement goals and which provides research-based strategies for teaching, learning, and leadership;
    - (3) An evaluation program that establishes standards for teachers with respect to content knowledge, planning and preparation for instruction, instructional delivery, student assessment, classroom management, and professional responsibilities, and that requires an annual review by a team to determine adequate performance and eligibility for advancement; and
    - (4) A teacher compensation package that recognizes four categories of teachers from beginning to advanced and which sets the compensation level for each category based on the individual teacher's ability to meet or exceed the district's established standards for content knowledge, planning and preparation for instruction, instructional delivery, student assessment, classroom management, and professional responsibilities;
  - c. Contract with an individual who has the academic skills and managerial experience necessary to achieve the purposes of this section; and
  - d. Present the contract required by subdivision c to a committee appointed by the legislative council and obtain the approval of that committee.
4. The superintendent of public instruction shall forward to each school district selected to participate in the pilot project the sum of \$20,000 to cover the direct and indirect expenses of the participation, including the cost of a contract required by subdivision d of subsection 3.
5. If the superintendent of public instruction determines that a participating school district has implemented a mentoring program, a professional development program, and an evaluation program as required by subsection 3 and if the participating district implements a teacher compensation package that meets the requirements of subsection 3 no later than the beginning of the 2002-03 school year, the superintendent shall forward \$150,000 to the district for use in funding the teacher compensation package.

**SECTION 11. APPROPRIATION - SCHOOL DISTRICT COMPENSATION REPORT.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of developing and implementing a school district employee compensation report as provided in section 2 of this Act, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 12. APPROPRIATION - PROFESSIONAL DEVELOPMENT.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of funding an extension to the school calendar for professional development activities, for the biennium beginning July 1, 2001, and ending June 30, 2003. Each school district shall extend its 2001-02 school calendar and its 2002-03 school calendar by one day beyond that of the district's 2000-01 school calendar. Each school district shall use the additional day as a single block of time or incrementally for professional development activities. As a result of the school calendar extension required by this section, each school district shall ensure that the annual salary payable to each district teacher reflects a proportionate increase.

**SECTION 13. EFFECTIVE DATE.** Subdivision b of subsection 3 of section 15-40.1-06 of the North Dakota Century Code as amended by section 1 of this Act and sections 5 and 6 of this Act become effective on July 1, 2004."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1413, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1413 was placed on the Sixth order on the calendar.

Page 4, line 12, overstrike "in any taxable" and insert immediately thereafter "through calendar"

Page 4, line 13, after "year" insert "2002 is limited to one million dollars, through calendar year 2003", after "is" insert "limited to", and after "dollars" insert ", and after calendar year 2003 is limited to five million dollars"

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

**SB 2177, as engrossed:** Your conference committee (Sens. Wanzek, Flakoll, Christenson and Reps. Haas, Hawken, Mueller) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 944 and place SB 2177 on the Seventh order.

Engrossed SB 2177 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2181, as reengrossed:** Your conference committee (Sens. Stenehjem, Wardner, Kroepin and Reps. Drovdal, Clark, Winrich) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 853, adopt amendments as follows, and place SB 2181 on the Seventh order:

That the House recede from its amendments as printed on page 853 of the Senate Journal and pages 928 and 929 of the House Journal and that Reengrossed Senate Bill No. 2181 be amended as follows:

Page 1, line 1, remove "a new section to chapter 40-57.3 and"

Page 1, line 2, remove "authority of cities to impose"

Page 1, line 3, remove "motor vehicle rental taxes and" and remove "rental company"

Page 1, remove lines 8 through 15

Page 1, line 18, remove "rental"

Page 1, line 20, after "vehicle" insert "of a gross vehicle weight of ten thousand pounds [4535.92 kilograms] or less"

Page 1, line 23, after "taxes" insert ", fuel collections, or other ancillary products sold to customers such as collision damage waiver, supplemental liability protection, personal accident insurance, and personal effects coverage"

Page 2, line 3, remove "rental"

Page 2, line 8, remove "rental"

Page 2, line 12, remove "rental"

Page 2, line 13, remove the second "rental"

Re-number accordingly

Reengrossed SB 2181 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2251, as engrossed:** Your conference committee (Sens. Flakoll, Cook, Kelsh and Reps. Haas, Nelson, Grumbo) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1031 and place SB 2251 on the Seventh order.

Engrossed SB 2251 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2308, as reengrossed:** Your conference committee (Sens. Lee, Erbele, Polovitz and Reps. Devlin, F. Klein, Cleary) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 967-968, adopt further amendments as follows, and place SB 2308 on the Seventh order:

That the Senate accede to the House amendments as printed on pages 967 and 968 of the Senate Journal and page 894 of the House Journal and that Reengrossed Senate Bill No. 2308 be further amended as follows:

Page 2, line 3, after the third "of" insert "setting standards and"

Page 2, line 5, after the first comma insert "of which \$1,000 may be designated for per diem and travel expenses for in-state professional boards to gather information,"

Re-number accordingly

Reengrossed SB 2308 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2328, as engrossed:** Your conference committee (Sens. Wardner, Christmann, Nichols and Reps. Herbel, Renner, Kroeber) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1074-1076 and place SB 2328 on the Seventh order.

