

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

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Bismarck, April 10, 2001

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

The prayer was offered by Senator Tollefson.

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

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 9, 2001, I have signed the following: SB 2027, SB 2045, SB 2053, SB 2058, SB 2105, SB 2127, SB 2135, SB 2142, SB 2173, SB 2182, SB 2192, SB 2195, SB 2205, SB 2208, SB 2210, SB 2216, SB 2246, SB 2257, SB 2273, SB 2281, SB 2289, SB 2299, SB 2307, SB 2309, and SB 2318.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WANZEK MOVED that the conference committee report on Engrossed SB 2177 as printed on SJ page 1266 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2177, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2177: A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to the display of religious objects or documents in public school buildings.

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

NAYS: Christenson; Nelson, C.; Trenbeath

ABSENT AND NOT VOTING: Nelson, G.

Reengrossed SB 2177 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. STENEHJEM MOVED that the conference committee report on Reengrossed SB 2181 as printed on SJ pages 1266-1267 be adopted, which motion prevailed on a voice vote.

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

SECOND READING OF SENATE BILL

SB 2181: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a surcharge on motor vehicle rentals; to amend and reenact subsection 13 of section 57-39.2-04 of the North Dakota Century Code, relating to limitations on the sales tax exemption for rentals of motor vehicles; and to provide an effective date.

ROLL CALL

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

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

NAYS: Heitkamp; Mathern, D.; Mathern, T.; Nichols; O'Connell; Tomac

ABSENT AND NOT VOTING: Nelson, G.

Reengrossed SB 2181 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. FLAKOLL MOVED that the conference committee report on Engrossed SB 2251 as printed on SJ page 1267 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2251, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2251: A BILL for an Act to create and enact two new sections to chapter 54-59 of the North Dakota Century Code, relating to the establishment, powers, and duties of an educational technology council; to amend and reenact sections 15-19-02 and 15-19-06, subsection 1 of section 15.1-02-07, subdivision h of subsection 2 of section 28-32-01, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the administration of the division of independent study and the appointment of members of the educational telecommunications council; to repeal chapter 15.1-05 of the North Dakota Century Code, relating to the educational telecommunications council; to provide for a transfer of funds; and to provide for reports to the legislative council.

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

NAYS: Bercier

ABSENT AND NOT VOTING: Nelson, G.

Reengrossed SB 2251 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. LEE MOVED that the conference committee report on Reengrossed SB 2308 as printed on SJ page 1267 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2308, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act to amend and reenact section 53-06.1-18 of the North Dakota Century Code, relating to compulsive gambling prevention, awareness, crisis intervention, rehabilitation, and treatment services; and to provide an 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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger;

Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, G.

Reengrossed SB 2308 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WARDNER MOVED that the conference committee report on Engrossed SB 2328 as printed on SJ page 1267 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2328, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2328: A BILL for an Act to create and enact a new subsection to section 57-15-20.2, a new section to chapter 57-15, a new section to chapter 58-01, a new subsection to section 58-03-07, and a new chapter to title 58 of the North Dakota Century Code, relating to the definition of the term freeholder of a township, the relevy of property taxes omitted by mistake, and to the creation of special assessment districts by townships; to provide for retroactive application; 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 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; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, G.

Reengrossed SB 2328 passed and the title was agreed to.

MOTION

SEN. KLEIN MOVED that SB 2086 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. FREBORG MOVED that the conference committee report on Engrossed SB 2086 as printed on SJ pages 1236-1237 be adopted, which motion failed, on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. FREBORG MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on Engrossed SB 2086, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on Engrossed SB 2086: Sens. Freborg, Cook, O'Connell.

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

MR. SPEAKER: The Senate has adopted the conference committee reports and subsequently passed: SB 2177, SB 2181, SB 2251, SB 2308, and SB 2328.

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

MR. SPEAKER: The Senate has not adopted the conference committee report SB 2086 and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2086: Sens. Freborg; Cook; O'Connell

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 1010, HB 1019, HB 1026, HB 1109, HB 1208, HB 1249, HB 1273, HB 1349, HB 1472.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The Speaker has signed: SB 2034, SB 2082, SB 2118, SB 2201, SB 2265, SB 2365, SCR 4048, SCR 4049.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 10, 2001: SCR 4048, SCR 4049.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 10, 2001: SB 2034, SB 2082, SB 2118, SB 2201, SB 2265, SB 2365.

MOTION

SEN. KLEIN 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.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do concur in the House amendments to Engrossed SB 2397 as printed on SJ page 1068, which motion prevailed on a voice vote.

Engrossed SB 2397, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2397: A BILL for an Act to amend and reenact sections 5-01-16 and 5-03-05 of the North Dakota Century Code, relating to direct sales of alcoholic beverages; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Heitkamp; Lee; Mathern, D.; Mutch; Watne

ABSENT AND NOT VOTING: Thane; Urlacher

Reengrossed SB 2397 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FISCHER MOVED that the Senate do not concur in the House amendments to Engrossed SB 2285 as printed on SJ page 1235 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 2285: Sens. Fischer, Traynor, Every.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LEE MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2380 as printed on SJ pages 1162-1165 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2380: Sens. Lee, Fisher, T. Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KREBSBACH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2043 as printed on SJ pages 1232-1235 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. Krebsbach, Wardner, C. Nelson.

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 1004, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1004: 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 1005, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1005: Sens. Grindberg, Andrist, Lindaas.

MOTION

SEN. CHRISTMANN MOVED that Senator Solberg replace Senator Kilzer on the conference committee on HB 1441, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. WARDNER MOVED that the conference committee report on Reengrossed SB 2455 as printed on SJ page 1267 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2455, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2455: A BILL for an Act to adopt a Simplified Sales and Use Tax Administration Act.

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

ABSENT AND NOT VOTING: Thane; Urlacher

Reengrossed SB 2455 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. FREBORG MOVED that the conference committee report on Engrossed SB 2427 as printed on SJ page 1237 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2427, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2427: A BILL for an Act to amend and reenact subsection 6 of section 20.1-03-11 of the North Dakota Century Code, relating to the hunting of deer by handicapped persons.

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

ABSENT AND NOT VOTING: Thane; Urlacher

Engrossed SB 2427 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. TRENBEATH MOVED that the conference committee report on Engrossed HB 1189 as printed on SJ pages 1268-1269 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1189, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1189: A BILL for an Act 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; to amend and reenact section 39-06-20, subsection 6 of section 39-06-32, subsection 1 of section 39-06-33, sections 39-06-35, 39-06.1-04, subsection 2 of section 39-06.1-13, section 39-16.1-01, subsection 2 of section 39-20-03.2, and subsection 1 of section 39-20-05 of the North Dakota Century Code, relating to notice of change of address for an operator's license or permit, suspension for failure to appear in court or post and forfeit bond, means to request a hearing, suspended licenses, reduction of point total, proof of financial responsibility, serving results of a blood test on a nonresident operator, and extension of a temporary operator's permit; 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; 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; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Tollefson; Tomac; Traynor; Trenbeath; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Thane; Urlacher

Engrossed HB 1189, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. STENEHJEM MOVED that the conference committee report on Engrossed HB 1261 as printed on SJ pages 1267-1268 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1261, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1261: A BILL 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.

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; 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; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Tollefson; Tomac; Traynor; Trenbeath; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Thane; Urlacher

Engrossed HB 1261, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. CHRISTMANN MOVED that HB 1301, which is on the Fourteenth order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1301 was rereferred.

SECOND READING OF HOUSE BILL

HB 1326: A BILL for an Act to amend and reenact section 15-38-17 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-13-02 and subsection 2 of section 15.1-13-29 of the North Dakota Century Code, relating to the membership of the education standards and practices board; and to provide an effective date.

