

JOURNAL OF THE HOUSE

Fifty-eighth Legislative Assembly

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Bismarck, April 10, 2003

The House convened at 8:15 a.m., with Speaker Wentz presiding.

The prayer was offered by Rev. Jonathan Starks, Calvary Presbyterian Church, Ryder.

The roll was called and all members were present.

A quorum was declared by the Speaker.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do not concur in the Senate amendments to HB 1023 as printed on HJ pages 1420-1421 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1023: Reps. Timm, Delzer, Aarsvold.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do not concur in the Senate amendments to HB 1489 as printed on HJ pages 1421-1422 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1489: Reps. R. Kelsch, D. Johnson, Hunskor.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2154: Reps. R. Kelsch, D. Johnson, Hanson.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. CARLISLE MOVED that the House do concur in the Senate amendments to HB 1006 as printed on HJ page 1278, which motion prevailed on a voice vote.

HB 1006, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the aeronautics commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemke; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

Engrossed HB 1006, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. CARLISLE MOVED that the House do concur in the Senate amendments to HB 1008 as printed on HJ page 1279, which motion prevailed on a voice vote.

HB 1008, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1008: A BILL for an Act to provide an appropriation for defraying the expenses of the department of financial institutions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

Engrossed HB 1008, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. PORTER MOVED that the conference committee report on HB 1037 be adopted, which motion prevailed on a voice vote.

HB 1037, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1037: A BILL for an Act to amend and reenact sections 50-12-01, 50-12-02, and 50-12-03, subsection 1 of section 50-12-03.2, subsection 3 of section 50-12-04, sections 50-12-06, 50-12-07, and 50-12-08, subsection 1 of section 50-12-10, and sections 50-12-12, 50-12-14.1, and 50-12-17 of the North Dakota Century Code, relating to licensure of child-placing agencies and registration of adoption placement facilitators; to repeal section 50-12-13 of the North Dakota Century Code, relating to child-placing agency licensure appeals; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

Engrossed HB 1037, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. GRANDE MOVED that the conference committee report on Engrossed HB 1043 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1043, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1043: A BILL for an Act to amend and reenact subsection 4 of section 54-59-05 and sections 54-59-07, 54-59-11, and 54-59-14 of the North Dakota Century Code, relating to forms management, the state information technology advisory committee, the powers and duties of the information technology department, information technology plans, and the information technology operating account.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

Engrossed HB 1043, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. RUBY MOVED that the conference committee report on Engrossed HB 1092 be adopted as printed on HJ page 1078, which motion prevailed on a voice vote.

Engrossed HB 1092, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1092: A BILL for an Act to create and enact a new section to chapter 11-18, a new subsection to section 23-02.1-28, and three new sections to chapter 44-04 of the North Dakota Century Code, relating to redaction of social security numbers by the county recorder, the confidentiality of social security numbers, the confidentiality of client files at the University of North Dakota school of law, and the confidentiality of records of fire department and rural fire protection districts; to amend and reenact section 20.1-03-35, subsection 8 of section 23-02.1-19, section 23-02.1-27, subsection 6 of section 41-09-73, section 43-50-04, subsection 2 of section 44-04-18.1, subsection 6 of section 44-04-20, and subsection 1 of section 44-04-21.1 of the North Dakota Century Code, relating to confidentiality of social security numbers, notice of emergency or special meetings, and release of certain information received by the attorney general when preparing open records and meetings opinions; to provide for application; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

Engrossed HB 1092, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DOSCH MOVED that the conference committee report on Engrossed HB 1116 as printed on HJ pages 1078-1079 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1116, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1116: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 6-09-15 of the North Dakota Century Code, relating to trust preferred securities transactions; to amend and reenact subsection 1 of section 6-09-15 of the North Dakota Century Code, relating to authority of the Bank of North Dakota to guarantee loans; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

Engrossed HB 1116, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BELTER MOVED that the conference committee report on Engrossed HB 1158 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1158, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1158: A BILL for an Act to amend and reenact section 4-28-03, subsections 18, 19, and 28 of section 19-18-02, and sections 19-18-04, 19-18-04.1, and 19-18-07 of the North Dakota Century Code, relating to pesticide registrations; to repeal section 19-18-02.2 of the North Dakota Century Code, relating to wheat commission membership and a pesticide residue advisory board; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Grande; Grosz; Gulleston; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Carlson; Glassheim

Engrossed HB 1158, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DEKREY MOVED that the conference committee report on Engrossed HB 1391 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1391, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1391: A BILL for an Act to amend and reenact section 20.1-03-12 of the North Dakota Century Code, relating to big game hunting license fees; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Glassheim; Grande; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Sitte; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglen; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Amerman; Bellew; Ekstrom; Froelich; Gulleson; Kerzman; Ruby; Skarphol

Engrossed HB 1391, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SEVERSON MOVED that the conference committee report on Engrossed HB 1190 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1190, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1190: A BILL for an Act to create and enact a new subsection to section 26.1-40-15.2 and a new subsection to section 26.1-40-15.3 of the North Dakota Century Code, relating to uninsured and underinsured motorists; and to amend and reenact sections 26.1-41-20 and 39-05-20.2 of the North Dakota Century Code, relating to motor vehicle accidents and salvage certificates of title.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglen; Wald; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Zaiser; Speaker Wentz

NAYS: Delmore; Ekstrom; Froelich; Kelsh, S.; Kerzman; Warner; Winrich

Engrossed HB 1190, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. GALVIN MOVED that the conference committee report on Engrossed HB 1461 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1461, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1461: A BILL for an Act to amend and reenact subsection 2 of section 32-28-02 of the North Dakota Century Code, relating to exceptions from the requirement to publish notice of a change of name.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

Engrossed HB 1461, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. NICHOLAS MOVED that the conference committee report on Engrossed HB 1486 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1486, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1486: A BILL for an Act to amend and reenact section 4-28-07 of the North Dakota Century Code, relating to uses for the wheat tax levy.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gullerson; Haas; Hanson; Hawken; Headland; Herbel; Hunsakor; Iverson; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Price; Rennerfeldt; Ruby; Sandvig; Severson; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Bellew; Clark; Delzer; Ekstrom; Kasper; Klein, F.; Koppelman; Meier; Schmidt; Sitte; Skarphol; Williams

Engrossed HB 1486, as amended, passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2311: Reps. Rennerfeldt, Wald, Warner.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DEKREY MOVED that the conference committee report on Engrossed HB 1035 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1035, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1035: A BILL for an Act to amend and reenact section 14-15-01, subdivision a of subsection 4 of section 14-15-03, subsection 3 of section 14-15-04, subsection 1 of section 14-15-05, sections 14-15-06 and 14-15-07, subsection 2 of section 14-15-08, sections 14-15-09, 14-15-10, 14-15-11, 14-15-12, 14-15-12.1, 14-15-13, and 14-15-14, subsection 2 of section 14-15-15, and sections 14-15-16, 14-15-17, 14-15-18, 14-15-19, and 14-15-20 of the North Dakota Century Code, relating to the Revised Uniform Adoption Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 7 YEAS, 85 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Delmore; Ekstrom; Glassheim; Klemin; Maragos; Thorpe; Speaker Wentz

NAYS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Grande; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser

ABSENT AND NOT VOTING: Gulleson; Price

Engrossed HB 1035, as amended, lost.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KLEMIN MOVED that the conference committee report on Engrossed HB 1051 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1051, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1051: A BILL for an Act to amend and reenact section 54-10-26 of the North Dakota Century Code, relating to draft audit reports prepared by the state auditor.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Wrangham; Zaiser; Speaker Wentz

NAYS: Winrich

ABSENT AND NOT VOTING: Gulleeson; Price

Engrossed HB 1051, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. KRETSCHMAR MOVED that the conference committee report on Engrossed HB 1088 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1088, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1088: A BILL for an Act to create and enact three new sections to chapter 27-05.2 of the North Dakota Century Code, relating to establishment of a court facilities improvement and maintenance fund and court facilities improvement advisory committee; to amend and reenact sections 12-48-15, 12-48.1-03, 29-26-22, 39-08-20, and 51-04-03.1 of the North Dakota Century Code, relating to court administration fees; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 71 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Haas; Hanson; Hawken; Herbel; Hunskor; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kingsbury; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Zaiser; Speaker Wentz

NAYS: Amerman; Bellew; Belter; Carlson; Delzer; Froelich; Glassheim; Grande; Grosz; Gulleeson; Headland; Iverson; Kasper; Kempenich; Kerzman; Klein, F.; Martinson; Pollert; Sitte; Skarphol; Timm; Wrangham

ABSENT AND NOT VOTING: Price

Reengrossed HB 1088, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. POLLERT MOVED that the conference committee report on Engrossed HB 1123 be adopted as printed on HJ page 1109, which motion prevailed on a voice vote.

Engrossed HB 1123, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1123: A BILL for an Act to amend and reenact section 23-01-08 of the North Dakota Century Code, relating to authority of the state health officer to appoint a deputy state health officer; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleeson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol;

Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Berg; Carlisle; Price

Engrossed HB 1123, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. RUBY MOVED that the conference committee report on Engrossed HB 1112 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1112, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1112: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06, sections 39-06.1-09 and 39-12-02, subsection 1 of section 39-12-05.3, and sections 39-12-08, 39-12-09, and 39-12-17 of the North Dakota Century Code, relating to noncriminal disposition fees, definition of moving violation, vehicles of excessive size and weight, and limitations on loads extending beyond the sides of a motor vehicle; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 80 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Gullerson; Haas; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Maragos; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Amerman; Belter; Delzer; Froelich; Grosz; Hanson; Kelsch, R.; Kerzman; Kingsbury; Kroeber; Martinson; Porter

ABSENT AND NOT VOTING: Berg; Price

Engrossed HB 1112, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. POLLERT MOVED that the conference committee report on Engrossed HB 1197 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1197, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1197: A BILL for an Act to create and enact a new chapter to title 60 of the North Dakota Century Code, relating to the creation of a credit-sale contract indemnity fund; to amend and reenact sections 60-02.1-28, 60-02.1-29, 60-02.1-30, 60-02.1-31, 60-02.1-32, 60-02.1-33, and 60-02.1-34, subsection 3 of section 60-02.1-35, and sections 60-02.1-37, 60-04-02, and 60-04-03.1 of the North Dakota Century Code, relating to insolvencies of grain buyers and warehousemen; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre;

Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

NAYS: Bellew; Klein, F.; Rennerfeldt; Ruby

ABSENT AND NOT VOTING: Norland; Price

Engrossed HB 1197, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. SOLBERG MOVED that the conference committee report on Engrossed HB 1218 be adopted.

REQUEST

REP. DROVDAL REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1218, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed HB 1218, the roll was called and there were 84 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Belter; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham

NAYS: Drovdal; Froelich; Kelsch, R.; Kempenich; Klein, M.; Maragos; Thorpe; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Price

The conference committee report on Engrossed HB 1218 was adopted.

SECOND READING OF HOUSE BILL

HB 1218: A BILL for an Act to amend and reenact subsection 3 of section 38-08-08 and subsection 3 of section 38-08-09.4 of the North Dakota Century Code, relating to carrying or otherwise financing nonparticipating owners in the development of oil and gas interests in spacing units and plans of unitization.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Amerman; Bellew; Berg; Bernstein; Boe; Boehning; Boucher; Brusegaard; Carlisle; Carlson; Clark; DeKrey; Delmore; Delzer; Devlin; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Gulleson; Haas; Hanson; Hawken; Headland; Herbel; Hunskor; Iverson; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppelman; Kreidt; Kretschmar; Kroeber; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Norland; Nottestad; Onstad; Pietsch; Pollert; Porter; Potter; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Sitte; Skarphol; Solberg; Svedjan; Thoreson; Thorpe; Tieman; Timm; Uglem; Wald; Warner; Warnke; Weiler; Weisz; Wieland; Wikenheiser; Williams; Winrich; Wrangham; Zaiser; Speaker Wentz

ABSENT AND NOT VOTING: Belter; Price

Engrossed HB 1218, as amended, passed and the title was agreed to.

