

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2109

2005 SENATE EDUCATION

SB 2109

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2109

Senate Education Committee

☐ Conference Committee

Hearing Date 1/05/05

Tape Number	Side A	Side B	Meter #
1	x		3465-4168
Committee Clerk Signature <i>Patty Wilkins</i>			

Minutes: SB 2109 relates to deposits paid into the state tuition fund.

Senator Layton Freborg, Chairman called the meeting to order on SB 2109

All Senators were present

Testimony in support of the Bill:

Jeff Engleson : (meter 3464) Director, Investments of North Dakota State Land Department, introduced the bill

See attached: written testimony.

Senator Freborg : Asked if the first line in the first paragraph is part of the Century Code?

Jeff Engleson : The way it reads fines and fees, lease payments, and interest and income should be deposited into the state tuition fund. Fines and fees get paid to the treasure monthly. The land lord never sees fines and fees. The way it is written it looks like it is three separate transfer into the state tuition fund.

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Senate Education Committee

Bill/Resolution Number SB 2109

Hearing Date 1//05

Senator Flakoll : How much is in the total fund now?

Jeff Engleson : 700 million, this would include common skills, trusts, and the 12 other educational trusts, the total financial assets is about 700 million.

Testimony in opposition of Bill:

There was no testimony in opposition of SB 2109

There was no further discussion

Senator Freborg : closed the hearing on SB 2109

Senator Flakoll : Made a motion for a do pass on SB 2109 , Seconded By, Senator G. Lee

There being no other discussion, roll call vote was taken. vote: 6-0-0, vote was unanimous

Senator Flakoll : will carry the bill.

The meeting was adjourned.

FISCAL NOTE

Requested by Legislative Council
12/22/2004

Bill/Resolution No.: SB 2109

1A. State fiscal effect: *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2003-2005 Biennium		2005-2007 Biennium		2007-2009 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: *Identify the fiscal effect on the appropriate political subdivision.*

2003-2005 Biennium			2005-2007 Biennium			2007-2009 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

None.

3. State fiscal effect detail: *For information shown under state fiscal effect in 1A, please:*

A. Revenues: *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

None.

B. Expenditures: *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

None.

C. Appropriations: *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

None.

Name:	Tom Decker	Agency:	Public Instruction
Phone Number:	328-2267	Date Prepared:	01/04/2005

Date: 1/5/05
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2109

Senate SENATE EDUCATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Senator Flakoll Seconded By Senator Lee

Senators	Yes	No	Senators	Yes	No
CH- SENATOR FREBORG	✓		SENATOR SEYMOUR	✓	
V-CH- SENATOR G. LEE	✓		SENATOR TAYLOR	✓	
SENATOR ERBELE	✓				
SENATOR FLAKOLL	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Flakoll

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 5, 2005 11:53 a.m.

Module No: SR-02-0091
Carrier: Flakoll
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2109: Education Committee (Sen. Freborg, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2109 was placed on the
Eleventh order on the calendar.

2005 HOUSE EDUCATION

SB 2109

2005 HOUSE STANDING COMMITTEE MINUTES
BILL/RESOLUTION NO. **SB 2109**

House Education Committee

☐ Conference Committee

Hearing Date **28 February 2005**

Tape Number	Side A	Side B	Meter #
1		X	1890 - 2120
Committee Clerk Signature <i>Jan Prindle</i>			

Minutes:

Vice Chairman Johnson opened the hearing of SB 2109.

There was no one in the room from the Department of Public Instruction to testify or introduce the bill. A call was made to the Department of Public Instruction to locate someone. They were unable to locate anyone.

Vice Chairman Johnson decided to hold the bill over to March 1, 2005, 9 a.m.

Hearing Closed.


2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. **SB 2109**

House Education Committee

☐ Conference Committee

Hearing Date **1 March 2005**

Tape Number	Side A	Side B	Meter #
1	X		270 - 560
Committee Clerk Signature 			

Minutes:

Chairman Kelsch opened the hearing of **SB 2109**.

Jeff Engleson, director, Investments, ND State Land Department, introduced the bill.

(Testimony attached.)

There was no further testimony.

Chairman Kelsch closed the hearing of **SB 2109**.

Rep. Solberg: I move a **Do Pass**.

Rep. Hawken: I second.

A roll call vote was taken.

Yes: 13 No: 0 Absent: 1 (Horter)

Rep. Solberg will carry the bill.

Date: 17 Mar 05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2109

House Education Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Solberg Seconded By Hawken

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelsch	✓		Rep. Hanson	✓	
Vice Chairman Johnson	✓		Rep. Hunskor	✓	
Rep. Haas	✓		Rep. Mueller	✓	
Rep. Hawken	✓		Rep. Solberg	✓	
Rep. Herbel	✓				
Rep. Horter	0				
Rep. Meier	✓				
Rep. Norland	✓				
Rep. Sitte	✓				
Rep. Wall	✓				

Total (Yes) 13 No 0

Absent 1 Hunter

Floor Assignment Solberg

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
March 1, 2005 11:25 a.m.

Module No: HR-37-3813
Carrier: Solberg
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2109: Education Committee (Rep. R. Kelsch, Chairman) recommends DO PASS
(13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2109 was placed on the
Fourteenth order on the calendar.

2005 TESTIMONY

SB 2109

TESTIMONY OF JEFF ENGLESON
Director, Investments
North Dakota State Land Department

IN SUPPORT OF SENATE BILL 2109

Senate Education Committee
January 5, 2005

Senate Bill No. 2109 is a "housekeeping" measure, the purpose of which is to clarify exactly what funds are deposited into the State Tuition Fund in accordance with Section 15.1-28.01.

As currently written, this law implies that "payments for school land leases" and the "interest and income" from the Common Schools Trust Fund each year are paid into the state treasury as separate and distinct transfers. This is not the case and has not been the case for many years, if ever.

The way the practice currently works is that school land lease payments are collected by the Department and deposited into the Common Schools Trust Fund along with all other sources of trust income. Five times a year, distributions are made from the Common Schools Trust Fund to the State Tuition Fund, in accordance with state law. These distributions include lease rental payments, interest, dividends and all other sources of distributable trust income.

The current practice has been in place since 1995, when the Legislature removed County Treasurers from the process of leasing state lands. Prior to 1995, County Treasurers would collect lease payments and forward them to the Land Department for deposit into the appropriate trust fund, although state law stated that those payments should be made to the State Treasurer. (Please refer to SB2110 which is a related "housekeeping" bill that has been proposed in order to make all state laws consistent with current lease auction practices.)

The changes proposed in the bill will clarify that it is not lease payments or interest and income that is deposited into the State Tuition Fund. What is deposited into the State Tuition Fund is the distribution the State Treasurer receives from the Common Schools Trust Fund.

I urge the committee to grant favorable consideration and give SB2109 a "do pass" recommendation.

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Gary D. Preszler, Commissioner

TESTIMONY OF JEFF ENGLESON
Director, Investments
North Dakota State Land Department

IN SUPPORT OF SENATE BILL 2109

House Education Committee
March 1, 2005

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