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 25 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Erbele; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Klein; Krebsbach; Kringstad; Lyson; Mutch; Nelson, G.; Nething; Schobinger; Solberg; Stenehjem; Tollefson; Traynor; Trenbeath; Wanzek; Watne

NAYS: Bercier; Christenson; Dever; Espegard; Every; Heitkamp; Holmberg; Kelsh; Krauter; Kroepflin; Lee; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Tomac; Wardner

ABSENT AND NOT VOTING: Thane; Urlacher

Engrossed HB 1326 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that HB 1287 and HB 1344, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1045, as engrossed: SEN. WANZEK (Education Committee) MOVED that the amendments on SJ page 1259 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1045: A BILL for an Act to create and enact chapters 15.1-13, 15.1-14, 15.1-15, 15.1-16, 15.1-17, 15.1-18, 15.1-20, 15.1-21, 15.1-22, 15.1-23, 15.1-27, 15.1-28, 15.1-29, 15.1-30, 15.1-31, 15.1-32, 15.1-33, 15.1-34, 15.1-35, and 15.1-36 of the North Dakota Century Code, relating to elementary and secondary education; to repeal chapters 15-21.1, 15-29, 15-34.1, 15-34.2, 15-35, 15-36, 15-37, 15-38, 15-38.2, 15-40.1, 15-40.2, 15-40.3, 15-41, 15-43, 15-44, 15-45, 15-47, 15-54, 15-59, 15-59.2, 15-59.3, and 15-60 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 a penalty; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Tollefson; Tomac; Traynor; Trenbeath; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Thane; Urlacher

Engrossed HB 1045, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1413, as engrossed: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ page 1266 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1413: A BILL for an Act to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to credits allowed on the short-form income tax return; to amend and reenact subsection 4 of section 57-38.5-01 and sections 57-38.5-02, 57-38.5-03, and 57-38.5-05 of the North Dakota Century Code, relating to the seed capital investment tax credit; and to provide an effective date.

ROLL CALL

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

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

NAYS: Kelsh; Lindaas; O'Connell; Tomac

ABSENT AND NOT VOTING: Thane; Urlacher

Engrossed HB 1413, as amended, passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

SCR 4050: A concurrent resolution urging Congress to direct the Secretary of Agriculture and the federal Risk Management Agency to establish a pricing policy so crop revenue coverage for durum can be continued.

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

SCR 4050 was declared adopted on a voice vote, and the title was agreed to.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 10, 2001, I have signed the following: SB 2120, SB 2386, and SB 2407.

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 4050.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1045, HB 1413.

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 2397.

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

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

SB 2043: Sens. Krebsbach; Wardner; C. Nelson

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2285 and SB 2380 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2285: Sens. Fischer; Traynor; Every

SB 2380: Sens. Lee; Fischer; T. Mathern

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 1004: Sens. Kringstad; Schobinger; Tallackson

HB 1005: Sens. Grindberg; Andrist; Lindaas

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

MR. SPEAKER: The President has appointed Sen. Solberg to replace Sen. Kilzer on the Conference Committee on HB 1441.

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

MR. SPEAKER: The Senate has adopted the conference committee reports and subsequently passed: SB 2427 and SB 2455.

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 1189 and HB 1261.

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

MR. SPEAKER: The President has signed: HB 1008, HB 1010, HB 1019, HB 1026, HB 1109, HB 1160, HB 1162, HB 1202, HB 1208, HB 1249, HB 1273, HB 1349, HB 1400, HB 1472.

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 2033, SB 2095, SB 2098, SB 2191, SB 2204, SB 2222, SB 2345, SB 2389, SB 2415, SB 2454, SCR 4020.

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

MR. PRESIDENT: The House has passed unchanged: SB 2282.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2003.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 2, after "system" insert "; to provide an appropriation to the department of commerce", remove "a", and replace "study" with "studies"

Page 1, line 3, after "sections" insert "15-10-08," and after the first comma insert "52-08-08, 52-08-09, 52-08-10, 52-08-11,"

Page 1, line 4, after "to" insert "compensation for members of the board of higher education,"

Page 1, line 5, after the first comma insert "workforce training,"

Page 1, line 6, after the first semicolon insert "to repeal section 22 of chapter 37 of the 1999 Session Laws relating to the university of North Dakota winter sports facility maintenance fund;"

Page 1, replace lines 16 through 19 with:

"Salaries and wages	\$2,498,553
Operating expenses	1,013,844
Equipment	25,481
Student financial assistance grants	4,088,031
Information technology management	216,676
Professional student exchange program	1,560,716
Disabled student services	51,560
Contingency and capital improvement emergency fund	344,309
Scholars program	770,730
Native American scholarships	204,082
Title II	534,000
Competitive research program	4,000,000
Board initiatives	870,797"

Page 1, line 20, replace "12,730,941" with "12,730,841"

Page 1, after line 20, insert:

"Education incentive programs 965,000"

Page 1, line 21, replace "78,121,417" with "29,874,620"

Page 1, line 23, replace "74,404,595" with "26,157,798"

Page 1, after line 24, insert:

"NORTH DAKOTA UNIVERSITY SYSTEM

Equity and special needs pool	\$4,580,824
Technology pool	<u>26,938,419</u>
General fund appropriation	\$31,519,243

Subdivision 3."

Page 2, line 2, replace "14,767,975" with "15,381,193"

Page 2, line 3, replace "250,000" with "846,000"

Page 2, line 4, replace "15,017,975" with "16,227,193"

Page 2, line 5, replace "3" with "4"

Page 2, line 7, replace "4,649,231" with "4,881,954"

Page 2, line 8, replace "74,831" with "399,831"

Page 2, after line 8, insert:

"Total all funds	\$5,281,785
Less estimated income	325,000"

Page 2, line 9, replace "4,724,062" with "4,956,785"

Page 2, line 10, replace "4" with "5"

Page 2, line 12, replace "5,094,457" with "5,390,441"

Page 2, line 14, replace "5,183,247" with "5,479,231"

Page 2, line 15, replace "5" with "6"

Page 2, line 17, replace "81,436,447" with "85,601,876"

Page 2, line 19, replace "95,008,583" with "99,174,012"

Page 2, line 21, replace "83,798,583" with "87,964,012"

Page 2, line 22, replace "6" with "7"

Page 2, line 24, replace "63,524,910" with "66,931,216"

Page 2, line 26, replace "86,462,441" with "89,868,747"

Page 2, line 28, replace "65,262,441" with "68,668,747"

Page 2, line 29, replace "7" with "8"

Page 3, line 1, replace "22,893,128" with "24,099,302"

Page 3, line 3, replace "26,693,348" with "27,899,522"

Page 3, line 5, replace "25,776,628" with "26,982,802"

Page 3, line 6, replace "8" with "9"

Page 3, line 8, replace "13,060,832" with "13,746,171"

Page 3, line 9, replace "393,962" with "4,393,962"

Page 3, after line 9, insert:

"Total all funds	\$18,140,133
Less estimated income	4,000,000"

Page 3, line 10, replace "13,454,794" with "14,140,133"

Page 3, line 11, replace "9" with "10"

Page 3, line 13, replace "7,870,007" with "8,330,748"

Page 3, line 15, replace "12,594,596" with "13,055,337"

Page 3, line 17, replace "8,594,596" with "9,055,337"

Page 3, line 18, replace "10" with "11"

Page 3, line 20, replace "24,817,493" with "25,919,536"

Page 3, line 21, replace "412,850" with "612,850"

Page 3, line 22, replace "25,230,343" with "26,532,386"

Page 3, line 23, replace "11" with "12"

Page 3, line 25, replace "10,767,570" with "11,325,513"

Page 3, line 27, replace "11,882,904" with "12,440,847"

Page 3, line 28, replace "12" with "13"

Page 4, line 1, replace "3,895,490" with "4,097,577"

Page 4, line 3, replace "4,083,153" with "4,285,240"