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 1002: Sens. Holmberg; Schobinger; Krauter

HB 1004: Sens. Andrist; Kilzer; Mathern

HB 1007: Sens. Kilzer; Andrist; Lindaas

HB 1010: Sens. Thane; Andrist; Mathern

HB 1017: Sens. Grindberg; Thane; Tallackson

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2012, SB 2013, SB 2015, and SB 2416 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2012: Sens. Bowman; Kilzer; Krauter

SB 2013: Sens. Holmberg; Christmann; Robinson

SB 2015: Sens. Holmberg; Stenehjem; O'Connell

SB 2416: Sens. Thane; Andrist; Mathern

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1011, HB 1012, HB 1021.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

Page 1, line 8, replace "2,243,188" with "2,241,434"

Page 1, line 9, replace "30,184,537" with "31,050,271"

Page 1, line 10, replace "1,016,963" with "1,016,344"

Page 1, line 11, replace "33,444,688" with "34,308,049"

Page 1, line 12, replace "14,590,404" with "15,490,537"

Page 1, line 13, replace "18,854,284" with "18,817,512"

Page 1, line 15, replace "\$6,611,080" with "\$7,453,504"

Page 1, line 18, after the period insert "Of this sum, up to \$847,000 may be transferred only for the purpose of defraying the costs of operating the Beach, Bowman, and Mooreton weigh stations for the 2003-05 biennium."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1011 - Highway Patrol - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Administration	\$2,263,853	\$2,243,188	(\$1,754)	\$2,241,434
Field operations	30,184,984	30,184,537	865,734	31,050,271
Law Enforcement Training Academy	1,023,023	1,016,963	(619)	1,016,344
Total all funds	\$33,471,860	\$33,444,688	\$863,361	\$34,308,049
Less estimated income	<u>14,473,199</u>	<u>14,590,404</u>	<u>900,133</u>	<u>15,490,537</u>
General fund	\$18,998,661	\$18,854,284	(\$36,772)	\$18,817,512
FTE	181.00	183.00	9.00	192.00

Dept. 504 - Highway Patrol - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	ADDS FUNDING FOR WEIGH STATIONS 3	TOTAL SENATE CHANGES
Administration	(\$1,754)			(\$1,754)
Field operations	(16,306)	(\$23,960)	\$906,000	865,734
Law Enforcement Training Academy	(619)			(619)
Total all funds	(\$18,679)	(\$23,960)	\$906,000	\$863,361
Less estimated income	(5,867)		906,000	900,133
General fund	(\$12,812)	(\$23,960)	\$0	(\$36,772)
FTE	0.00	0.00	9.00	9.00

¹ Funding for state employee health insurance premiums is reduced from \$493 to \$488.70 per month.

² This amendment reduces funding for information technology by \$23,960 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

³ Funding is added from the highway tax distribution fund of \$847,000 and from federal funds of \$59,000 for costs of operating the Beach, Bowman, and Mooreton weigh stations for the 2003-05 biennium. Section 2 of the bill is changed to provide that the \$847,000 from the highway tax distribution fund may only be used for operating costs of these three weigh stations.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1012

Page 1, line 2, replace the first "and" with "to authorize the department of transportation to acquire lands;"

Page 1, line 3, replace "section" with "sections 24-01-51," after "24-02-44" insert ", and 39-04-19", after "Code" insert "and section 7 of chapter 331 of the 2001 Session Laws", and after "to" insert "haying of no-mow areas,"

Page 1, line 4, after "Dakota" insert ", and motor vehicle registration fees; and to repeal section 10 of chapter 331 of the 2001 Session Laws, relating to registration fee allocation"

Page 1, line 11, replace "105,330,558" with "105,222,404"

Page 1, line 12, replace "113,252,369" with "122,650,587"

Page 1, line 13, replace "471,096,984" with "512,175,642"

Page 1, line 15, replace "733,765,414" with "784,134,136"

Page 1, after line 15, insert:

"SECTION 2. ACQUIRING LAND IN NO-MOW AND MANAGED-MOW AREAS. The department of transportation may acquire land to eliminate no-mow and managed-mow areas adjacent to the state's roadways. If the department intends to acquire public land to eliminate no-mow and managed-mow areas, the department shall hold a public hearing in the county in which the land is located before the land is acquired.

SECTION 3. AMENDMENT. Section 24-01-51 of the North Dakota Century Code is amended and reenacted as follows:

24-01-51. (Effective January 1, 2004 2006) Haying of no-mow areas. Notwithstanding any other provision of law, a person owning land adjacent to an area within the right of way of a highway which is designated as a no-mow or managed-mow area may hay the no-mow or managed-mow area after July fifteenth without any payment or penalty."

Page 2, after line 3, insert:

"SECTION 5. AMENDMENT. Section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

39-04-19. Motor vehicle registration fees and mile tax. Motor vehicles required to pay registration fees or a mile tax shall pay the following fees:

1. Nonresidents electing to pay mile tax in lieu of registration, when authorized to do so by the department, shall pay a fee of twenty dollars for a trip permit which is valid for a period of seventy-two hours. All fees

collected under the provisions of this subsection must be credited to the highway construction fund.

2. Motor vehicles required to be registered in this state must be furnished license plates upon the payment of the following annual fees; however, if a motor vehicle, including a motorcycle or trailer, first becomes subject to registration other than at the beginning of the registration period, such fees must be prorated on a monthly basis. The minimum fee charged hereunder must be five dollars:

a. Passenger motor vehicles:

Gross Weights	YEARS REGISTERED				
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th, 8th, and 9th Years	10th, 11th, and 12th Years	13th and Subsequent Years	
Less than 3,200	\$57.00 <u>\$60</u>	\$49.00 <u>\$52</u>	\$41.00 <u>\$44</u>	\$33.00 <u>\$36</u>	
3,200 - 4,499	77.00 <u>80</u>	65.00 <u>68</u>	53.00 <u>56</u>	41.00 <u>44</u>	
4,500 - 4,999	95.00 <u>98</u>	78.00 <u>81</u>	63.00 <u>66</u>	47.00 <u>50</u>	
5,000 - 5,999	126.00 <u>129</u>	104.00 <u>107</u>	82.00 <u>85</u>	60.00 <u>63</u>	
6,000 - 6,999	159.00 <u>162</u>	130.00 <u>133</u>	101.00 <u>104</u>	73.00 <u>76</u>	
7,000 - 7,999	192.00 <u>195</u>	156.00 <u>159</u>	121.00 <u>124</u>	86.00 <u>89</u>	
8,000 - 8,999	225.00 <u>228</u>	183.00 <u>186</u>	141.00 <u>144</u>	99.00 <u>102</u>	
9,000 and over	258.00 <u>261</u>	209.00 <u>212</u>	161.00 <u>164</u>	112.00 <u>115</u>	

A house car is subject to registration at the rates prescribed for other vehicles under this subdivision modified by using the weight applicable to a vehicle whose weight is forty percent of that of the house car, but not using a weight of less than four thousand pounds [1814.35 kilograms].

- b. Schoolbuses, buses for hire, buses owned and operated by religious, charitable, or nonprofit organizations and used exclusively for religious, charitable, or other public nonprofit purposes, and trucks or combination trucks and trailers, including commercial and noncommercial trucks, except those trucks or combinations of trucks and trailers which qualify for registration under subsection 5:

Gross Weights	YEARS REGISTERED				
	1st Through 6th Years	7th Through 9th Years	10th Through 12th Years	13th Through 19th Years	20th and Subsequent Years
Not over 4,000	\$55.00 <u>\$58</u>	\$42.00 <u>\$45</u>	\$37.00 <u>\$40</u>	\$34.00 <u>\$37</u>	\$33.00 <u>\$36</u>
4,001 - 6,000	60.00 <u>63</u>	47.00 <u>50</u>	41.00 <u>44</u>	35.00 <u>38</u>	34.00 <u>37</u>
6,001 - 8,000	65.00 <u>68</u>	52.00 <u>55</u>	45.00 <u>48</u>	36.00 <u>39</u>	35.00 <u>38</u>
8,001 - 10,000	70.00 <u>73</u>	57.00 <u>60</u>	49.00 <u>52</u>	38.00 <u>41</u>	37.00 <u>40</u>
10,001 - 12,000	75.00 <u>78</u>	62.00 <u>65</u>	53.00 <u>56</u>	40.00 <u>43</u>	39.00 <u>42</u>
12,001 - 14,000	80.00 <u>83</u>	67.00 <u>70</u>	57.00 <u>60</u>	43.00 <u>46</u>	42.00 <u>45</u>
14,001 - 16,000	85.00 <u>88</u>	72.00 <u>75</u>	61.00 <u>64</u>	46.00 <u>49</u>	45.00 <u>48</u>
16,001 - 18,000	90.00 <u>93</u>	77.00 <u>80</u>	65.00 <u>68</u>	48.00 <u>51</u>	47.00 <u>50</u>
18,001 - 20,000	93.00 <u>96</u>	80.00 <u>83</u>	67.00 <u>70</u>	49.00 <u>52</u>	48.00 <u>51</u>

Gross Weights	YEARS REGISTERED		
	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years	8th, 9th, 10th, 11th, and 12th Years	13th and Subsequent Years
20,001 - 22,000	\$123.00 <u>\$126</u>	\$97.00 <u>\$100</u>	\$84.00 <u>\$87</u>
22,001 - 26,000	175.00 <u>178</u>	145.00 <u>148</u>	129.00 <u>132</u>
26,001 - 30,000	236.00 <u>239</u>	194.00 <u>197</u>	172.00 <u>175</u>
30,001 - 34,000	302.00 <u>305</u>	247.00 <u>250</u>	219.00 <u>222</u>
34,001 - 38,000	363.00 <u>366</u>	296.00 <u>299</u>	262.00 <u>265</u>
38,001 - 42,000	424.00 <u>427</u>	345.00 <u>348</u>	304.00 <u>307</u>
42,001 - 46,000	485.00 <u>488</u>	393.00 <u>396</u>	347.00 <u>350</u>
46,001 - 50,000	546.00 <u>549</u>	442.00 <u>445</u>	390.00 <u>393</u>
50,001 - 54,000	616.00 <u>619</u>	500.00 <u>503</u>	441.00 <u>444</u>
54,001 - 58,000	677.00 <u>680</u>	549.00 <u>552</u>	484.00 <u>487</u>
58,001 - 62,000	739.00 <u>742</u>	598.00 <u>601</u>	527.00 <u>530</u>
62,001 - 66,000	799.00 <u>802</u>	646.00 <u>649</u>	570.00 <u>573</u>
66,001 - 70,000	860.00 <u>863</u>	695.00 <u>698</u>	612.00 <u>615</u>
70,001 - 74,000	921.00 <u>924</u>	744.00 <u>747</u>	655.00 <u>658</u>

74,001 - 78,000	982.00 985	793.00 796	698.00 701
78,001 - 82,000	1,043.00 1,046	842.00 845	741.00 744
82,001 - 86,000	1,166.00 1,169	947.00 950	828.00 831
86,001 - 90,000	1,288.00 1,291	1,051.00 1,054	915.00 918
90,001 - 94,000	1,410.00 1,413	1,156.00 1,159	1,002.00 1,005
94,001 - 98,000	1,532.00 1,535	1,261.00 1,264	1,090.00 1,093
98,001 - 102,000	1,654.00 1,657	1,365.00 1,368	1,177.00 1,180
102,001 - 105,500	1,776.00 1,779	1,470.00 1,473	1,264.00 1,267

c. Motorcycles, fifteen dollars.

3. Motor vehicles acquired by disabled veterans under the provisions of Public Law 79-663 [38 U.S.C. 3901] are exempt from the payment of state sales or use tax and, if paid, such veterans are entitled to a refund. This exemption also applies to any passenger motor vehicle or pickup truck not exceeding ten thousand pounds [4535.92 kilograms] gross weight but shall apply to no more than two such motor vehicles owned by a disabled veteran at any one time.
4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars. Upon the request of a person with a trailer or farm trailer to whom a registration or identification plate is provided under this subsection, the department shall provide a plate of the same size as provided for a motorcycle. The department shall provide notification of this option to the person before the replacement or issuance of the plate.
5. Trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] which are used as farm vehicles only, are entitled to registration under the following fee schedule and the provisions of this subsection. Farm vehicles are considered, for the purpose of this subsection, as trucks or combinations of trucks and trailers weighing more than twenty thousand but not more than one hundred five thousand five hundred pounds [more than 9071.84 but not more than 47854.00 kilograms] owned, or leased for at least one year by a bona fide resident farmer who uses the vehicles exclusively for transporting the farmer's own property or other property on a farm work exchange basis with other farmers between farms and the usual local trading places but not in connection with any commercial retail or wholesale business being conducted from those farms, nor otherwise for hire. In addition to the penalty provided in section 39-04-41, any person violating this subsection shall license for the entire license period the farm vehicle at the higher commercial vehicle rate in accordance with the weight carried by the farm vehicle at the time of the violation.