Engrossed SB 2328 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2455, as reengrossed:** Your conference committee (Sens. Wardner, Christmann, Kroeplin and Reps. Carlson, Rennerfeldt, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 971, adopt amendments as follows, and place SB 2455 on the Seventh order:

That the House recede from its amendments as printed on page 971 of the Senate Journal and page 1013 of the House Journal and that Reengrossed Senate Bill No. 2455 be amended as follows:

Page 1, line 20, replace "up" with "two members of the house of representatives and two members of the senate"

Page 1, line 21, remove "to four members of the legislative assembly"

Page 1, line 22, after the period insert "The tax commissioner shall designate a member of the tax commissioner's staff to accompany and advise the members appointed under this section with regard to reviewing or amending the agreement."

Re-number accordingly

Reengrossed SB 2455 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1261, as engrossed:** Your conference committee (Sens. Stenehjem, Espesgaard, O'Connell and Reps. Hawken, Ruby, Schmidt) recommends that the **SENATE RECEDE** from the

Senate amendments on HJ page 1097, adopt amendments as follows, and place HB 1261 on the Seventh order:

That the Senate recede from its amendments as printed on page 1097 of the House Journal and pages 923 and 924 of the Senate Journal and that Engrossed House Bill No. 1261 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-04 and a new subsection to section 57-40.3-07 of the North Dakota Century Code, relating to registration of a motor vehicle; and to declare an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

**Failure to register upon gainful employment.** A person operating a motor vehicle in violation of subdivision c or e of subsection 2 of section 39-04-18 shall purchase an annual registration for that motor vehicle for a fee that is not discounted from the appropriate amount listed in a table in section 39-04-19. A law enforcement officer may issue a registration for that vehicle and shall remit the registration fee to the department of transportation. The department shall provide for evidence of registration to be issued by a law enforcement officer enforcing subdivision c or e of subsection 2 of section 39-04-18.

**SECTION 2.** A new subsection to section 57-40.3-07 of the North Dakota Century Code is created and enacted as follows:

For a vehicle leased and registered or licensed in another state by a nonresident individual who is stationed as a member of the armed services of the United States in this state, the vehicle is exempt from tax imposed under this chapter and registration in this state must be issued upon application and payment of appropriate registration fees.

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

Renumber accordingly

Engrossed HB 1261 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1189, as engrossed:** Your conference committee (Sens. Trenbeath, Stenehjem, O'Connell and Reps. R. Kelsch, Hawken, Schmidt) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 856-857, adopt amendments as follows, and place HB 1189 on the Seventh order:

That the Senate recede from its amendments as printed on page 1025 of the House Journal and pages 856 and 857 of the Senate Journal and that Engrossed House Bill No. 1189 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to cancellation of a minor's driving privileges;"

Page 1, line 2, replace the second "section" with "sections 39-06-35,"

Page 1, line 6, after the first comma insert "suspended licenses,"

Page 1, line 7, after "permit" insert "; and to declare an emergency"

Page 1, after line 8, insert:

**"SECTION 1.** A new section to chapter 26.1-40 of the North Dakota Century Code is created and enacted as follows:

**Cancellation of minor's driving privileges - Effect.** An insurer may not use or rely on the cancellation of a minor's driving privileges under section 39-06-01.1 as the

sole reason to cancel, deny, or not renew the automobile insurance policy of the minor or a parent of the minor unless the points or offenses on the minor's public driving record, separate from a cancellation under section 39-06-01.1, would be a reason to cancel, deny, or not renew the policy."

Page 2, after line 19, insert:

**"SECTION 5. AMENDMENT.** Section 39-06-35 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-06-35. Period of suspension.** When the period of suspension imposed under this title ceases, the operator's license or driving privilege that has been suspended may not be returned or reinstated, and remains under suspension, until the operator pays to the director a reinstatement fee of fifty dollars, or twenty-five dollars if the suspension was the result of a suspension under subsection 4, 5, or 7 of section 39-06-03 or subsection 2 of section 39-06-32, or one hundred dollars if the suspension was the result of a violation under section 39-08-01 or chapter 39-20, and, if applicable, until compliance with subsection 3.1 of section 39-06.1-10. Upon payment of the reinstatement fee the license must be returned to the operator. A reinstatement fee is not required for a license to be returned to the operator if the return of the license is due to the findings of a hearing, reexamination of hearing, or court or judicial review under chapter 39-06, 39-06.1, or 39-20."

Page 4, after line 24, insert:

**"SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1189 was placed on the Seventh order of business on the calendar.

The Senate stood adjourned pursuant to Senator Christmann's motion.

**WILLIAM R. HORTON, Secretary**