Page 4, line 4, replace "13" with "14"

Page 4, line 14, replace "14" with "15"

Page 4, line 16, replace "28,571,646" with "30,006,416"

Page 4, line 17, replace "28,571,646" with "30,006,416"

Page 4, line 18, replace "367,753,836" with "366,379,827"

Page 4, line 19, replace "42,094,068" with "46,419,068"

Page 4, line 20, replace "409,847,904" with "412,798,895"

Page 4, line 21, replace "campus-based programs and" with "higher education contingency and capital improvements emergency fund,"

Page 4, line 22, remove "contingencies and" and after "initiatives" insert ", and disabled student services"

Page 4, after line 30, insert:

"SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$194,788, or so much of the sum as may be necessary, to the department of commerce for the college technical education council, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 5. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the university of North Dakota for the purpose of defraying flood-related expenses, for the period beginning with the effective date of this Act and ending June 30, 2001, as follows:

1997 flood expenditures	\$269,676
Total general fund appropriation	<u>\$269,676</u>

Page 5, replace lines 9 through 29 with:

"SECTION 8. LEGISLATIVE INTENT - FULL-TIME EQUIVALENTS. The state board of higher education may adjust full-time equivalent positions as needed, subject to the availability of funds, for institutions and entities in subdivisions 3 through 15 of section 1 of this Act. The university system shall report any adjustments to the office of management and budget before the submission of the 2003-05 biennium budget request.

SECTION 9. STUDENT FINANCIAL ASSISTANCE GRANTS. Not less than twenty percent of the funds appropriated for student financial assistance grants in section 1 of this Act must be allocated to students at private institutions with the remaining funds allocated to students at public and Native American institutions.

SECTION 10. EDUCATION INCENTIVE PROGRAMS. Of the funds appropriated for education incentives in section 1 of this Act, \$60,000 is to provide incentives to encourage additional doctoral graduates in North Dakota, \$370,000 is provided for teacher retraining scholarships and a teacher student loan forgiveness program, \$400,000 is provided for a technology occupations student loan program authorized in House Bill No. 1283, and \$135,000 is provided for a dentists' loan repayment program authorized in Senate Bill No. 2276.

SECTION 11. TECHNOLOGY POOL. The technology pool amount in subdivision 2 of section 1 must be used for the benefit of the institutions and entities in section 1 as determined by the state board of higher education. Technology funding allocations must be made based on historic funding, the North Dakota university system information technology plan, the statewide network 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 12. EQUITY AND SPECIAL NEEDS POOL. The equity and special needs pool in subdivision 2 of section 1 must be used for the benefit of the institutions and entities in subdivisions 3 through 15 of section 1 as determined by the state board of higher education. When making allocations from the equity and special needs pool, the state board of higher education shall allocate the funds to address equity and parity funding needs and to support new initiatives or program costs consistent with board and statewide needs."

Page 6, after line 6, insert:

"SECTION 14. LEGISLATIVE INTENT - ENROLLMENT MANAGEMENT PLAN. It is the intent of the legislative assembly that the state board of higher education establish a long-term enrollment management plan and procedures for implementation of the plan. The board shall report to the legislative council during the 2001-02 interim on the board's progress toward establishing a long-term enrollment management plan and related implementation procedures and provide the final report to the fifty-eighth legislative assembly.

SECTION 15. LEGISLATIVE INTENT - ALTERNATIVE HEATING SOURCES. It is the intent of the legislative assembly that institutions under the control of the state board of higher education explore the possible use of alternative heating sources, including the use of North Dakota coal.

SECTION 16. LEGISLATIVE COUNCIL STUDY - BOARD OF HIGHER EDUCATION - CHANCELLOR. The legislative council shall consider studying during the 2001-02 interim the role of the state board of higher education and the chancellor in the North Dakota university system, including the communications between individual campuses, the board, and the chancellor. The legislative council shall report its findings and recommendations, together with any legislation recommended, to the fifty-eighth legislative assembly."

Page 6, line 11, after the period insert "The legislative council shall report its findings and recommendations, together with any legislation recommended, to the fifty-eighth legislative assembly."

Page 6, replace lines 16 through 31 with:

- "1. Education excellence, including:
 - a. Student performance on nationally recognized exams in the student's major fields compared to the national averages.

- b. First-time licensure pass rates compared to other states.
 - c. Alumni-reported and student-reported satisfaction with preparation in selected major, acquisition of specific skills, and technology knowledge and abilities.
 - d. Employer-reported satisfaction with preparation of recently hired graduates.
 - e. Faculty-reported and staff-reported satisfaction with the university system and local institution administration.
 - f. Ratio of faculty and staff to students.
 - g. Student graduation and retention rates.
2. Economic development, including:
 - a. Enrollment in entrepreneurship courses and the number of graduates of entrepreneurship programs.
 - b. Percentage of university system graduates obtaining employment appropriate to the graduates' education in the state.
 - c. Average salary of university system graduates employed in the state as a percentage of the national average.
 - d. Number of businesses and employees in the region receiving training.
 - e. Number of new jobs created in the state as a direct result of the efforts of a university system graduate.
3. Student access, including:
 - a. Proportion of residents of the state who are within a forty-five-minute drive of a location at which the residents can receive educational programs from a provider.
 - b. Number and proportion of enrollments in courses offered by nontraditional methods.
4. Student affordability, including:
 - a. Tuition and fees on a per student basis compared to the regional average.
 - b. Tuition and fees as a percentage of median North Dakota household income.
 - c. Cost per student in terms of general fund appropriations and total university system funding.
 - d. Administrative, instructional, and other cost per student.
 - e. Per capita general fund appropriations for higher education.
 - f. State general fund appropriation levels for university system institutions compared to peer institutions general fund appropriation levels.
5. Financial operations, including:
 - a. Percentage of total university system funding used for instruction, research, and public service.
 - b. Percentage of total university system funding used for institutional support, operations, and maintenance of physical plant.
 - c. Ratio measuring the funding derived from operating and contributed income compared to total university system funding.

- d. Ratio measuring the size of the university system's outstanding maintenance as compared to its expendable net assets.
- e. Ratio measuring the amount of expendable net assets as compared to the amount of long-term debt.
- f. Research expenditures in proportion to the amount of revenue generated by research activity and funding received for research activity."

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 30

Page 9, remove lines 1 through 30

Page 10, remove lines 1 through 31

Page 11, remove lines 1 through 21

Page 11, line 24, replace "\$531,720" with "\$368,920" and replace "7" with "8"

Page 11, line 25, replace "renovation of" with "an addition to"

Page 11, line 26, replace "renovation" with "construction of an addition"

Page 11, line 27, replace "\$531,720" with "\$368,920"

Page 11, line 29, replace "renovation" with "addition"

Page 11, after line 29, insert:

"SECTION 20. LEGISLATIVE INTENT - BISMARCK STATE COLLEGE - SCHAFFER HALL RENOVATION. It is the intent of the legislative assembly that funding of \$596,000 included in the capital assets line item in subdivision 3 of section 1 of this Act for renovation of Schaffer hall be used only for renovation of classroom or student-related areas. No funds from any source may be used for renovation of administrative offices in Schaffer hall.

SECTION 21. AMENDMENT. Section 15-10-08 of the North Dakota Century Code is amended and reenacted as follows:

15-10-08. Compensation of board members - Expenses - Legislative appropriations. Each member of the state board of higher education, except the student member, is entitled to receive as compensation two hundred fifty dollars per month, sixty-two dollars and fifty cents per day for each calendar day actually spent devoted to the duties of office, and necessary expenses in the same manner and amounts as other state officials for attending meetings and performing other functions of office. The faculty adviser is entitled to receive as compensation two hundred fifty dollars per month and necessary expenses in the same manner and amounts as other state officials for attending meetings and performing other functions of office. The legislative assembly shall provide adequate funds to carry out the functions and duties of the board."