YEARS REGISTERED

Gross Weights	YEARS REGISTERED				
	1st, 2nd, 3rd, 4th, 5th, and 6th Years	7th and 8th Years	9th and 10th Years	11th and Subsequent Years	
20,001 - 22,000	\$95.00 \$98	\$81.00 \$84	\$67.00 \$70	\$49.00 \$52	
22,001 - 24,000	100.00 103	85.00 88	70.00 73	51.00 54	
24,001 - 26,000	108.00 111	91.00 94	74.00 77	53.00 56	
26,001 - 28,000	119.00 122	99.00 102	80.00 83	57.00 60	
28,001 - 30,000	128.00 131	107.00 110	86.00 89	61.00 64	
30,001 - 32,000	143.00 146	120.00 123	97.00 100	70.00 73	
32,001 - 34,000	153.00 156	128.00 131	103.00 106	74.00 77	
34,001 - 36,000	163.00 166	136.00 139	109.00 112	78.00 81	
36,001 - 38,000	173.00 176	144.00 147	115.00 118	82.00 85	
38,001 - 40,000	183.00 186	152.00 155	121.00 124	86.00 89	
40,001 - 42,000	193.00 196	160.00 163	127.00 130	90.00 93	
42,001 - 44,000	203.00 206	168.00 171	133.00 136	94.00 97	
44,001 - 46,000	213.00 216	176.00 179	139.00 142	98.00 101	
46,001 - 48,000	223.00 226	184.00 187	145.00 148	102.00 105	
48,001 - 50,000	233.00 236	192.00 195	151.00 154	106.00 109	
50,001 - 52,000	253.00 256	210.00 213	167.00 170	120.00 123	
52,001 - 54,000	263.00 266	218.00 221	173.00 176	124.00 127	

54,001 - 56,000	273.00 276	226.00 229	479.00 182	428.00 131
56,001 - 58,000	283.00 286	234.00 237	485.00 188	432.00 135
58,001 - 60,000	293.00 296	242.00 245	491.00 194	436.00 139
60,001 - 62,000	303.00 306	250.00 253	497.00 200	440.00 143
62,001 - 64,000	313.00 316	258.00 261	203.00 206	444.00 147
64,001 - 66,000	323.00 326	266.00 269	209.00 212	448.00 151
66,001 - 68,000	333.00 336	274.00 277	215.00 218	452.00 155
68,001 - 70,000	343.00 346	282.00 285	221.00 224	456.00 159
70,001 - 72,000	353.00 356	290.00 293	227.00 230	460.00 163
72,001 - 74,000	363.00 366	298.00 301	233.00 236	464.00 167
74,001 - 76,000	373.00 376	306.00 309	239.00 242	468.00 171
76,001 - 78,000	383.00 386	314.00 317	245.00 248	472.00 175
78,001 - 80,000	393.00 396	322.00 325	251.00 254	476.00 179
80,001 - 82,000	403.00 406	330.00 333	257.00 260	480.00 183
82,001 - 84,000	413.00 416	338.00 341	263.00 266	484.00 187
84,001 - 86,000	423.00 426	346.00 349	269.00 272	488.00 191
86,001 - 88,000	433.00 436	354.00 357	275.00 278	492.00 195
88,001 - 90,000	443.00 446	362.00 365	281.00 284	496.00 199
90,001 - 92,000	453.00 456	370.00 373	287.00 290	500.00 203
92,001 - 94,000	463.00 466	378.00 381	293.00 296	504.00 207
94,001 - 96,000	473.00 476	386.00 389	299.00 302	508.00 211
96,001 - 98,000	483.00 486	394.00 397	305.00 308	512.00 215
98,001 - 100,000	493.00 496	402.00 405	311.00 314	516.00 219
100,001 - 102,000	503.00 506	410.00 413	317.00 320	520.00 223
102,001 - 104,000	513.00 516	418.00 421	323.00 326	524.00 227
104,001 - 105,500	523.00 526	426.00 429	329.00 332	528.00 231

6. A motor vehicle registered in subsection 5 may be used for custom combining operations by displaying identification issued by the department and upon payment of a fee of twenty-five dollars.

SECTION 6. AMENDMENT. Section 7 of chapter 331 of the 2001 Session Laws is amended and reenacted as follows:

SECTION 7. TEMPORARY ALLOCATION. ~~Two~~Four dollars of each registration fee collected under subsection 2 or 5 of section 39-04-19 must be deposited in the state highway fund.

SECTION 7. REPEAL. Section 10 of chapter 331 of the 2001 Session Laws is repealed."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1012 - Department of Transportation - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$106,357,711	\$105,330,558	(\$108,154)	\$105,222,404
Operating expenses	124,852,369	113,252,369	9,398,218	122,650,587
Capital assets	459,496,984	471,096,984	41,078,658	512,175,642
Grants	<u>44,085,503</u>	<u>44,085,503</u>		<u>44,085,503</u>
Total all funds	\$734,792,567	\$733,765,414	\$50,368,722	\$784,134,136
Less estimated income	<u>734,792,567</u>	<u>733,765,414</u>	<u>50,368,722</u>	<u>784,134,136</u>
General fund	\$0	\$0	\$0	\$0
FTE	1,046.00	1,046.00	0.00	1,046.00

Dept. 801 - Department of Transportation - Detail of Senate Changes

	ADDS HIGHWAY CONSTRUCTION FUNDING ¹	ADDS FEDERAL HIGHWAY FUNDING ²	ADDS FUNDING FOR HIGHWAY PROJECTS ³	REDUCES THE RECOMMENDED FUNDING FOR HEALTH INSURANCE ⁴	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ⁵	TOTAL SENATE CHANGES
Salaries and wages				(\$108,154)		(\$108,154)
Operating expenses	\$10,000,000				(\$601,782)	9,398,218
Capital assets	33,750,000	\$7,100,000	\$228,658			41,078,658
Grants						

Total all funds	\$43,750,000	\$7,100,000	\$228,658	(\$108,154)	(\$601,782)	\$50,368,722
Less estimated income	<u>43,750,000</u>	<u>7,100,000</u>	<u>228,658</u>	<u>(108,154)</u>	<u>(601,782)</u>	<u>50,368,722</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

¹ The capital assets line item is increased by \$33,750,000 for highway construction projects, and the operating expenses line item is increased by \$10 million for costs relating to consulting engineers. These increases reflect federal highway construction funding available to North Dakota of \$182.5 million for each year of the 2003-05 biennium, an increase of \$17.5 million per year compared to the \$165 million per year anticipated in the executive budget and House version. Of the total increase of \$43,750,000, \$35 million is from federal funds and \$8,750,000 is from the highway fund.

² The capital assets line item is increased by \$7,100,000 of federal funds for highway projects that do not require a state match.

³ The capital assets line item is increased by \$228,658 to utilize federal funding (\$182,926) and related state matching funds (\$45,732) removed by the House for the state employee salary increase for highway construction projects.

⁴ Funding for state employee health insurance premiums is reduced from \$493 to \$488.70 per month.

⁵ This amendment reduces funding for information technology by \$601,782 of special funds which represents a reduction in information technology funding of approximately 4 percent.

Sections are added increasing motor vehicle registration fees by \$3 per year. For the 2001-03 biennium, \$2 of each motor vehicle registration fee is being deposited directly in the highway fund rather than in the highway tax distribution fund. This amendment increases the amount deposited directly into the highway fund by \$2 to \$4 and removes the expiration date of June 30, 2005, for this allocation.

A section is added authorizing the department to acquire land to eliminate no-mow or managed-mow areas along state highways.

A section is added delaying the effective date from January 1, 2004, to January 1, 2006, of a section allowing a landowner owning land next to a no-mow or managed-mow area to hay the no-mow or managed-mow area after July 15 without payment or penalty.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1021

Page 1, line 3, after "farm" insert "; and to provide legislative intent"

Page 1, after line 13, insert:

"Extension service

Soil conservation committee

\$33,575,779

778,679"

Page 1, line 14, replace "34,415,856" with "34,354,458"

Page 1, line 15, replace "20,500,178" with "20,486,830"

Page 1, line 16, replace "13,915,678" with "13,867,628"

Page 1, line 19, replace "1,524,784" with "1,523,449"

Page 1, line 20, replace "777,825" with "777,345"

Page 1, line 21, replace "746,959" with "746,104"

Page 2, line 1, replace "10,848,064" with "10,844,753"

Page 2, line 2, replace "10,364,776" with "10,361,651"

Page 2, line 3, replace "483,288" with "483,102"

Page 2, line 6, replace "59,757,658" with "60,721,498"

Page 2, line 7, replace "31,519,854" with "31,506,474"

Page 2, line 8, replace "28,237,804" with "29,215,024"

Page 2, line 11, replace "5,282,891" with "5,281,134"

Page 2, line 12, replace "1,669,065" with "1,667,578"

Page 2, line 13, replace "1,523,475" with "1,521,669"

Page 2, line 14, replace "1,283,914" with "1,282,925"

Page 2, line 15, replace "1,714,374" with "1,712,676"

Page 2, line 16, replace "1,644,295" with "1,643,154"

Page 2, line 17, replace "3,329,112" with "3,326,724"

Page 2, line 18, replace "16,447,126" with "16,435,860"

Page 2, line 19, replace "8,968,852" with "8,967,403"

Page 2, line 20, replace "7,478,274" with "7,468,457"

Page 2, line 23, replace "1,166,914" with "1,166,604"

Page 2, line 24, replace "1,166,914" with "1,166,604"

Page 2, line 25, replace "50,862,003" with "51,780,315"

Page 2, line 26, replace "73,298,399" with "73,266,307"

Page 2, line 27, replace "124,160,402" with "125,046,622"

Page 3, after line 31, insert:

"SECTION 8. LEGISLATIVE INTENT - BEEF SYSTEMS CENTER OF EXCELLENCE. It is the intent of the fifty-eighth legislative assembly that a beef systems center of excellence be established by the department of animal and range science with the \$1,000,000 appropriation provided in subdivision 4 of section 1 of this Act in accordance with the provisions of 2003 Senate Bill No. 2334."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1021 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Transportation Institute				
Total all funds	\$10,901,291	\$10,848,064	(\$3,311)	\$10,844,753
Less estimated income	<u>10,413,762</u>	<u>10,364,776</u>	<u>(3,125)</u>	<u>10,361,651</u>
General fund	\$487,529	\$483,288	(\$186)	\$483,102
Branch research centers				
Total all funds	\$16,531,620	\$16,447,126	(\$11,266)	\$16,435,860
Less estimated income	<u>8,983,676</u>	<u>8,968,852</u>	<u>(1,449)</u>	<u>8,967,403</u>
General fund	\$7,547,944	\$7,478,274	(\$9,817)	\$7,468,457
NDSU Extension Service				
Total all funds	\$35,341,437	\$34,415,856	(\$61,398)	\$34,354,458
Less estimated income	<u>21,239,318</u>	<u>20,500,178</u>	<u>(13,348)</u>	<u>20,486,830</u>
General fund	\$14,102,119	\$13,915,678	(\$48,050)	\$13,867,628
Northern Crops Institute				
Total all funds	\$1,536,257	\$1,524,784	(\$1,335)	\$1,523,449
Less estimated income	<u>782,898</u>	<u>777,825</u>	<u>(480)</u>	<u>777,345</u>
General fund	\$753,359	\$746,959	(\$855)	\$746,104
Main Research Station				
Total all funds	\$60,956,183	\$59,757,658	\$963,840	\$60,721,498
Less estimated income	<u>32,404,239</u>	<u>31,519,854</u>	<u>(13,380)</u>	<u>31,506,474</u>
General fund	\$28,551,944	\$28,237,804	\$977,220	\$29,215,024
Agronomy Seed Farm				
Total all funds	\$1,170,385	\$1,166,914	(\$310)	\$1,166,604
Less estimated income	<u>1,170,385</u>	<u>1,166,914</u>	<u>(310)</u>	<u>1,166,604</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$126,437,173	\$124,160,402	\$886,220	\$125,046,622
Less estimated income	<u>74,994,278</u>	<u>73,298,399</u>	<u>(32,092)</u>	<u>73,266,307</u>
General fund	\$51,442,895	\$50,862,003	\$918,312	\$51,780,315

House Bill No. 1021 - Transportation Institute - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Transportation Institute	<u>\$10,901,291</u>	<u>\$10,848,064</u>	<u>(\$3,311)</u>	<u>\$10,844,753</u>
Total all funds	\$10,901,291	\$10,848,064	(\$3,311)	\$10,844,753

Less estimated income	<u>10,413,762</u>	<u>10,364,776</u>	<u>(3,125)</u>	<u>10,361,651</u>
General fund	\$487,529	\$483,288	(\$186)	\$483,102
FTE	31.50	31.50	0.00	31.50

Dept. 627 - Transportation Institute - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	TOTAL SENATE CHANGES
Transportation Institute	<u>(\$3,302)</u>	<u>(\$9)</u>	<u>(\$3,311)</u>
Total all funds	<u>(\$3,302)</u>	<u>(\$9)</u>	<u>(\$3,311)</u>
Less estimated income	<u>(3,125)</u>	_____	<u>(3,125)</u>
General fund	(\$177)	(\$9)	(\$186)
FTE	0.00	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