Page 13, after line 2, insert:

"SECTION 23. AMENDMENT. Section 52-08-08 of the North Dakota Century Code is amended and reenacted as follows:

52-08-08. Institution to serve work force needs. Subject to ~~state board of higher education~~ department of commerce 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 24. AMENDMENT. Section 52-08-09 of the North Dakota Century Code is amended and reenacted as follows:

52-08-09. Work force training board - Formation. Subject to ~~state board of higher education~~ department of commerce 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 25. AMENDMENT. Section 52-08-10 of the North Dakota Century Code is amended and reenacted as follows:

52-08-10. Preparation of business plan - Revolving loans. Subject to ~~state board of higher education~~ department of commerce 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~~ department of commerce. The ~~state board of higher education~~ department of commerce 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 26. AMENDMENT. Section 52-08-11 of the North Dakota Century Code is amended and reenacted as follows:

52-08-11. Performance measurements for work force training. Subject to ~~state board of higher education~~ department of commerce 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."

Page 14, line 16, after "section" insert "and the North Dakota university system shall report on the amounts and uses of funds carried over from one biennium to the next to subsequent appropriations committees of the legislative assembly"

Page 14, after line 27, insert:

"**SECTION 30. REPEAL.** Section 22 of chapter 37 of the 1999 Session Laws is repealed."

Page 14, line 28, replace "13, 14, 15, and 16" with "22, 27, 28, and 29"

Page 15, line 1, replace "section" with "sections" and after "1" insert "and 5"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2003 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
University System				
Total all funds	\$0	\$0	\$31,519,243	\$31,519,243
Less estimated income				
General fund	\$0	\$0	\$31,519,243	\$33,519,243
University System office				
Total all funds	\$77,765,508	\$78,121,417	(\$48,246,797)	\$29,874,620
Less estimated income	3,716,822	3,716,822		3,716,822
General fund	\$74,048,686	\$74,404,595	(\$48,246,797)	\$26,157,798
Bismarck State College				
Total all funds	\$15,017,975	\$15,017,975	\$1,209,218	\$16,227,193
Less estimated income				
General fund	\$15,017,975	\$15,017,975	\$1,209,218	\$16,227,193
Lake Region State College				
Total all funds	\$4,724,062	\$4,724,062	\$557,723	\$5,281,785
Less estimated income			325,000	325,000

General fund	\$4,724,062	\$4,724,062	\$232,723	\$4,956,785
Williston State College				
Total all funds	\$5,183,247	\$5,183,247	\$295,984	\$5,479,231
Less estimated income				
General fund	\$5,183,247	\$5,183,247	\$295,984	\$5,479,231
University of North Dakota				
Total all funds	\$95,008,583	\$95,008,583	\$4,165,429	\$99,174,012
Less estimated income	11,210,000	11,210,000		11,210,000
General fund	\$83,798,583	\$83,798,583	\$4,165,429	\$87,964,012
UND Medical School				
Total all funds	\$28,571,646	\$28,571,646	\$1,434,770	\$30,006,416
Less estimated income				
General fund	\$28,571,646	\$28,571,646	\$1,434,770	\$30,006,416
North Dakota State University				
Total all funds	\$87,013,261	\$86,462,441	\$3,406,306	\$89,868,747
Less estimated income	21,750,820	21,200,000		21,200,000
General fund	\$65,262,441	\$65,262,441	\$3,406,306	\$68,668,747
State College of Science				
Total all funds	\$26,776,628	\$26,693,348	\$1,206,174	\$27,899,522
Less estimated income	1,000,000	916,720		916,720
General fund	\$25,776,628	\$25,776,628	\$1,206,174	\$26,982,802
Dickinson State University				
Total all funds	\$13,454,794	\$13,454,794	\$4,685,339	\$18,140,133
Less estimated income			4,000,000	4,000,000
General fund	\$13,454,794	\$13,454,794	\$685,339	\$14,140,133
Mayville State University				
Total all funds	\$8,594,596	\$12,594,596	\$460,741	\$13,055,337
Less estimated income		4,000,000		4,000,000
General fund	\$8,594,596	\$8,594,596	\$460,741	\$9,055,337
Minot State University				
Total all funds	\$28,004,343	\$25,230,343	\$1,302,043	\$26,532,386
Less estimated income	2,774,000			
General fund	\$25,230,343	\$25,230,343	\$1,302,043	\$26,532,386
Valley City State University				
Total all funds	\$11,882,904	\$11,882,904	\$557,943	\$12,440,847
Less estimated income				
General fund	\$11,882,904	\$11,882,904	\$557,943	\$12,440,847
Minot State University - Bottineau				
Total all funds	\$4,083,153	\$4,083,153	\$202,087	\$4,285,240
Less estimated income				
General fund	\$4,083,153	\$4,083,153	\$202,087	\$4,285,240
Forest Service				
Total all funds	\$2,819,395	\$2,819,395	\$0	\$2,819,395
Less estimated income	1,050,526	1,050,526		1,050,526
General fund	\$1,768,869	\$1,768,869	\$0	\$1,768,869
Department of Commerce				
Total all funds	\$0	\$0	\$194,788	\$194,788
Less estimated income				
General fund	\$0	\$0	\$194,788	\$194,788
Bill Total				
Total all funds	\$408,900,095	\$409,847,904	\$2,950,991	\$412,798,895
Less estimated income	41,502,168	42,094,068	4,325,000	46,419,068
General fund	\$367,397,927	\$367,753,836	(\$1,374,009)	\$366,379,827

Senate Bill No. 2003 - University System - General Fund Summary

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
University System			\$31,519,243	\$31,519,243
University System office	\$74,048,686	\$74,404,595	(48,246,797)	26,157,798
Bismarck State College	15,017,975	15,017,975	1,209,218	16,227,193
Lake Region State College	4,724,062	4,724,062	232,723	4,956,785
Williston State College	5,183,247	5,183,247	295,984	5,479,231
University of North Dakota	83,798,583	83,798,583	4,165,429	87,964,012
UND Medical School	28,571,646	28,571,646	1,434,770	30,006,416
North Dakota State University	65,262,441	65,262,441	3,406,306	68,668,747
State College of Science	25,776,628	25,776,628	1,206,174	26,982,802
Dickinson State University	13,454,794	13,454,794	685,339	14,140,133
Mayville State University	8,594,596	8,594,596	460,741	9,055,337
Minot State University	25,230,343	25,230,343	1,302,043	26,532,386
Valley City State University	11,882,904	11,882,904	557,943	12,440,847
Minot State University - Bottineau	4,083,153	4,083,153	202,087	4,285,240
Forest Service	1,768,869	1,768,869		1,768,869
Total general fund	\$367,397,927	\$367,753,836	(\$1,568,797)	\$366,185,039

Detail of House Changes to the General Fund

	REMOVE BLOCK GRANT FUNDING	PROVIDE FUNDING IN INDIVIDUAL LINE ITEMS	PROVIDE FUNDING FOR SYSTEM POOLS	ALLOCATE FUNDING FOR 3/2 SALARY INCREASE	ALLOCATE FUNDING FROM UNIVERSITY SYSTEM TO FUND CAMPUS ACTIVITIES 1	ALLOCATE FUNDING FOR BOARD MEMBER COMPENSATION 2
University System			\$47,324,184	(\$13,256,941)	(\$1,000,000)	(\$48,000)
University System office	(\$74,404,595)	\$27,080,411		98,184	(1,000,000)	48,000
Bismarck State College				613,218	596,000	
Lake Region State College				172,192	60,531	