² This amendment reduces funding for information technology by \$9 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

House Bill No. 1021 - Branch Research Centers - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Dickinson Research Center	\$5,216,097	\$5,282,891	(\$1,757)	\$5,281,134
Central Grasslands Research Center	1,677,073	1,669,065	(1,487)	1,667,578
Hettinger Research Center	1,616,622	1,523,475	(1,806)	1,521,669
Langdon Research Center	1,292,947	1,283,914	(989)	1,282,925
North Central Research Center	1,725,235	1,714,374	(1,698)	1,712,676
Williston Research Center	1,652,770	1,644,295	(1,141)	1,643,154
Carrington Research Center	<u>3,350,876</u>	<u>3,329,112</u>	<u>(2,388)</u>	<u>3,326,724</u>
Total all funds	\$16,531,620	\$16,447,126	(\$11,266)	\$16,435,860
Less estimated income	<u>8,983,676</u>	<u>8,968,852</u>	<u>(1,449)</u>	<u>8,967,403</u>
General fund	\$7,547,944	\$7,478,274	(\$9,817)	\$7,468,457
FTE	73.65	73.65	0.00	73.65

Dept. 628 - Branch Research Centers - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	TOTAL SENATE CHANGES
Dickinson Research Center	(\$1,757)		(\$1,757)
Central Grasslands Research Center	(724)	(\$763)	(1,487)
Hettinger Research Center	(1,028)	(778)	(1,806)
Langdon Research Center	(827)	(162)	(989)
North Central Research Center	(1,035)	(663)	(1,698)
Williston Research Center	(824)	(317)	(1,141)
Carrington Research Center	<u>(1,958)</u>	<u>(430)</u>	<u>(2,388)</u>
Total all funds	(\$8,153)	(\$3,113)	(\$11,266)
Less estimated income	<u>(1,449)</u>	_____	<u>(1,449)</u>
General fund	(\$6,704)	(\$3,113)	(\$9,817)
FTE	0.00	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

² This amendment reduces funding for information technology by \$3,113 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

House Bill No. 1021 - NDSU Extension Service - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
NDSU Extension Service	\$35,341,437	\$34,415,856	(\$840,077)	\$33,575,779
Soil Conservation Committee	_____	_____	<u>778,679</u>	<u>778,679</u>

Total all funds	\$35,341,437	\$34,415,856	(\$61,398)	\$34,354,458
Less estimate income	<u>21,239,318</u>	<u>20,500,178</u>	<u>(13,348)</u>	<u>20,486,830</u>
General fund	\$14,102,119	\$13,915,678	(\$48,050)	\$13,867,628
FTE	277.57	270.57	0.00	270.57

Dept. 630 - NDSU Extension Service - Detail of Senate Changes

	CREATES SOIL CONSERVATION COMMITTEE LINE ITEM ¹	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ²	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ³	TOTAL SENATE CHANGES
NDSU Extension Service	(\$778,679)	(\$28,669)	(\$32,729)	(\$840,077)
Soil Conservation Committee	<u>778,679</u>			<u>778,679</u>
Total all funds	\$0	(\$28,669)	(\$32,729)	(\$61,398)
Less estimated income		<u>(13,348)</u>		<u>(13,348)</u>
General fund	\$0	(\$15,321)	(\$32,729)	(\$48,050)
FTE	0.00	0.00	0.00	0.00

¹ This amendment creates a separate line item under NDSU Extension Service for the Soil Conservation Committee and transfers \$778,679 from the general fund to the line item.

² This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

³ This amendment reduces funding for information technology by \$32,729 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

House Bill No. 1021 - Northern Crops Institute - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Northern Crops Institute	<u>\$1,536,257</u>	<u>\$1,524,784</u>	<u>(\$1,335)</u>	<u>\$1,523,449</u>
Total all funds	\$1,536,257	\$1,524,784	(\$1,335)	\$1,523,449
Less estimated income	<u>782,898</u>	<u>777,825</u>	<u>(480)</u>	<u>777,345</u>
General fund	\$753,359	\$746,959	(\$855)	\$746,104
FTE	8.17	8.17	0.00	8.17

Dept. 638 - Northern Crops Institute - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ²	TOTAL SENATE CHANGES
Northern Crops Institute	(\$929)	(\$406)	(\$1,335)
Total all funds	(\$929)	(\$406)	(\$1,335)
Less estimated income	<u>(480)</u>		<u>(480)</u>
General fund	(\$449)	(\$406)	(\$855)
FTE	0.00	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

² This amendment reduces funding for information technology by \$406 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

House Bill No. 1021 - Main Research Station - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Main Research Station	<u>\$60,956,183</u>	<u>\$59,757,658</u>	<u>\$963,840</u>	<u>\$60,721,498</u>
Total all funds	\$60,956,183	\$59,757,658	\$963,840	\$60,721,498
Less estimated income	<u>32,404,239</u>	<u>31,519,854</u>	<u>(13,380)</u>	<u>31,506,474</u>
General fund	\$28,551,944	\$28,237,804	\$977,220	\$29,215,024
FTE	358.55	349.19	0.00	349.19

Dept. 640 - Main Research Station - Detail of Senate Changes

	PROVIDES FUNDING FOR BEEF SYSTEMS CENTER OF EXCELLENCE ¹	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ²	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS ³	PROVIDES FUNDING FOR INTERACTIVE VIDEO NETWORK COSTS ⁴	TOTAL SENATE CHANGES
Main Research Station	\$1,000,000	(\$39,020)	(\$17,140)	\$20,000	\$963,840
Total all funds	\$1,000,000	(\$39,020)	(\$17,140)	\$20,000	\$963,840
Less estimated income		(13,380)			(13,380)
General fund	\$1,000,000	(\$25,640)	(\$17,140)	\$20,000	\$977,220
FTE	0.00	0.00	0.00	0.00	0.00

¹ This amendment provides \$1 million to the Main Research Center for establishment of a beef systems center of excellence in the Department of Animal and Range Science, pursuant to the provisions of 2003 Senate Bill No. 2334.

² This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

³ This amendment reduces funding for information technology by \$17,140 from the general fund, which represents a reduction in information technology funding from the general fund of approximately 4 percent.

⁴ This amendment provides \$20,000 to the Main Research Center to be distributed to branch research centers to assist in offsetting interactive video network costs in remote areas.

House Bill No. 1021 - Agronomy Seed Farm - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Agronomy Seed Farm	\$1,170,385	\$1,166,914	(\$310)	\$1,166,604
Total all funds	\$1,170,385	\$1,166,914	(\$310)	\$1,166,604
Less estimated income	1,170,385	1,166,914	(310)	1,166,604
General fund	\$0	\$0	\$0	\$0
FTE	2.87	2.87	0.00	2.87

Dept. 649 - Agronomy Seed Farm - Detail of Senate Changes

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE ¹	TOTAL SENATE CHANGES
Agronomy Seed Farm	(\$310)	(\$310)
Total all funds	(\$310)	(\$310)
Less estimated income	(310)	(310)
General fund	\$0	\$0
FTE	0.00	0.00

¹ This amendment reduces the funding for state employee health insurance premiums from \$493 to \$488.70 per month.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House concurred in the Senate amendments and subsequently passed: HB 1006 and HB 1008.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

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

SB 2154: Reps. R. Kelsch; D. Johnson; Hanson

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1023 and HB 1489. Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1023: Reps. Timm; Delzer; Aarsvold

HB 1489: Reps. R. Kelsch; D. Johnson; Hunsford

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1037, HB 1043, HB 1116, HB 1190, HB 1391, HB 1461, HB 1486.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1092, HB 1158.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

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

SB 2311: Reps. Rennerfeldt; Wald; Warner

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1051, HB 1088, HB 1112, HB 1197, HB 1218.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1123.

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

MR. SPEAKER: The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2255 and wishes to inform you that the Senate does now concur with the House amendments to SB 2255 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2255.

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 1001: Sens. Grindberg; Christmann; Krauter

HB 1013: Sens. Bowman; Kringstad; Robinson

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2335 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2335: Sens. Epegard; Krebsbach; Heitkamp

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1003.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1003

Page 1, line 3, remove "to authorize the industrial commission to issue and sell bonds for capital"

Page 1, line 4, remove "projects;" and after the third semicolon insert "to provide for a legislative council study;"

Page 1, line 19, replace "14,100,689" with "12,790,689"

Page 1, line 20, remove "and centers for excellence" and replace "7,000,000" with "4,100,000"

Page 1, after line 20, insert:

"Centers for excellence 1,900,000"

Page 1, line 21, replace "435,306" with "485,306"

Page 1, line 22, replace "4,479,337" with "4,472,850"

Page 1, line 24, replace "26,135,148" with "25,089,639"

Page 1, after line 24, insert:

"Operations pool 2,000,000"

Page 2, line 3, replace "4,430,215" with "2,930,215"

Page 2, line 5, replace "816,368" with "1,066,368"

Page 2, line 8, replace "64,407,816" with "61,845,820"

Page 2, line 9, replace "5,355,507" with "3,855,507"

Page 2, line 10, replace "59,052,309" with "57,990,313"

Page 2, line 14, replace "15,493,038" with "15,462,327"

Page 2, line 15, replace "15,743,038" with "15,712,327"

Page 2, line 19, replace "4,963,824" with "4,957,682"

Page 2, line 20, replace "5,008,655" with "5,002,513"

Page 2, line 24, replace "5,319,181" with "5,312,371"

Page 2, line 25, replace "5,407,971" with "5,401,161"

Page 2, line 29, replace "84,584,943" with "84,733,126"

Page 2, remove lines 30 and 31

Page 3, line 1, replace "117,347,079" with "117,395,262"

Page 3, line 3, replace "87,047,079" with "87,095,262"

Page 3, line 7, replace "66,875,983" with "66,826,959"

Page 3, line 8, replace "83,613,514" with "83,564,490"

Page 3, line 10, replace "68,613,514" with "68,564,490"

Page 3, line 14, replace "23,774,891" with "23,736,824"

Page 3, line 15, replace "28,217,311" with "28,179,244"

Page 3, line 17, replace "24,548,391" with "24,510,324"

Page 3, line 21, replace "13,590,878" with "13,573,831"

Page 3, line 22, replace "18,984,840" with "18,967,793"

Page 3, line 24, replace "13,984,840" with "13,967,793"

Page 3, line 27, replace "364,589" with "414,589"

Page 3, line 28, replace "8,349,835" with "8,427,335"

Page 3, remove line 29

Page 3, line 30, replace "8,764,424" with "8,841,924"

Page 4, line 2, replace "8,614,424" with "8,691,924"

Page 4, line 6, replace "25,554,142" with "25,519,578"

Page 4, line 7, replace "26,166,992" with "26,132,428"

Page 4, line 11, replace "11,144,078" with "11,304,672"

Page 4, line 12, replace "11,409,412" with "11,570,006"

Page 4, line 15, replace "112,663" with "209,663"

Page 4, line 16, replace "4,057,001" with "4,052,856"

Page 4, line 17, replace "4,169,664" with "4,262,519"

Page 4, line 21, replace "30,268,879" with "29,990,865"

Page 4, line 22, replace "30,268,879" with "29,990,865"

Page 4, line 26, replace "2,717,215" with "2,715,016"

Page 4, line 27, replace "2,863,276" with "2,861,077"

Page 4, line 29, replace "1,773,275" with "1,771,076"

Page 4, line 30, replace "361,808,443" with "360,663,001"

Page 5, line 1, replace "112,046,775" with "102,524,428"

Page 5, line 2, replace "473,855,218" with "463,187,429"

Page 5, line 3, replace "\$435,306" with "\$485,306"

Page 5, line 8, replace "\$14,100,689" with "\$12,790,689"

Page 5, line 11, replace "and by the industrial commission to establish an escrow account as authorized in" with a period

Page 5, remove line 12

Page 5, line 13, replace "\$26,135,148" with "\$25,089,639"

Page 5, after line 20, insert:

"SECTION 5. OPERATIONS POOL. The sum of \$2,000,000, or so much of the sum as may be necessary, included in the operations pool line item in subdivision 1 of section 1 of this Act, is to be allocated by the state board of higher education to the entities included in section 1."

Page 5, line 30, after the period insert "All additional funds received under the North Dakota-Minnesota reciprocity agreement during the biennium beginning July 1, 2003, and ending June 30, 2005, are appropriated to the state board of higher education for reimbursement to institutions under the control of the board and for student financial assistance grants, as determined by the board."

Page 6, line 24, remove the second "the"

Page 6, line 25, remove "purpose of repaying principal and interest on" and replace "loans from the Bank of North" with "costs"

Page 6, line 26, remove "Dakota, pursuant to section 54-16-13"

Page 7, line 12, after "center" insert "and athletic complex" and replace "\$8,000,000" with "\$21,000,000"

Page 7, remove line 13

Page 7, remove lines 21 through 31

Page 8, remove lines 1 through 15

Page 9, remove lines 11 and 12

Page 9, remove line 23

Page 9, line 24, replace "e." with "d."

Page 9, line 25, replace "f." with "e."

Page 9, line 26, replace "g." with "f."

Page 10, line 15, replace "\$13,258,969" with "\$14,258,969"

Page 10, line 21, remove "- **CENTERS FOR EXCELLENCE**"

Page 10, line 22, remove "and centers for excellence"

Page 10, line 23, replace "\$5,000,000 for the competitive research program and \$2,000,000" with "\$100,000"

Page 10, line 24, replace "research efforts that focus on research that will have a positive impact on the" with "for establishment of a design center at the university of North Dakota. Federal and private matching funds totaling \$300,000 must be leveraged by the North Dakota university system prior to June 30, 2004, or the funding is to be made available for other competitive research initiatives."

SECTION 18. CENTERS FOR EXCELLENCE. The centers for excellence line item in subdivision 1 of section 1 of this Act includes \$1,400,000 for the John D. Odegard center for aerospace science - center of excellence in multimedia technology and \$500,000 is for future centers for excellence. Of the \$1,400,000, \$206,000 is for the expanded air service enterprise - upper great plains air taxi service. Federal matching funding relating to the expanded air service enterprise - upper great plains air taxi service must be leveraged by the North Dakota university system prior to June 30, 2004, or the funding is to be made available for other centers for excellence. The funding for future centers for excellence is to be distributed by the state board of higher education based on determination of centers for excellence by the department of commerce foundation board.

SECTION 19. EDUCATION INCENTIVE PROGRAMS. The funding appropriated for education incentive programs may be allocated to education incentive programs as determined by the state board of higher education, including the reduction or elimination of specific programs, and the state board of higher education may determine the appropriate number of years of program eligibility for each education incentive program.

SECTION 20. TRANSFER AUTHORITY. If, during the biennium beginning July 1, 2003, and ending June 30, 2005, the state board of higher education determines that funds allocated to institution operations in section 1 of this Act are needed for capital projects or extraordinary repairs, the board may transfer funds from operations to capital assets. The board shall report any transfer of funds under this section to the office of management and budget.

SECTION 21. LEGISLATIVE COUNCIL STUDY - HIGHER EDUCATION. The legislative council shall consider continuing the study of higher education during the 2003-04 interim. If conducted, the study may include the use of the higher education roundtable format. The study should further refine the expectations of the North Dakota university system in meeting the state's needs in the twenty-first century, the funding methodology needed to meet those expectations and needs, and the accountability system and reporting methodology for the university system. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-ninth legislative assembly.

SECTION 22. CONSTRUCTION OF BASKETBALL ARENA - APPROVAL. The state board of higher education may approve amendments to terms of the agreement entered under chapter 159 of the 1999 Session Laws and may authorize the construction of a basketball arena on the site authorized under that legislation for the university of North Dakota to be financed with private funds.

SECTION 23. PURCHASE OF HOTEL - APPROVAL. The state board of higher education may authorize the university of North Dakota to purchase a hotel and land upon which the hotel is located within the city of Grand Forks for use as a student residence facility for a sum not to exceed \$1,200,000, under terms approved by the board. The university of North Dakota may utilize available housing reserve funds for the purchase.

SECTION 24. MAYVILLE STATE UNIVERSITY - FIELDHOUSE RENOVATION AND ADDITION - REVENUE NOTE. The state board of higher education may, as an alternative to issuing revenue bonds to finance the Mayville state university fieldhouse renovation and addition authorized in section 13 of this Act, enter an agreement or agreements and do all things necessary to finance this improvement with a tax-exempt revenue note, under terms and conditions acceptable to the board. The proceeds of the revenue note must be used to pay all or part of the cost of construction, equipment, and furnishing of the Mayville state university fieldhouse, costs of issuance, interest, and any reasonable required reserve. The note may be issued

based on the pledge of revenues generated by the fieldhouse, student fees, local sales tax revenues dedicated to the improvement, and assignment of capital campaign collections or other private funds. A revenue note authorized by this section may not constitute a direct obligation of the state or any agency or political subdivision of the state within the meaning of any statutory or constitutional provision. The principal and interest on the note must be payable solely from revenues generated by the fieldhouse, student fees, local sales tax revenues dedicated to the improvement, and assignment of capital campaign collections or other private funds.

SECTION 25. LEGISLATIVE INTENT - UNIVERSITY OF NORTH DAKOTA SCHOOL OF MEDICINE AND HEALTH SCIENCES. It is the intent of the fifty-eighth legislative assembly that funding of \$395,000 included in the operations line item in subdivision 13 of section 1 of this Act is considered one-time funding and the funding is not to be included in the university of North Dakota school of medicine and health sciences base funding for determination of funding requests for the 2005-07 biennium."

Page 10, remove lines 25 and 26

Page 20, line 22, after "assets" insert "and contingency and capital emergency"

Page 20, line 23, replace the first comma with "and" and remove ", and 14"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1003 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
University System office				
Total all funds	\$467,577,358	\$64,407,816	(\$2,561,996)	\$61,845,820
Less estimated income	115,498,722	5,355,507	(1,500,000)	3,855,507
General fund	\$352,078,636	\$59,052,309	(\$1,061,996)	\$57,990,313
Bismarck State College				
Total all funds	\$0	\$17,528,038	(\$30,711)	\$17,497,327
Less estimated income		1,785,000		1,785,000
General fund	\$0	\$15,743,038	(\$30,711)	\$15,712,327
Lake Region State College				
Total all funds	\$0	\$5,383,655	(\$6,142)	\$5,377,513
Less estimated income		375,000		375,000
General fund	\$0	\$5,008,655	(\$6,142)	\$5,002,513
Williston State College				
Total all funds	\$0	\$5,407,971	(\$6,810)	\$5,401,161
Less estimated income				
General fund	\$0	\$5,407,971	(\$6,810)	\$5,401,161
University of North Dakota				
Total all funds	\$0	\$140,347,079	\$48,183	\$140,395,262
Less estimated income		53,300,000		53,300,000
General fund	\$0	\$87,047,079	\$48,183	\$87,095,262
UND Medical Center				
Total all funds	\$0	\$30,268,879	(\$278,014)	\$29,990,865
Less estimated income				
General fund	\$0	\$30,268,879	(\$278,014)	\$29,990,865
North Dakota State University				
Total all funds	\$0	\$94,613,514	(\$49,024)	\$94,564,490
Less estimated income		26,000,000		26,000,000
General fund	\$0	\$68,613,514	(\$49,024)	\$68,564,490
State College of Science				
Total all funds	\$0	\$28,217,311	(\$38,067)	\$28,179,244
Less estimated income		3,668,920		3,668,920
General fund	\$0	\$24,548,391	(\$38,067)	\$24,510,324
Dickinson State University				
Total all funds	\$0	\$24,866,887	(\$5,899,094)	\$18,967,793
Less estimated income		10,882,047	(5,882,047)	5,000,000
General fund	\$0	\$13,984,840	(\$17,047)	\$13,967,793
Mayville State University				
Total all funds	\$0	\$14,119,424	(\$1,277,500)	\$12,841,924
Less estimated income		5,505,000	(1,355,000)	4,150,000
General fund	\$0	\$8,614,424	\$77,500	\$8,691,924
Minot State University				
Total all funds	\$0	\$26,166,992	(\$34,564)	\$26,132,428
Less estimated income				
General fund	\$0	\$26,166,992	(\$34,564)	\$26,132,428
Valley City State University				
Total all funds	\$0	\$15,494,712	(\$624,706)	\$14,870,006
Less estimated income		4,085,300	(785,300)	3,300,000
General fund	\$0	\$11,409,412	\$160,594	\$11,570,006
Minot State University - Bottineau				

Total all funds	\$0	\$4,169,664	\$92,855	\$4,262,519
Less estimated income				
General fund	\$0	\$4,169,664	\$92,855	\$4,262,519
Forest Service				
Total all funds	\$2,915,258	\$2,863,276	(\$2,199)	\$2,861,077
Less estimated income	1,090,001	1,090,001		1,090,001
General fund	\$1,825,257	\$1,773,275	(\$2,199)	\$1,771,076
Bill Total				
Total all funds	\$470,492,616	\$473,855,218	(\$10,667,789)	\$463,187,429
Less estimated income	116,588,723	112,046,775	(9,522,347)	102,524,428
General fund	\$353,903,893	\$361,808,443	(\$1,145,442)	\$360,663,001

House Bill No. 1003 - General Fund Summary

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
University System office	\$352,078,636	\$59,052,309	(\$1,061,996)	\$57,990,313
Bismarck State College		15,743,038	(30,711)	15,712,327
Lake Region State College		5,008,655	(6,142)	5,002,513
Williston State College		5,407,971	(6,810)	5,401,161
University of North Dakota		87,047,079	48,183	87,095,262
UND Medical Center		30,268,879	(278,014)	29,990,865
North Dakota State University		68,613,514	(49,024)	68,564,490
State College of Science		24,548,391	(38,067)	24,510,324
Dickinson State University		13,984,840	(17,047)	13,967,793
Mayville State University		8,614,424	77,500	8,691,924
Minot State University		26,166,992	(34,564)	26,132,428
Valley City State University		11,409,412	160,594	11,570,006
Minot State University - Bottineau		4,169,664	92,855	4,262,519
Forest Service	1,825,257	1,773,275	(2,199)	1,771,076
Total general fund	\$353,903,893	\$361,808,443	(\$1,145,442)	\$360,663,001

Detail of Senate Changes to the General Fund

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	REMOVES FUNDING FOR CAPITAL ASSETS 3	ADJUSTS FUNDING FOR COMPETITIVE RESEARCH PROGRAM AND CENTERS FOR EXCELLENCE 4	RESTORES FUNDING FOR BOARD INITIATIVES 5	PROVIDES FUNDING FOR OPERATIONS POOL 6
University System office	(\$2,064)	(\$1,049,932)	(\$1,310,000)	(\$1,000,000)	\$50,000	\$2,000,000
Bismarck State College		(30,711)				
Lake Region State College		(6,142)				
Williston State College		(6,810)				
University of North Dakota		(101,817)			(50,000)	
UND Medical Center		(28,014)				
North Dakota State University		(49,024)				
State College of Science		(38,067)				
Dickinson State University		(17,047)				
Mayville State University		(22,500)				
Minot State University		(34,564)				
Valley City State University		(39,406)				
Minot State University - Bottineau		(4,145)				
Forest Service	(1,961)	(238)				
Total general fund	(\$4,025)	(\$1,428,417)	(\$1,310,000)	(\$1,000,000)	\$0	\$2,000,000

	ADJUSTS FUNDING FOR CAPITAL ASSETS 7	ADJUSTS FUNDING FOR STUDENT GRANT PROGRAMS 8	RESTORES FUNDING FOR CAMPUS OPERATIONS 9	REMOVES FUNDING FOR MARKETING INITIATIVE 10	TOTAL GENERAL FUND CHANGES
University System office		\$250,000			(\$1,061,996)
Bismarck State College					(30,711)
Lake Region State College					(6,142)
Williston State College					(6,810)
University of North Dakota			\$250,000	(\$50,000)	48,183
UND Medical Center			(250,000)		(278,014)
North Dakota State University					(49,024)
State College of Science					(38,067)
Dickinson State University					(17,047)
Mayville State University			100,000		77,500
Minot State University					(34,564)
Valley City State University			200,000		160,594
Minot State University - Bottineau	\$97,000				92,855
Forest Service					(2,199)
Total general fund	\$97,000	\$250,000	\$300,000	(\$50,000)	(\$1,145,442)

House Bill No. 1003 - Other Funds Summary

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
University System office	\$115,498,722	\$5,355,507	(\$1,500,000)	\$3,855,507
Bismarck State College		1,785,000		1,785,000
Lake Region State College		375,000		375,000
Williston State College				
University of North Dakota		53,300,000		53,300,000
UND Medical Center				

North Dakota State University	26,000,000			26,000,000
State College of Science	3,668,920			3,668,920
Dickinson State University	10,882,047	(5,882,047)		5,000,000
Mayville State University	5,505,000	(1,355,000)		4,150,000
Minot State University				
Valley City State University	4,085,300	(785,300)		3,300,000
Minot State University - Bottineau				
Forest Service	<u>1,090,001</u>	<u>1,090,001</u>		<u>1,090,001</u>
Total other funds	\$116,588,723	\$112,046,775	(\$9,522,347)	\$102,524,428