Williston State College				228,545	67,439	
University of North Dakota				4,165,429		
UND Medical School				1,264,944	169,826	
North Dakota State University				3,406,306		
State College of Science				818,543	387,631	
Dickinson State University				549,386	135,953	
Mayville State University				276,459	184,282	
Minot State University				1,102,043	200,000	
Valley City State University				424,879	133,064	
Minot State University - Bottineau				136,813	65,274	
Forest Service						

Total general fund	(\$74,404,595)	\$27,080,411	\$47,324,184	\$0	\$0	\$0
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	REMOVE FUNDING FROM EQUITY AND SPECIAL NEEDS POOL ³	REMOVE FUNDING FROM TECHNOLOGY POOL ⁴	DECREASE FUNDING FOR BOARD INITIATIVES	PROVIDE ADDITIONAL FUNDING FOR EDUCATION INCENTIVE PROGRAMS ⁵	REMOVE .3 FTE AND RELATED FUNDING FROM SYSTEM OFFICE ⁶	REMOVE FUNDING FOR TECHNICAL ADMINISTRATION ⁷
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University System	(\$200,000)	(\$1,300,000)				
University System office			(\$395,000)	\$595,000	(\$74,009)	(\$194,788)
Bismarck State College						
Lake Region State College						
Williston State College						
University of North Dakota						
UND Medical School						
North Dakota State University						
State College of Science						
Dickinson State University						
Mayville State University						
Minot State University						
Valley City State University						
Minot State University - Bottineau						
Forest Service						

Total general fund	(\$200,000)	(\$1,300,000)	(\$395,000)	\$595,000	(\$74,009)	(\$194,788)
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	PROVIDE FUNDING FOR CAPITAL CONSTRUCTION PROJECTS ⁸	TOTAL GENERAL FUND CHANGES
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University System	\$31,519,243
University System office	(48,246,797)
Bismarck State College	1,209,218
Lake Region State College	232,723
Williston State College	295,984
University of North Dakota	4,165,429
UND Medical School	1,434,770
North Dakota State University	3,406,306
State College of Science	1,206,174
Dickinson State University	685,339
Mayville State University	460,741
Minot State University	1,302,043
Valley City State University	557,943
Minot State University - Bottineau	202,087
Forest Service	

Total general fund	\$0	(\$1,568,797)
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Senate Bill No. 2003 - University System - Other Funds Summary

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
University System				
University System office	\$3,716,822	\$3,716,822		\$3,716,822
Bismarck State College				
Lake Region State College			\$325,000	325,000
Williston State College				
University of North Dakota	11,210,000	11,210,000		11,210,000
UND Medical School				
North Dakota State University	21,750,820	21,200,000		21,200,000
State College of Science	1,000,000	916,720		916,720
Dickinson State University			4,000,000	4,000,000
Mayville State University		4,000,000		4,000,000
Minot State University	2,774,000			
Valley City State University				
Minot State University - Bottineau				
Forest Service	<u>1,050,526</u>	<u>1,050,526</u>		<u>1,050,526</u>
Total other funds	\$41,502,168	\$42,094,068	\$4,325,000	\$46,419,068

Detail of House Changes to Other Funds

	REMOVE BLOCK GRANT FUNDING	PROVIDE FUNDING IN INDIVIDUAL LINE ITEMS	PROVIDE FUNDING FOR SYSTEM POOLS	ALLOCATE FUNDING FOR 3/2 SALARY INCREASE	ALLOCATE FUNDING FROM UNIVERSITY SYSTEM TO FUND CAMPUS ACTIVITIES ¹	ALLOCATE FUNDING FOR BOARD MEMBER COMPENSATION ²
University System						
University System office	(\$3,716,822)	\$3,716,822				
Bismarck State College						
Lake Region State College						
Williston State College						

University of North Dakota
 UND Medical School
 North Dakota State University
 State College of Science
 Dickinson State University
 Mayville State University
 Minot State University
 Valley City State University
 Minot State University -
 Bottineau
 Forest Service

Total other funds	(\$3,716,822)	\$3,716,822	\$0	\$0	\$0	\$0
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REMOVE FUNDING FROM EQUITY AND SPECIAL NEEDS POOL ³	REMOVE FUNDING FROM TECHNOLOGY POOL ⁴	DECREASE FUNDING FOR BOARD INITIATIVES	PROVIDE ADDITIONAL FUNDING FOR EDUCATION INCENTIVE PROGRAMS ⁵	REMOVE .3 FTE AND RELATED FUNDING FROM SYSTEM OFFICE ⁶	REMOVE FUNDING FOR TECHNICAL ADMINISTRATION ⁷
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University System
 University System Office
 Bismarck State College
 Lake Region State College
 Williston State College
 University of North Dakota
 UND Medical School
 North Dakota State University
 State College of Science
 Dickinson State University
 Mayville State University
 Minot State University
 Valley City State University
 Minot State University -
 Bottineau
 Forest Service

Total other funds	\$0	\$0	\$0	\$0	\$0	\$0
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PROVIDE FUNDING FOR CAPITAL CONSTRUCTION PROJECTS ⁸	TOTAL OTHER FUNDS CHANGES
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University System
 University System Office
 Bismarck State College
 Lake Region State College
 Williston State College
 University of North Dakota
 UND Medical School
 North Dakota State University
 State College of Science
 Dickinson State University
 Mayville State University
 Minot State University
 Valley City State University
 Minot State University -
 Bottineau
 Forest Service

Total other funds	\$4,325,000	\$4,325,000
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Senate Bill No. 2003 - University System - All Funds Summary

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
University System			\$31,519,243	\$31,519,243
University System office	\$77,765,508	\$78,121,417	(48,246,797)	29,874,620
Bismarck State College	15,017,975	15,017,975	1,209,218	16,227,193
Lake Region State College	4,724,062	4,724,062	557,723	5,281,785
Williston State College	5,183,247	5,183,247	295,984	5,479,231
University of North Dakota	95,008,583	95,008,583	4,165,429	99,174,012
UND Medical School	28,571,646	28,571,646	1,434,770	30,006,416
North Dakota State University	87,013,261	86,462,441	3,406,306	89,868,747
State College of Science	26,776,628	26,693,348	1,206,174	27,899,522
Dickinson State University	13,454,794	13,454,794	4,685,339	18,140,133
Mayville State University	8,594,596	12,594,596	460,741	13,055,337
Minot State University	28,004,343	25,230,343	1,302,043	26,532,386
Valley City State University	11,882,904	11,882,904	557,943	12,440,847
Minot State University - Bottineau	4,083,153	4,083,153	202,087	4,285,240
Forest Service	<u>2,819,395</u>	<u>2,819,395</u>		<u>2,819,395</u>
Total all funds	\$408,900,095	\$409,847,904	\$2,756,203	\$412,604,107
FTE	3,087.39	3,087.39	(1.00)	3,086.39

Detail of House Changes to All Funds

	REMOVE BLOCK GRANT FUNDING	PROVIDE FUNDING IN INDIVIDUAL LINE ITEMS	PROVIDE FUNDING FOR SYSTEM POOLS	ALLOCATE FUNDING FOR 3/2 SALARY INCREASE	ALLOCATE FUNDING FROM UNIVERSITY SYSTEM TO FUND CAMPUS ACTIVITIES ¹	ALLOCATE FUNDING FOR BOARD MEMBER COMPENSATION ²
University System			\$47,324,184	(\$13,256,941)	(\$1,000,000)	(\$48,000)
University System office	(\$78,121,417)	\$30,797,233		98,184	(1,000,000)	48,000
Bismarck State College				613,218	596,000	
Lake Region State College				172,192	60,531	

Williston State College				228,545	67,439	
University of North Dakota				4,165,429		
UND Medical School				1,264,944	169,826	
North Dakota State University				3,406,306		
State College of Science				818,543	387,631	
Dickinson State University				549,386	135,953	
Mayville State University				276,459	184,282	
Minot State University				1,102,043	200,000	
Valley City State University				424,879	133,064	
Minot State University - Bottineau				136,813	65,274	
Forest Service						

Total all funds	(\$78,121,417)	\$30,797,233	\$47,324,184	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	REMOVE FUNDING FROM EQUITY AND SPECIAL NEEDS POOL 3	REMOVE FUNDING FROM TECHNOLOGY POOL 4	DECREASE FUNDING FOR BOARD INITIATIVES	PROVIDE ADDITIONAL FUNDING FOR EDUCATION INCENTIVE PROGRAMS 5	REMOVE .3 FTE AND RELATED FUNDING FROM SYSTEM OFFICE 6	REMOVE FUNDING FOR TECHNICAL ADMINISTRATION 7
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University System	(\$200,000)	(\$1,300,000)				
University System office			(\$395,000)	\$595,000	(\$74,009)	(\$194,788)
Bismarck State College						
Lake Region State College						
Williston State College						
University of North Dakota						
UND Medical School						
North Dakota State University						
State College of Science						
Dickinson State University						
Mayville State University						
Minot State University						
Valley City State University						
Minot State University - Bottineau						
Forest Service						

Total all funds	(\$200,000)	(\$1,300,000)	(\$395,000)	\$595,000	(\$74,009)	(\$194,788)
FTE	0.00	0.00	0.00	0.00	(.30)	(0.70)

	PROVIDE FUNDING FOR CAPITAL CONSTRUCTION PROJECTS 8	TOTAL ALL FUNDS CHANGES
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University System		\$31,519,243
University System office		(48,246,797)
Bismarck State College		1,209,218
Lake Region State College	\$325,000	557,723
Williston State College		295,984
University of North Dakota		4,165,429
UND Medical School		1,434,770
North Dakota State University		3,406,306
State College of Science		1,206,174
Dickinson State University	4,000,000	4,685,339
Mayville State University		460,741
Minot State University		1,302,043
Valley City State University		557,943
Minot State University - Bottineau		202,087
Forest Service		
Total all funds	\$4,325,000	\$2,756,203
FTE	0.00	(1.00)

1 This amendment allocates funds from the campus parity and equity funding and innovation initiative funding in the equity and special needs pool of \$1 million and board initiatives funding of \$1 million to campuses for various activities. The following provides information regarding the allocations to the campuses:

Bismarck State College - Renovation of Schafer Hall	\$596,000
Lake Region State College - Costs to continue	60,531
Williston State College - Technology initiative	67,439
State College of Science - Costs to continue	387,631
Dickinson State University - Institutional innovation	135,953
Mayville State University - Costs to continue	184,282
Minot State University - Extraordinary repairs	200,000
Valley City State University - Costs to continue	133,064
Minot State University - Bottineau - Costs to continue	65,274
UND Medical School - Technology initiative	169,826
Total	\$2,000,000

2 This amendment allocates funding from the general fund of \$48,000 from the salary equity funding provided in the equity and special needs pool to the University System office to provide State Board of Higher Education members including those appointed by the Governor and the faculty representative a monthly compensation of \$250, in addition to a per diem of \$62.50 per day.

3 This amendment reduces funding from the general fund provided for campus parity and equity and innovation initiative funding in the equity and special needs pool by \$200,000.

- 4 This amendment removes funding from the general fund of \$935,100 for on-line course management and \$364,900 for costs associated with connecting IVN to all state agencies from the University System technology pool.
- 5 This amendment provides funding of \$595,000 from the general fund for incentives to encourage additional doctoral graduates in North Dakota (\$60,000), a technology occupations student loan program authorized in House Bill No. 1283 (\$400,000), and a dentists' loan repayment program authorized in Senate Bill No. 2276 (\$135,000).
- 6 This amendment removes .3 on a full-time equivalent position in the North Dakota University System office related to the .7 of a full-time equivalent position in the technical administration area.
- 7 This amendment removes funding of \$194,788 from the general fund and .7 of a full-time equivalent position relating to technical administration and the College Technical Education Council.
- 8 **Lake Region State College** - This amendment provides a special funds appropriation of \$325,000 for renovation of the main building front entrance at Lake Region State College.
- Dickinson State University** - This amendment provides a special funds appropriation of \$4 million for renovation and an addition to Whitney Stadium at Dickinson State University.

Senate Bill No. 2003 - Other Changes - House Action

This amendment also:

- Adds a section which provides a general fund appropriation to the University of North Dakota of \$269,676 for the 1999-2001 biennium for 1997 flood expenditures.
- Adds a section of legislative intent that provides that the State Board of Higher Education may adjust or increase full-time equivalent positions as needed for institutions.
- Adds a section providing for the following allocation of the funding for education incentive programs: \$60,000 for incentives to encourage additional doctoral graduates in North Dakota, \$370,000 for teacher retraining scholarships and a teacher student loan forgiveness program, \$400,000 for a technology occupations student loan program authorized in House Bill No. 1283, and \$135,000 for a dentists' loan repayment program authorized in Senate Bill No. 2276.
- Adds a section providing for the allocation of student financial assistance grant funds.
- Adds a section of legislative intent requiring the State Board of Higher Education to establish a long-term enrollment management plan and procedures for implementation of the plan and to provide progress reports to the Legislative Council during the 2001-02 interim and a final report to the 2003 Legislative Assembly.
- Adds a section of legislative intent encouraging institutions of higher education to explore the use of alternative heating sources.
- Adds a section that provides for a legislative council study of the role of the State Board of Higher Education and the chancellor in the University System.
- Amends Section 11 of the engrossed bill to revise accountability measures to be reported on by the North Dakota University System.
- Amends Section 12 of the engrossed bill to reduce the amount from \$531,720 to \$368,920 to allow the State College of Science to proceed with replacement of the Blikre Activities Center floor which the college has funding on hand. The section would continue to require the State College of Science to not proceed with the addition to the Blikre Activities Center at an estimated cost of \$368,920 until all funds have been collected.
- Adds a section of legislative intent that provides that Bismarck State College may use funding of \$596,000 for renovation of Schafer Hall for classroom renovation only, and no funds from any source may be used for renovation of administrative offices in Schafer Hall.
- Adds sections amending North Dakota Century Code Sections 15-10-08, 52-08-08, 52-08-09, 52-08-10, and 52-08-11 relating to the compensation for members of the State Board of Higher Education and workforce training.
- Adds a section repealing Section 22 of Chapter 37 of the 1999 Session Laws relating to the University of North Dakota winter sports facility maintenance fund.

The following is a summary of the House general fund changes to the Senate version and the Hoeven executive budget recommendations for higher education:

	SCHAFFER EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION	HOEVEN EXECUTIVE BUDGET	INCREASE (DECREASE) TO HOEVEN BUDGET
University System			\$31,519,243	\$31,519,243		\$31,519,243
University System office	\$74,048,686	\$74,404,595	(48,246,797)	26,157,798	\$75,407,586	(49,249,788)
Subtotal - University System	\$74,048,686	\$74,404,595	(\$16,727,554)	\$57,677,041	\$75,407,586	(\$17,730,545)
Bismarck State College	\$15,017,975	\$15,017,975	\$1,209,218	\$16,227,193	\$15,017,975	\$1,209,218
Lake Region State College	4,724,062	4,724,062	232,723	4,956,785	4,724,062	232,723
Williston State College	5,183,247	5,183,247	295,984	5,479,231	5,183,247	295,984
University of North Dakota	83,798,583	83,798,583	4,165,429	87,964,012	83,798,583	4,165,429
UND Medical School	28,571,646	28,571,646	1,434,770	30,006,416	28,571,646	1,434,770
North Dakota State University	65,262,441	65,262,441	3,406,306	68,668,747	65,262,441	3,406,306
State College of Science	25,776,628	25,776,628	1,206,174	26,982,802	25,776,628	1,206,174
Dickinson State University	13,454,794	13,454,794	685,339	14,140,133	13,454,794	685,339
Mayville State University	8,594,596	8,594,596	460,741	9,055,337	8,594,596	460,741
Minot State University	25,230,343	25,230,343	1,302,043	26,532,386	25,405,343	1,127,043
Valley City State University	11,882,904	11,882,904	557,943	12,440,847	11,882,904	557,943
Minot State University - Bottineau	4,083,153	4,083,153	202,087	4,285,240	4,083,153	202,087
Forest Service	<u>1,768,869</u>	<u>1,768,869</u>		<u>1,768,869</u>	<u>1,768,869</u>	
Total	\$367,397,927	\$367,753,836	(\$1,568,797)	\$366,185,039	\$368,931,827	(\$2,746,788)