Detail of Senate Changes to Other Funds

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	REMOVES FUNDING FOR CAPITAL ASSETS 3	ADJUSTS FUNDING FOR COMPETITIVE RESEARCH PROGRAM AND CENTERS FOR EXCELLENCE 4	RESTORES FUNDING FOR BOARD INITIATIVES 5	PROVIDES FUNDING FOR OPERATIONS POOL 6
University System office						
Bismarck State College						
Lake Region State College						
Williston State College						
University of North Dakota						
UND Medical Center						
North Dakota State University						
State College of Science						
Dickinson State University			(5,882,047)			
Mayville State University			(1,355,000)			
Minot State University						
Valley City State University			(785,300)			
Minot State University - Bottineau						
Forest Service						
Total other funds	\$0	\$0	(\$8,022,347)	\$0	\$0	\$0

	ADJUSTS FUNDING FOR CAPITAL ASSETS 7	ADJUSTS FUNDING FOR STUDENT GRANT PROGRAMS 8	RESTORES FUNDING FOR CAMPUS OPERATIONS 9	REMOVES FUNDING FOR MARKETING INITIATIVE 10	TOTAL OTHER FUNDS CHANGES
University System office					
Bismarck State College					
Lake Region State College					
Williston State College					
University of North Dakota					
UND Medical Center					
North Dakota State University					
State College of Science					
Dickinson State University					(5,882,047)
Mayville State University					(1,355,000)
Minot State University					
Valley City State University					(785,300)
Minot State University - Bottineau					
Forest Service					
Total other funds	\$0	(\$1,500,000)	\$0	\$0	(\$9,522,347)

House Bill No. 1003 - All Funds Summary

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
University System office	\$467,577,358	\$64,407,816	(\$2,561,996)	\$61,845,820
Bismarck State College		17,528,038	(30,711)	17,497,327
Lake Region State College		5,383,655	(6,142)	5,377,513
Williston State College		5,407,971	(6,810)	5,401,161
University of North Dakota		140,347,079	48,183	140,395,262
UND Medical Center		30,268,879	(278,014)	29,990,865
North Dakota State University		94,613,514	(49,024)	94,564,490
State College of Science		28,217,311	(38,067)	28,179,244
Dickinson State University		24,866,887	(5,899,094)	18,967,793
Mayville State University		14,119,424	(1,277,500)	12,841,924
Minot State University		26,166,992	(34,564)	26,132,428
Valley City State University		15,494,712	(624,706)	14,870,006
Minot State University - Bottineau		4,169,664	92,855	4,262,519
Forest Service	<u>2,915,258</u>	<u>2,863,276</u>	<u>(2,199)</u>	<u>2,861,077</u>
Total all funds	\$470,492,616	\$473,855,218	(\$10,667,789)	\$463,187,429
FTE	2,400.38	2,400.38	0.00	2,400.38

Detail of Senate Changes to All Funds

	REDUCES RECOMMENDED FUNDING FOR HEALTH INSURANCE 1	REDUCES FUNDING FOR INFORMATION TECHNOLOGY COSTS 2	REMOVES FUNDING FOR CAPITAL ASSETS 3	ADJUSTS FUNDING FOR COMPETITIVE RESEARCH PROGRAM AND CENTERS FOR EXCELLENCE 4	RESTORES FUNDING FOR BOARD INITIATIVES 5	PROVIDES FUNDING FOR OPERATIONS POOL 6
University System office	(\$2,064)	(\$1,049,932)	(\$1,310,000)	(\$1,000,000)	\$50,000	\$2,000,000

Bismarck State College		(30,711)				
Lake Region State College		(6,142)				
Williston State College		(6,810)				
University of North Dakota		(101,817)			(50,000)	
UND Medical Center		(28,014)				
North Dakota State University		(49,024)				
State College of Science		(38,067)				
Dickinson State University		(17,047)	(5,882,047)			
Mayville State University		(22,500)	(1,355,000)			
Minot State University		(34,564)				
Valley City State University		(39,406)	(785,300)			
Minot State University - Bottineau		(4,145)				
Forest Service	(1,961)	(238)				
Total all funds	(\$4,025)	(\$1,428,417)	(\$9,332,347)	(\$1,000,000)	\$0	\$2,000,000
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	ADJUSTS FUNDING FOR CAPITAL ASSETS ⁷	ADJUSTS FUNDING FOR STUDENT GRANT PROGRAMS ⁸	RESTORES FUNDING FOR CAMPUS OPERATIONS ⁹	REMOVES FUNDING FOR MARKETING INITIATIVE ¹⁰	TOTAL ALL FUNDS CHANGES
University System office		(\$1,250,000)			(\$2,561,996)
Bismarck State College					(30,711)
Lake Region State College					(6,142)
Williston State College					(6,810)
University of North Dakota			\$250,000	(\$50,000)	48,183
UND Medical Center			(250,000)		(278,014)
North Dakota State University					(49,024)
State College of Science					(38,067)
Dickinson State University					(5,899,094)
Mayville State University			100,000		(1,277,500)
Minot State University					(34,564)
Valley City State University			200,000		(624,706)
Minot State University - Bottineau	\$97,000				92,855
Forest Service					(2,199)
Total all funds	\$97,000	(\$1,250,000)	\$300,000	(\$50,000)	(\$10,667,789)
FTE	0.00	0.00	0.00	0.00	0.00

¹ This amendment reduces funding for state employee health insurance premiums from \$493 per month to \$488.70 per month. This only affects the North Dakota University System office and the Forest Service. The executive budget recommendation included no funding for health insurance increases for higher education institutions.

² This amendment reduces the general fund for the North Dakota University System office, higher education institutions, and the Forest Service equivalent to a 4 percent reduction in information technology funding; however, the reductions are not limited to information technology.

³ This amendment removes the authorization provided by the House for the Industrial Commission to issue bonds totaling \$8,022,347 for construction costs associated with the following projects:

Dickinson State University	Murphy Hall Phase I addition	\$5,882,047
Valley City State University	Graichen Gymnasium elevator and emergency exits	\$785,300
Mayville State University	Steamline replacement Phase 2	\$1,355,000

This amendment removes the escrow account established for the purpose of making the first four annual lease rental payments for the retirement of the bonds. The escrow account was to consist of up to \$1,310,000 transferred from the general fund amounts appropriated for capital assets in Subdivision 1 of Section 1 and \$250,000 provided as local responsibility from other Dickinson State University fund sources.

⁴ This amendment provides funding of \$4,100,000 from the general fund for competitive research, a decrease in funding from the House version of \$900,000, and provides funding of \$1,900,000 from the general fund for centers for excellence, a decrease in funding from the House version of \$100,000. The amendment provides \$100,000 of the funding for competitive research is for the establishment of a design center at the University of North Dakota. The amendment also provides \$1,500,000 of the funding for centers for excellence is for the John D. Odegard Center for Aerospace - Center of Excellence in Multimedia Technology and \$500,000 is to be allocated by the State Board of Higher Education for future centers for excellence. Of the funding for the John D. Odegard Center for Aerospace - Center of Excellence in Multimedia Technology, \$206,000 is for an Expanded Air Service Enterprise - Upper Great Plains Air Taxi Service Initiative.

⁵ This amendment restores funding of \$50,000 from the general fund to the North Dakota University System office board initiatives line item and remove funding of \$50,000 from the general fund allocated by the House to the University of North Dakota for the university's Nordic Initiative.

⁶ This amendment provides funding of \$2 million from the general fund for an operations pool to be allocated by the State Board of Higher Education to higher education institutions.

⁷ **Mayville State University** - This amendment transfers funding of \$50,000 from a special line item as provided by the House for improvements in Old Main to the university's capital assets line item. The funding is intended to provide total capital assets funding equivalent to 3.89 percent of the North Dakota University System capital assets funding formula.

Minot State University - Bottineau - This amendment provides capital assets funding of \$97,000 from the general fund to Minot State University - Bottineau. The funding is intended to provide total capital assets funding equivalent to 10.49 percent of the North Dakota University System capital assets funding formula.

⁸ This amendment removes the special funds spending authority of \$1.5 million added by the House for the student financial assistance grants relating to potential payments that may be received under the North Dakota-Minnesota reciprocity agreement and modifies Section 6 of the engrossed bill to provide that the North Dakota University System office is appropriated all additional funds received under the North Dakota-Minnesota reciprocity agreement for student financial assistance grants. In addition, the amendment also increases funding for the scholars program by \$250,000 from the general fund, from \$816,368 to \$1,066,368.

⁹ This amendment restores funding of \$250,000 from the general fund to the University of North Dakota, from the University of North Dakota Medical School. This amendment also provides funding of \$100,000 from the general fund to Mayville State University and \$200,000 from the general fund to Valley City State University for costs associated with the institutions' high-tech laptop computer initiatives.

¹⁰ This amendment removes funding of \$50,000 from the general fund provided by the House to the University of North Dakota for a grant to the university's athletic department for a Canadian marketing initiative relating to the 2005 World Junior Hockey Tournament.

House Bill No. 1003 - Other Changes - Senate Action

This amendment also:

- Amends Section 11 of the bill to clarify language regarding funding included from the water development trust fund for disaster-related costs.
- Amends Section 16 of the bill to remove two new accountability measures added by the House.
- Amends Section 17 of the bill to increase the transfer from the student loan trust fund to the state general fund by \$1 million, from \$13,258,969 to \$14,258,969.
- Adds a section to the bill relating to education incentive programs.
- Adds a section to the bill allowing the State Board of Higher Education to authorize the transfer of funds from a higher education institution's operations line item to the capital assets line item.
- Adds a section to the bill providing for a Legislative Council study relating to the continuation of the higher education study.
- Adds a section to the bill allowing the State Board of Higher Education to authorize the construction of a basketball arena for the University of North Dakota to be funded with private funds.
- Adds a section to the bill allowing the State Board of Higher Education to authorize the University of North Dakota to purchase for a sum of \$1.2 million a hotel and land upon which the hotel is located for use as a student residence facility.
- Adds a section to the bill relating to the Mayville State University fieldhouse renovation project.
- Adds a section to the bill relating to funding for the University of North Dakota Medical School.
- Amends the emergency clause to include the contingency and capital emergency line item and Section 11 of the bill.

REPORT OF CONFERENCE COMMITTEE

HB 1018, as engrossed: Your conference committee (Sens. Andrist, Traynor, Lindaas and Reps. Wald, Rennerfeldt, Aarsvold) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1280-1281 and place HB 1018 on the Seventh order.

Engrossed HB 1018 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1079: Your conference committee (Sens. Cook, G. Lee, Taylor and Reps. Meier, Sitte, Solberg) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1100-1101, adopt amendments as follows, and place HB 1079 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1100 and 1101 of the House Journal and pages 961 and 962 of the Senate Journal and that House Bill No. 1079 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 15.1-02 of the North Dakota Century Code, relating to teacher and administrator credentials.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-02 of the North Dakota Century Code is created and enacted as follows:

Superintendent of public instruction - Issuance of credentials to teachers and administrators. The superintendent of public instruction may adopt rules governing the issuance of:

1. Credentials for teachers of driver's education;
2. Credentials for teachers of early childhood special education;
3. Credentials for elementary school principals;
4. Credentials for teachers of students who are emotionally disturbed;
5. Credentials for teachers of students who are gifted and talented;
6. Credentials for secondary school principals;
7. Credentials for library media;
8. Credentials for teachers of title I;
9. Credentials for teachers of students who are mentally retarded;
10. Credentials for teachers of students who are physically disabled;
11. Credentials for coordinators of programs for students with limited English proficiency;
12. Credentials for school counselors;
13. Credentials for special education directors;
14. Credentials for special education strategists;
15. Credentials for teachers of students who have specific learning disabilities;
16. Credentials for superintendents;
17. Credentials for teachers of students who have vision impairments;
18. Credentials for teachers of students who are deaf or hard of hearing; and
19. Certificate of completion for paraprofessionals."

Renumber accordingly

HB 1079 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1236, as engrossed: Your conference committee (Sens. Mutch, Krebsbach, Every and Reps. M. Klein, Froseth, Zaiser) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1105-1106, adopt amendments as follows, and place HB 1236 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1105 and 1106 of the House Journal and page 912 of the Senate Journal and that House Bill No. 1236 be amended as follows:

Page 1, line 22, after the underscored period insert "Notwithstanding section 28-32-50, if a registrant is the prevailing party in an administrative appeal of a disciplinary action taken by the board under this section, the board shall pay the registrant's reasonable and actual costs, including reasonable attorney's fees."