The following provides a comparison of the general fund and special funds appropriated for higher education in Engrossed Senate Bill No. 2003 to this proposed amendment:

	ENGROSSED SENATE BILL NO. 2003	PROPOSED AMENDMENT TO ENGROSSED SENATE BILL NO. 2003	DIFFERENCE
General fund	\$367,753,836	\$366,185,039	(\$1,568,797)
Special funds	<u>42,094,068</u>	<u>46,419,068</u>	<u>4,325,000</u>
Total	\$409,847,904	\$412,604,107	\$2,756,203

Senate Bill No. 2003 - Dept. 605 - Department of Commerce - House Action

This amendment provides a general fund appropriation of \$194,788 and .7 of a full-time equivalent position to the Department of Commerce for the College Technical Education Council.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2067.

HOUSE AMENDMENTS TO SENATE BILL NO. 2067

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 57-40.6 of the North Dakota Century Code, relating to the study of coordination of public safety answering points coverage;"

Page 1, line 3, replace "an excise tax" with "a fee"

Page 1, line 4, replace "tax" with "fee"

Page 3, line 1, overstrike "**excise tax**" and insert immediately thereafter "fee"

Page 3, line 3, overstrike "an excise tax" and insert immediately thereafter "a fee"

Page 3, line 6, overstrike "excise tax" and insert immediately thereafter "fee"

Page 3, line 7, overstrike "tax" and insert immediately thereafter "fee"

Page 3, line 9, overstrike "excise tax" and insert immediately thereafter "fee"

Page 3, line 10, overstrike "excise tax" and insert immediately thereafter "fee"

Page 3, line 11, overstrike the first "tax" and insert immediately thereafter "fee" and overstrike the second "tax" and insert immediately thereafter "fee"

Page 3, line 13, overstrike "excise tax" and insert immediately thereafter "fee"

Page 3, line 15, overstrike "tax" and insert immediately thereafter "fee"

Page 3, line 16, overstrike "excise tax" and insert immediately thereafter "fee"

Page 3, line 19, overstrike "excise tax" and insert immediately thereafter "fee" and overstrike the second "tax" and insert immediately thereafter "fee"

Page 3, line 21, overstrike "tax" and insert immediately thereafter "fee"

Page 3, line 22, overstrike "tax" and insert immediately thereafter "fee"

Page 3, line 24, overstrike "tax" and insert immediately thereafter "fee"

Page 3, line 27, overstrike "tax" and insert immediately thereafter "fee"

Page 3, line 28, overstrike "tax" and insert immediately thereafter "fee"

Page 3, line 30, overstrike "excise tax" and insert immediately thereafter "fee"

Page 4, line 3, overstrike "tax" and insert immediately thereafter "fee"

Page 4, line 7, overstrike "tax" and insert immediately thereafter "fee"

Page 4, line 12, overstrike "tax" and insert immediately thereafter "fee"

Page 4, line 13, overstrike "tax" and insert immediately thereafter "fee"

Page 4, line 14, overstrike "tax" and insert immediately thereafter "fee"

Page 4, line 15, replace "Effective August 1, 2001, any excise tax imposed under this section, including a" with "A fee"

Page 4, line 16, remove "tax", after "imposed" insert "under this section", and replace "applies to all telephone exchange access" with "may be extended"

Page 4, line 17, remove "service and"

Page 4, line 18, replace "tax" with "fee" and after "imposed" insert "only if that extension of the fee has been approved by a majority vote of the governing body of the city or county upon at least thirty days' prior notice in the official newspaper of the city or county that the governing body will consider the issue or by majority vote of the electors of the city or county voting on the question upon placement of the question on the ballot by the governing body of the city or county at a regular or special city or county election"

Page 4, line 21, overstrike "**tax**" and insert immediately thereafter "fee"

Page 4, line 22, overstrike "tax" and insert immediately thereafter "fee"

Page 4, line 24, overstrike "tax" and insert immediately thereafter "fee"

Page 4, line 26, overstrike "tax" and insert immediately thereafter "fee"

Page 5, line 3, overstrike "**Tax**" and insert immediately thereafter "Fee"

Page 5, line 4, overstrike "tax" and insert immediately thereafter "fee"

Page 5, line 6, overstrike "tax" and insert immediately thereafter "fee"

Page 5, line 7, replace "tax" with "fee"

Page 5, line 8, overstrike "tax" and insert immediately thereafter "fee"

Page 5, line 12, overstrike "**tax**" and insert immediately thereafter "fee"

Page 5, line 13, overstrike "tax" and insert immediately thereafter "fee"

Page 5, line 16, replace "Revenues from the excise tax on wireless service authorized by section" with "Within twenty-four months after the extension of the fee to wireless access lines under subsection 6 of section 57-40.6-02, the governing body shall request enhanced 911 service from all wireless carriers providing service as of that date within the governing body's jurisdiction."

Page 5, remove lines 17 through 20

Page 5, line 21, replace "excise tax" with "fee"

Page 5, line 27, after "with" insert "each"

Page 5, line 28, replace "providers" with "provider" and replace "their" with "only that provider's"

Page 5, line 29, replace "and reimburse the" with ". A governing body may not reimburse a wireless service provider for tower construction or for the extension of a wireless service provider's infrastructure which is not directly related to providing wireless enhanced 911 service."

Page 5, remove line 30

Page 6, remove lines 1 through 16

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

Page 6, after line 20, insert:

"5. The governing body or its designee shall keep records to show expenditures for wireless service providers separately from expenditures for telephone exchange access service providers."

Page 7, after line 23, insert:

"SECTION 9. A new section to chapter 57-40.6 of the North Dakota Century Code is created and enacted as follows:

Reports of coordination of public safety answering points coverage. The governing body of a city or county, which adopted a fee on telephone exchange access service and wireless service under this chapter, shall make an annual report of the income, expenditures, and status of its emergency services communication system. The annual report must be submitted to the state radio division and to the public safety answering points coordinating committee. The committee is composed of three members, one appointed by the North Dakota 911 association, one appointed by the North Dakota association of counties, and one appointed by the office of management and budget to represent the state radio division. The public safety answering points coordinating committee shall file its report with the legislative council by November first of each even-numbered year."

Renumber accordingly

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1196 and HB 1399 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1196: Reps. Devlin; Delzer; Metcalf

HB 1399: Reps. Carlson; Grosz; Schmidt

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 2088: Reps. Weisz; Price; Mahoney

SB 2104: Reps. Pietsch; D. Johnson; Mueller

SB 2124: Reps. Porter; Galvin; Niemeier

SB 2239: Reps. Kliniske; Porter; Cleary

SB 2276: Reps. Devlin; Delzer; Cleary

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

MR. PRESIDENT: The House has not adopted the conference committee report on SB 2308 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SB 2308: Reps. Devlin; F. Klein; Cleary

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

MR. PRESIDENT: The House has adopted the conference committee reports on SB 2177, SB 2251, and SB 2328.

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 2181.

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 1066 and HB 1197.

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., Wednesday, April 11, 2001, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4051: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4051 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "hoof" with "foot"

Page 1, line 5, replace "hoof" with "foot"

Page 1, line 17, replace "hoof" with "foot"

Page 1, line 19, replace "hoof" with "foot"

Page 1, line 22, replace "hoof" with "foot"

Page 1, line 23, replace "hoof" with "foot"

Page 2, line 1, replace "hoof" with "foot"

Page 2, line 19, after the semicolon insert "and

WHEREAS, federal, state, and local governmental entities must be prepared to address and counter not only the inadvertent spread of foot and mouth disease but also the intentional dissemination of this and similar diseases by individuals or groups that zealously oppose the continuation of the livestock industry;"

Page 2, line 24, replace "hoof" with "foot"

Page 2, line 28, after the first "the" insert "United States Attorney General, the" and after the comma insert "the Administrator of the Animal and Plant Health Inspection Service, the director of the Central Intelligence Agency, the director of the Federal Bureau of Investigation,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1220, as engrossed: Transportation Committee (Sen. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1220 was placed on the Sixth order on the calendar.

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

Page 1, line 15, overstrike "or"

Page 1, line 16, replace "approved by the director" with "through a licensee under chapter 39-25"

Page 1, line 19, remove "day and night"

Page 1, after line 23, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2039, as engrossed: Your conference committee (Sens. Flakoll, Wanzek, Christenson and Reps. Herbel, Clark, Winrich) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 852, adopt amendments as follows, and place SB 2039 on the Seventh order:

That the House recede from its amendments as printed on page 852 of the Senate Journal and page 927 of the House Journal and that Engrossed Senate Bill No. 2039 be amended as follows:

Page 1, line 12, replace "two" with "three" and replace "fifty" with "eighty-five"

Page 1, line 15, replace "two" with "three" and replace "fifty" with "eighty-five"

Page 1, line 23, replace "two" with "three" and replace "fifty" with "eighty-five"

Renumber accordingly

Engrossed SB 2039 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2054, as engrossed: Your conference committee (Sens. Stenehjem, Trenbeath, O'Connell and Reps. Weisz, Pollert, Grumbo) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 728, adopt amendments as follows, and place SB 2054 on the Seventh order:

That the House recede from its amendments as printed on page 728 of the Senate Journal and page 782 of the House Journal and that Engrossed Senate Bill No. 2054 be amended as follows:

Page 1, line 1, replace "create and enact a new subsection to" with "amend and reenact"

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

Page 1, line 4, replace "A new subsection to section" with "Section"

Page 1, line 5, replace "created and enacted" with "amended and reenacted"

Page 1, after line 5, insert:

"39-12-05.3. Weight limitations for vehicles on highways other than the interstate system.

1. A person may not operate on a highway, ~~which that~~ is not part of the interstate system; any vehicle:
4. ~~With~~ with a single axle that carries a gross weight in excess of twenty thousand pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92 kilograms]. A wheel may not carry a gross weight over five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced forty inches [101.60 centimeters] apart or less are considered as one axle. On axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may not exceed seventeen thousand pounds [7711.07 kilograms] per axle, with a maximum of forty-eight thousand pounds [21772.32 kilograms] gross weight on any grouping of three or more axles. The wheel load, in any instance, may not exceed one-half the allowable axle load. Spacing between axles is measured from axle center to axle center.
2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads, a person may not operate on a highway that is not part of the interstate system any vehicle the gross weight of which exceeds that determined by the formula of:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where W equals the maximum gross weight in pounds on any vehicle or combination of vehicles; L equals distance in feet between the two extreme axles of any vehicle or combination of vehicles; and N equals the number of axles of any vehicle or combination of vehicles under consideration. The gross weight on state highways may not exceed one hundred five thousand five hundred pounds [47854.00 kilograms] unless otherwise posted and on all other highways the gross weight may not exceed eighty thousand pounds [36287.39 kilograms] unless designated by local authorities for highways under their jurisdiction for gross weights not to exceed one hundred five thousand five hundred pounds [47854.00 kilograms]. Local authorities are encouraged to assess all roads under their jurisdiction and designate the roads for the appropriate weight limits allowed under this subsection.

3. The gross weight limitations in subsections 1 and 2 do not apply to equipment the director and the state highway patrol approve for exemption. The exemption may not exceed one hundred five thousand five hundred pounds [47854.00 kilograms]. For every vehicle approved for exemption the highway patrol shall issue a nontransferable permit valid for one year. The highway patrol may charge an administrative fee for the permit.
4. The director, and local authorities, as to the highways under their respective jurisdictions, may issue permits authorizing a specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]. The permits must provide only for the movement of agricultural products from the field of harvest to the point of initial storage site, and for the collection and transport of solid wastes, during the period from July fifteenth to December first, and for the general movement of products during the period from December first to March seventh. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director.
5. The director, and local authorities, as to highways under their respective jurisdictions, may issue permits authorizing all vehicles carrying potatoes or sugar beets to exceed weight limitations stated in subsections 1 and 2 by ten percent during the period from July fifteenth to December first. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director.

6."

Page 1, underscore line 6

Page 1, replace line 7 with "self-propelled fertilizer spreader if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and"

Page 1, line 8, underscore "the gross weight does not exceed eighty thousand pounds [38287.39 kilograms]" and remove "or"

Page 1, remove line 9

Page 1, line 10, remove "of width", underscore the period and insert immediately thereafter "The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled agricultural chemical applicator if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed forty-five thousand pounds [20411.66 kilograms].", and underscore "The highway patrol shall issue a seasonal permit for the movement of"

Page 1, underscore lines 11 through 18

Page 1, after line 18, insert:

"**SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2003, and after that date is ineffective.

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

Renumber accordingly

Engrossed SB 2054 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2449, as engrossed: Your conference committee (Sens. Tollefson, Fischer, Every and Reps. Nelson, Porter, Solberg) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1034-1035, adopt amendments as follows, and place SB 2449 on the Seventh order:

That the House recede from its amendments as printed on pages 1034 and 1035 of the Senate Journal and page 1082 of the House Journal and that Engrossed Senate Bill No. 2449 be amended as follows:

Page 1, line 23, replace "leased" with "private land enrolled"

Page 1, line 24, remove "upland game"

Page 2, line 1, remove "Act as a hunting guide or outfitter on land on which the department has obtained"

Page 2, remove lines 2 and 3

Page 2, line 4, remove "5."

Page 2, line 6, replace "6" with "5"

Renumber accordingly

Engrossed SB 2449 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1066, as reengrossed: Your conference committee (Sens. Stenehjem, Trenbeath, Espgaard and Reps. Grande, Kingsbury, Eckre) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1024-1025, adopt amendments as follows, and place HB 1066 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1024 and 1025 of the House Journal and page 856 of the Senate Journal and that Reengrossed House Bill No. 1066 be amended as follows:

Page 1, line 1, after "to" insert "create and enact section 47-30.1-21.1 of the North Dakota Century Code, relating to credits abandoned stock; and to"

Page 1, after line 4, insert:

"**SECTION 1.** Section 47-30.1-21.1 of the North Dakota Century Code is created and enacted as follows:

47-30.1-21.1. Crediting of dividends or increments on stock to owner's account. Whenever property in the form of stock is paid or delivered to the administrator under this chapter, the owner is entitled to receive any dividends or other increments realized or accruing on the stock for as long as the stock is held by the administrator."

Page 1, line 15, remove "electronic or printed"

Page 1, line 16, remove the overstrike over "~~in a newspaper of general circulation in the county in which the property is to~~"

Page 1, line 17, remove the overstrike over "~~be sold~~"

Renumber accordingly

Reengrossed HB 1066 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1197, as engrossed: Your conference committee (Sens. Thane, Holmberg, Heitkamp and Reps. Timm, Wald, Huether) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1101 and place HB 1197 on the Seventh order.

Engrossed HB 1197 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