Renumber accordingly

Engrossed HB 1236 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1269, as engrossed: Your conference committee (Sens. Erbele, Fischer, Polovitz and Reps. Porter, Uglem, Niemeier) recommends that the **SENATE RECEDE** from the

Senate amendments on HJ page 840, adopt amendments as follows, and place HB 1269 on the Seventh order:

That the Senate recede from its amendments as printed on page 840 of the House Journal and pages 661 and 662 of the Senate Journal and that Engrossed House Bill No. 1269 be amended as follows:

Page 1, line 10, replace "the laws of this state or the United States" with "subsection 2 of section 51-25-02"

Renumber accordingly

Engrossed HB 1269 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1309, as engrossed: Your conference committee (Sens. Mutch, Espegard, Taylor and Reps. Belter, Grosz, Froelich) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1030-1038, adopt amendments as follows, and place HB 1309 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1030-1038 of the House Journal and pages 866-874 of the Senate Journal and that Engrossed House Bill No. 1309 be amended as follows:

Page 1, line 2, replace the third "a" with "an existing facility or adapting a new"

Page 1, line 3, replace "and" with "to amend and reenact sections 24-02-01.5, 57-43.2-01, 57-43.2-02, and 57-43.2-03 of the North Dakota Century Code, relating to a special fuels tax reduction for fuel containing biodiesel;"

Page 1, line 4, after "date" insert "; and to provide an expiration date"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 24-02-01.5 of the North Dakota Century Code is amended and reenacted as follows:

24-02-01.5. (Contingent effective date - See note - Effective through June 30, 2003 2005) Department of transportation - Administrative rules. The department of transportation may adopt the administrative rules necessary to carry out its responsibilities and functions as created and transferred by sections 24-02-01.1 through 24-02-01.5. Rules adopted by the agencies whose functions relate to the functions or agencies created, transferred, or covered by sections 2-05-03, 24-02-01.1 through 24-02-01.5, subsections 7 and 11 of section 24-01-01.1, sections 24-02-13, 24-16-02, 24-17-02, subsections 8, 12, and 13 of section 39-01-01, subsection 1 of section 39-16-01, subsection 7 of section 39-24-01, subsection 2 of section 49-17.1-01, subsection 1 of section 54-06-04, subsection 1 of section 54-27-19, subsection 6 of section 57-40.3-01, subsection 1 of section 57-43.1-01, section 57-43.1-44, subsection 6 of section 57-43.2-01, and section 57-43.2-37 remain in effect until they are specifically amended or repealed by the department.

(Effective after June 30, 2003 2005) Department of transportation - Administrative rules. The department of transportation may adopt the administrative rules necessary to carry out its responsibilities and functions as created and transferred by sections 24-02-01.1 through 24-02-01.5. Rules adopted by the agencies whose functions relate to the functions or agencies created, transferred, or covered by sections 2-05-03, 24-02-01.1 through 24-02-01.5, subsections 7 and 11 of section 24-01-01.1, sections 24-02-13, 24-16-02, 24-17-02, subsections 8, 12, and 13 of section 39-01-01, subsection 1 of section 39-16-01, subsection 7 of section 39-24-01, subsection 2 of section 49-17.1-01, subsection 1 of section 54-06-04, subsection 1 of section 54-27-19, subsection 6 of section 57-40.3-01, subsection 1 of section 57-43.1-01, section 57-43.1-44, subsection 5 of section 57-43.2-01, and section 57-43.2-37 remain in effect until they are specifically amended or repealed by the department."

Page 1, underscore lines 8 and 9

Page 1, replace lines 10 and 11 with "percent per year for five years of the taxpayer's direct costs incurred after December 31, 2002, to adapt or add equipment to retrofit an existing facility or adapting a new facility in this state for the purpose of producing or blending diesel fuel containing at least two percent biodiesel fuel by"

Page 1, underscore lines 12 through 16

Page 1, line 17, underscore "section for all taxable years." and insert immediately thereafter "A taxpayer may not claim a credit under this section for any taxable year before the taxable year in which the facility begins production or blending of diesel fuel containing at least two percent biodiesel fuel by volume, but eligible costs incurred before the taxable year production or blending begins may be claimed for purposes of the credit under this section for taxable years on or after the taxable year production or blending begins."

Page 1, replace lines 18 and 19 with:

"SECTION 3. AMENDMENT. Section 57-43.2-01 of the North Dakota Century Code is amended and reenacted as follows:

57-43.2-01. (Contingent effective date - See note - Effective through June 30, 2003 2005) Definitions. As used in this chapter, unless the context otherwise requires:

1. "Agricultural purpose" means the science, art, and business of farming. It includes raising crops, ranching, beekeeping, tree nurseries, agricultural units of colleges and universities, custom combining, manure spreading, and stack moving operations. Fuel used for an agricultural purpose includes fuel used in a vehicle, engine, or machine, movable or immovable, operated in whole or in part by internal combustion. It does not include fuel used to operate a licensed motor vehicle.
2. "Biodiesel" means a biodegradable, combustible liquid fuel that is derived from vegetable oil or animal fat and which is suitable for blending with diesel fuel for use in internal combustion diesel engines.
3. "Commissioner" means the state tax commissioner.
4. "Common carrier" or "contract carrier" means a person involved in the movement of special fuel from a terminal or movement of special fuel imported into this state, who is not an owner of the special fuel.
5. "Consumer" means a user of special fuel including any person purchasing special fuel in this state for use in a licensed motor vehicle; any person importing special fuel into this state or purchasing special fuel in this state for use as heating fuel, or for an agricultural, industrial, or railroad purpose; or any person purchasing special fuel in this state for use in recreational or any other types of motor vehicles. It does not include a person importing or purchasing special fuel for resale.
6. "Destination state" means any state, territory, foreign country, or sovereign nation to which special fuel is directed for delivery into a storage facility, receptacle, container, or any other type of transportation equipment, for the purposes of resale or use.
7. "Director" means the director of the department of transportation.
8. "Distributor" means a person, other than a retailer, who acquires special fuel from a refiner or supplier for subsequent wholesale distribution in bulk or transport load by truck, railcar, or in a barrel, drum, or other receptacle.
9. "Dyed special fuel" means special fuel to which an indelible dye meeting United States environmental protection agency and internal revenue service regulations has been added before or upon withdrawal at a terminal or refinery rack.
10. "Export" means the delivery of special fuel across the boundaries of this state from a place of origin in this state by or for a refiner, supplier, or distributor.
11. "Exporter" means a refiner, supplier, or distributor who exports special fuel out of this state in bulk or transport load by truck, railcar, or in a barrel, drum, or other receptacle.

12. "Gallon" means a United States gallon [3.79 liters] measured on a gross volume basis.
13. "Gross volume" means measurement in United States gallons [3.79 liters] without temperature or barometric adjustments.
14. "Heating fuel use" means use of special fuel to heat homes, private and public office buildings, or private and public commercial buildings or use of special fuel in stoves or burners or for any other heating purposes.
15. "Highway purpose" means any use of special fuel in any motor vehicle in any phase of construction, reconstruction, repair, or maintenance of public roads or highways, but does not include that special fuel used for heating of oils, gravel, bituminous mixture, or in any equipment used in the preparation of any materials to be used on any type of road or highway surfacing.
16. "Import" means the delivery of special fuel across the boundaries of this state from a place of origin outside this state by a refiner, supplier, or distributor.
17. "Importer" means a refiner, supplier, or distributor who imports special fuel into this state in bulk or transport load by truck, railcar, or in a barrel, drum, or other receptacle.
18. "Industrial purpose" means:
 - a. A manufacturing, warehousing, or loading dock operation;
 - b. Construction;
 - c. Sand and gravel processing;
 - d. Well drilling, well testing, or well servicing;
 - e. Maintenance of business premises, golf courses, or cemeteries;
 - f. A commercial or contract painting operation;
 - g. Electrical services;
 - h. A refrigeration unit on a truck;
 - i. A power-take-off unit; and
 - j. Other similar business activity.

Fuel used for an industrial purpose includes fuel used in a vehicle, engine, or machine, movable or immovable, operated in whole or in part by internal combustion. It does not include heating fuel, fuel used for an agricultural purpose, fuel used for a railroad purpose, or fuel used to operate a licensed motor vehicle.
19. "Interstate motor carrier" means any person importing special fuel into this state in the fuel supply tank or tanks of any motor vehicle or combination of vehicles used, designed, or maintained for transportation of persons or property; and having two axles and a gross weight exceeding twenty-six thousand pounds [1179.3401 kilograms]; or having three or more axles regardless of weight; is used in combination when the weight of such combination exceeds twenty-six thousand pounds [1179.3401 kilograms] gross vehicle weight. In the case of motor vehicles that are leased or rented, the interstate motor carrier means the lessee or renter unless the director has designated the lessor, renter, or some other person as the interstate motor carrier.
20. "Licensed motor vehicle" means any motor vehicle licensed for operation upon public roads or highways, but does not include a vehicle with a permanently mounted manure spreader or stack moving unit.

21. "Motor vehicle" means a vehicle, engine, or machine, movable or immovable, operated in whole or in part by internal combustion using one or more of the special fuels defined in this chapter but does not include aircraft.
22. "Person" means every individual, partnership, firm, association, joint venture, corporation, limited liability company, estate, business trust, receiver, or any other group or combination acting as a unit.
23. "Physical inventory reading" means a measurement of special fuel available for distribution in a terminal, an underground storage tank, an aboveground storage tank, or in a tank wagon, bulk delivery vehicle, railcar, barrel, drum, or other receptacle.
24. "Position holder" means a person holding an inventory position of special fuel in a terminal as reflected on the records of the terminal operator, a person holding the inventory position when that person has a contractual agreement with the terminal operator for the use of storage facilities or terminaling services at a terminal, and a terminal operator who owns special fuel in a terminal.
25. "Public road or highway" means every way or place generally open to the use of the public as a matter of right, for the purpose of motor vehicle travel, notwithstanding that it may be temporarily closed or subject to restricted travel due to construction, reconstruction, repair, or maintenance.
26. "Rack" means a mechanism used to dispense special fuel from a terminal.
27. "Railroad purpose" means the operation of railroad locomotives and the construction, reconstruction, repair, and maintenance of railroads. Fuel used for a railroad purpose includes fuel used to operate a railroad locomotive, and fuel used in a motor vehicle for purposes of construction, reconstruction, repair, and maintenance of railroads. It does not include fuel used in a licensed motor vehicle.
28. "Refiner" means a person who produces, manufactures, or refines special fuels in this state.
29. "Retail location" means a site at which special fuel is dispensed through a pump from an underground or aboveground storage unit into the supply tank of a motor vehicle.
30. "Retailer" means a person who acquires special fuel from a supplier or distributor for resale to a consumer at a retail location.
31. "Sale" means, with respect to special fuel, the transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means, for a consideration.
32. "Special fuel" means all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles and includes compressed natural gas, kerosene, liquefied petroleum gases, all gases and liquids which meet the specifications as determined by the state department of health pursuant to the provisions of section 19-10-10, as well as all liquids determined by the state department of health to be heating oil pursuant to the provisions of section 19-10-10, except that it does not include either motor vehicle fuels as defined in section 57-43.1-01, aviation fuels as defined in section 57-43.3-01, or antifreeze as defined by section 19-16.1-02.
33. "Supplier" means a refiner who distributes special fuel from a terminal in this state, or a person who acquires special fuel by pipeline from a state, territory, or possession of the United States or from a foreign country, for storage at and distribution from a terminal, or a person who acquires special fuel by truck or railcar for storage at and distribution from a terminal in this state.
34. "Taxpayer" means a refiner, supplier, distributor, importer, exporter, terminal operator, or retailer.

35. "Terminal" means a special fuel storage and distribution facility that is supplied by a refinery or pipeline and from which the special fuel may be removed from the rack.
36. "Terminal operator" means a person who by ownership or contractual agreement is charged with the responsibility for, or physical control over, and operation of a terminal. If a terminal is owned by coventurers, "terminal operator" means the person appointed to exercise the responsibility for, or physical control over, and operation of the terminal.
37. "Wholesale distribution" means the sale of special fuel by a supplier or distributor.

(Effective after June 30, 2003 2005) Definitions. As used in this chapter, unless the context otherwise requires:

1. "Agricultural purpose" means the science, art, and business of farming. It includes raising crops, ranching, beekeeping, tree nurseries, agricultural units of colleges and universities, custom combining, manure spreading, and stack moving operations. Fuel used for an agricultural purpose includes fuel used in a vehicle, engine, or machine, movable or immovable, operated in whole or in part by internal combustion. It does not include fuel used to operate a licensed motor vehicle.
2. "Commissioner" means the state tax commissioner.
3. "Common carrier" or "contract carrier" means a person involved in the movement of special fuel from a terminal or movement of special fuel imported into this state, who is not an owner of the special fuel.
4. "Consumer" means a user of special fuel including any person purchasing special fuel in this state for use in a licensed motor vehicle; any person importing special fuel into this state or purchasing special fuel in this state for use as heating fuel, or for an agricultural, industrial, or railroad purpose; or any person purchasing special fuel in this state for use in recreational or any other types of motor vehicles. It does not include a person importing or purchasing special fuel for resale.
5. "Destination state" means any state, territory, foreign country, or sovereign nation to which special fuel is directed for delivery into a storage facility, receptacle, container, or any other type of transportation equipment, for the purposes of resale or use.
6. "Director" means the director of the department of transportation.
7. "Distributor" means a person, other than a retailer, who acquires special fuel from a refiner or supplier for subsequent wholesale distribution in bulk or transport load by truck, railcar, or in a barrel, drum, or other receptacle.
8. "Dyed special fuel" means special fuel to which an indelible dye meeting United States environmental protection agency and internal revenue service regulations has been added before or upon withdrawal at a terminal or refinery rack.
9. "Export" means the delivery of special fuel across the boundaries of this state from a place of origin in this state by or for a refiner, supplier, or distributor.
10. "Exporter" means a refiner, supplier, or distributor who exports special fuel out of this state in bulk or transport load by truck, railcar, or in a barrel, drum, or other receptacle.
11. "Gallon" means a United States gallon [3.79 liters] measured on a gross volume basis.
12. "Gross volume" means measurement in United States gallons [3.79 liters] without temperature or barometric adjustments.

13. "Heating fuel use" means use of special fuel to heat homes, private and public office buildings, or private and public commercial buildings or use of special fuel in stoves or burners or for any other heating purposes.
14. "Highway purpose" means any use of special fuel in any motor vehicle in any phase of construction, reconstruction, repair, or maintenance of public roads or highways, but does not include that special fuel used for heating of oils, gravel, bituminous mixture, or in any equipment used in the preparation of any materials to be used on any type of road or highway surfacing.
15. "Import" means the delivery of special fuel across the boundaries of this state from a place of origin outside this state by a refiner, supplier, or distributor.
16. "Importer" means a refiner, supplier, or distributor who imports special fuel into this state in bulk or transport load by truck, railcar, or in a barrel, drum, or other receptacle.
17. "Industrial purpose" means:
 - a. A manufacturing, warehousing, or loading dock operation;
 - b. Construction;
 - c. Sand and gravel processing;
 - d. Well drilling, well testing, or well servicing;
 - e. Maintenance of business premises, golf courses, or cemeteries;
 - f. A commercial or contract painting operation;
 - g. Electrical services;
 - h. A refrigeration unit on a truck;
 - i. A power-take-off unit; and
 - j. Other similar business activity.

Fuel used for an industrial purpose includes fuel used in a vehicle, engine, or machine, movable or immovable, operated in whole or in part by internal combustion. It does not include heating fuel, fuel used for an agricultural purpose, fuel used for a railroad purpose, or fuel used to operate a licensed motor vehicle.

18. "Interstate motor carrier" means any person importing special fuel into this state in the fuel supply tank or tanks of any motor vehicle or combination of vehicles used, designed, or maintained for transportation of persons or property; and having two axles and a gross weight exceeding twenty-six thousand pounds [1179.3401 kilograms]; or having three or more axles regardless of weight; is used in combination when the weight of such combination exceeds twenty-six thousand pounds [1179.3401 kilograms] gross vehicle weight. In the case of motor vehicles that are leased or rented, the interstate motor carrier means the lessee or renter unless the director has designated the lessor, renter, or some other person as the interstate motor carrier.
19. "Licensed motor vehicle" means any motor vehicle licensed for operation upon public roads or highways, but does not include a vehicle with a permanently mounted manure spreader or stack moving unit.
20. "Motor vehicle" means a vehicle, engine, or machine, movable or immovable, operated in whole or in part by internal combustion using one or more of the special fuels defined in this chapter but does not include aircraft.

21. "Person" means every individual, partnership, firm, association, joint venture, corporation, limited liability company, estate, business trust, receiver, or any other group or combination acting as a unit.
22. "Physical inventory reading" means a measurement of special fuel available for distribution in a terminal, an underground storage tank, an aboveground storage tank, or in a tank wagon, bulk delivery vehicle, railcar, barrel, drum, or other receptacle.
23. "Position holder" means a person holding an inventory position of special fuel in a terminal as reflected on the records of the terminal operator, a person holding the inventory position when that person has a contractual agreement with the terminal operator for the use of storage facilities or terminaling services at a terminal, and a terminal operator who owns special fuel in a terminal.
24. "Public road or highway" means every way or place generally open to the use of the public as a matter of right, for the purpose of motor vehicle travel, notwithstanding that it may be temporarily closed or subject to restricted travel due to construction, reconstruction, repair, or maintenance.
25. "Rack" means a mechanism used to dispense special fuel from a terminal.
26. "Railroad purpose" means the operation of railroad locomotives and the construction, reconstruction, repair, and maintenance of railroads. Fuel used for a railroad purpose includes fuel used to operate a railroad locomotive, and fuel used in a motor vehicle for purposes of construction, reconstruction, repair, and maintenance of railroads. It does not include fuel used in a licensed motor vehicle.
27. "Refiner" means a person who produces, manufactures, or refines special fuels in this state.
28. "Retail location" means a site at which special fuel is dispensed through a pump from an underground or aboveground storage unit into the supply tank of a motor vehicle.
29. "Retailer" means a person who acquires special fuel from a supplier or distributor for resale to a consumer at a retail location.
30. "Sale" means, with respect to special fuel, the transfer of title or possession, exchange, or barter, conditional or otherwise, in any manner or by any means, for a consideration.
31. "Special fuel" means all combustible gases and liquids suitable for the generation of power for propulsion of motor vehicles and includes compressed natural gas, kerosene, liquefied petroleum gases, all gases and liquids which meet the specifications as determined by the state department of health pursuant to the provisions of section 19-10-10, as well as all liquids determined by the state department of health to be heating oil pursuant to the provisions of section 19-10-10, except that it does not include either motor vehicle fuels as defined in section 57-43.1-01, aviation fuels as defined in section 57-43.3-01, or antifreeze as defined by section 19-16.1-02.
32. "Supplier" means a refiner who distributes special fuel from a terminal in this state, or a person who acquires special fuel by pipeline from a state, territory, or possession of the United States or from a foreign country, for storage at and distribution from a terminal, or a person who acquires special fuel by truck or railcar for storage at and distribution from a terminal in this state.
33. "Taxpayer" means a refiner, supplier, distributor, importer, exporter, terminal operator, or retailer.
34. "Terminal" means a special fuel storage and distribution facility that is supplied by a refinery or pipeline and from which the special fuel may be removed from the rack.

35. "Terminal operator" means a person who by ownership or contractual agreement is charged with the responsibility for, or physical control over, and operation of a terminal. If a terminal is owned by coventurers, "terminal operator" means the person appointed to exercise the responsibility for, or physical control over, and operation of the terminal.
36. "Wholesale distribution" means the sale of special fuel by a supplier or distributor.

SECTION 4. AMENDMENT. Section 57-43.2-02 of the North Dakota Century Code is amended and reenacted as follows:

57-43.2-02. (Contingent effective date - See note - Effective through June 30, ~~2003~~ 2005) Tax imposed.

1. Except as otherwise provided in this chapter, an excise tax of twenty-one cents per gallon [3.79 liters] is imposed on the sale or delivery of all special fuel sold or used in this state. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel. The tax under this subsection is reduced by one and five-hundredths cents per gallon [3.79 liters] on the sale or delivery of diesel fuel that contains at least two percent biodiesel fuel by weight.
2. A supplier, distributor, or retailer shall remit the tax imposed by this section on special fuel used and on direct sales of special fuel to a customer.
3. The tax imposed by this section does not apply on sales by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on a sale by a distributor to a retailer, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the customer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the special fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.
6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

(Effective after June 30, ~~2003~~ 2005) Tax imposed.

1. Except as otherwise provided in this chapter, an excise tax of twenty-one cents per gallon [3.79 liters] is imposed on the sale or delivery of all special fuel sold or used in this state. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel.
2. A supplier, distributor, or retailer shall remit the tax imposed by this section on special fuel used and on direct sales of special fuel to a customer.
3. The tax imposed by this section does not apply on sales by a supplier to another supplier, on a sale by a supplier to a distributor, on a sale by a distributor to another distributor, on a sale by a distributor to a retailer, on an export, or on a sale to an exempt consumer.
4. The person required to remit the tax imposed by this section shall pass the tax on to the customer.
5. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after

the month during which the special fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.

6. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

SECTION 5. AMENDMENT. Section 57-43.2-03 of the North Dakota Century Code is amended and reenacted as follows:

57-43.2-03. (Contingent effective date - See note - Effective through June 30, ~~2003~~ 2005) Special excise tax levied.

1. Except as otherwise provided in this chapter, a special excise tax of two percent is imposed on all sales of special fuels, which are exempted from the tax imposed under section 57-43.2-02. The tax under this subsection is reduced to one and nine-tenths percent on all sales of diesel fuel that contains at least two percent biodiesel fuel by weight.
2. A consumer importing special fuel into this state, for a purpose for which the special fuel is taxable under this section, is liable for the tax. The commissioner shall collect the tax from the consumer importing the fuel.
3. If any fuel subject to tax by this section was subject to tax in any other state or its political subdivisions, the tax in this section applies but at a rate measured by the difference between the rate imposed in this section and the rate imposed by the other state or its political subdivisions. If the tax imposed by the other state or its political subdivisions is the same or greater than the tax imposed by this section, no tax is due.
4. An invoice, sales ticket, or other sales document issued or created covering a sale taxable under this section must identify the consumer to whom the sale was made, specify the purpose for which the special fuel was sold, and specify whether the fuel was dyed for tax exemption purposes.
5. The tax imposed by this section does not apply on a sale by a supplier to another supplier, a sale by a supplier to a distributor, a sale by a distributor to another distributor, a sale by a distributor to a retailer, an export, or a sale to an exempt consumer.
6. The person required to remit the tax imposed by this section shall pass the tax on to the consumer.
7. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the special fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.
8. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

(Effective after June 30, ~~2003~~ 2005) Special excise tax levied.

1. Except as otherwise provided in this chapter, a special excise tax of two percent is imposed on all sales of special fuels, which are exempted from the tax imposed under section 57-43.2-02.
2. A consumer importing special fuel into this state, for a purpose for which the special fuel is taxable under this section, is liable for the tax. The commissioner shall collect the tax from the consumer importing the fuel.

3. If any fuel subject to tax by this section was subject to tax in any other state or its political subdivisions, the tax in this section applies but at a rate measured by the difference between the rate imposed in this section and the rate imposed by the other state or its political subdivisions. If the tax imposed by the other state or its political subdivisions is the same or greater than the tax imposed by this section, no tax is due.
4. An invoice, sales ticket, or other sales document issued or created covering a sale taxable under this section must identify the consumer to whom the sale was made, specify the purpose for which the special fuel was sold, and specify whether the fuel was dyed for tax exemption purposes.
5. The tax imposed by this section does not apply on a sale by a supplier to another supplier, a sale by a supplier to a distributor, a sale by a distributor to another distributor, a sale by a distributor to a retailer, an export, or a sale to an exempt consumer.
6. The person required to remit the tax imposed by this section shall pass the tax on to the consumer.
7. The person required to remit the tax imposed by this section shall pay the tax to the commissioner by the twenty-fifth day of the calendar month after the month during which the special fuel was sold or used by the person. When the twenty-fifth day of the calendar month falls on a Saturday, Sunday, or legal holiday, the due date is the first working day after the Saturday, Sunday, or legal holiday. When payment is made by mail, the payment is timely if the envelope containing the payment is postmarked by the United States postal service or other postal carrier service before midnight of the due date.
8. The commissioner shall pay over all of the money received during each calendar month to the state treasurer.

SECTION 6. EFFECTIVE DATE. Sections 1, 3, 4, and 5 of this Act are effective on the first day of the first month after the tax commissioner certifies to the governor and the office of the legislative council that a refining facility is operational in this state which has a production capacity of at least ten million gallons [37854000 liters] of biodiesel per year. Section 2 of this Act is effective for taxable years beginning after December 31, 2002.

SECTION 7. EXPIRATION DATE. Sections 1, 3, 4, and 5 of this Act are effective for taxable events occurring from the effective date of this Act through June 30, 2005, and are thereafter ineffective."

Renumber accordingly

Engrossed HB 1309 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HCR 3005: Your conference committee (Sens. Tollefson, Nichols, Cook and Reps. Maragos, Kretschmar, Winrich) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1292-1293 and place HCR 3005 on the Seventh order.

HCR 3005 was placed on the Seventh order of business on the calendar.

MOTION

REP. MONSON MOVED that the House be on the Fifth, Seventh, Ninth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:15 a.m., Friday, April 11, 2003, which motion prevailed.

The House stood adjourned pursuant to Representative Monson's motion.

BRADLEY C. FAY, Chief Clerk