

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

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Bismarck, April 19, 2001

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

The prayer was offered by Senator T. Mathern.

The roll was called and all members were present except Senator O'Connell.

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on April 18, 2001, I have signed the following: SB 2018, SB 2116, SB 2197, SB 2224, and SB 2264.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. GRINDBERG MOVED that the conference committee report on Engrossed SB 2023 as printed on SJ pages 1389-1390 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2023, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act to provide an appropriation for capital projects of various state departments and institutions; to provide an appropriation for state facility energy improvement capital projects of various state departments and institutions; to authorize the industrial commission and the state board of higher education to issue and sell bonds for capital projects; to provide an appropriation; to provide a statement of legislative intent; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Tomac

ABSENT AND NOT VOTING: O'Connell

Reengrossed SB 2023 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. FLAKOLL MOVED that the conference committee report on SB 2041 as printed on SJ page 1390 be adopted, which motion prevailed on a voice vote.

SB 2041, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2041: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the North Dakota university system; and to amend and reenact section 15-10-14.2 of the North Dakota Century Code, relating to the higher education system strategic plan.

ROLL CALL

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

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

ABSENT AND NOT VOTING: O'Connell

Engrossed SB 2041 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. FISCHER MOVED that the conference committee report on Reengrossed SB 2239 as printed on SJ page 1390 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2239, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2239: A BILL for an Act to create and enact a new section to chapter 25-17 and a new subsection to section 50-10-06 of the North Dakota Century Code, relating to definitions for the newborn screening law and services for treatment of phenylketonuria and maple syrup urine disease; and to amend and reenact sections 25-17-01, 25-17-02, 25-17-03, 25-17-04, 25-17-05, and 26.1-36-09.7 of the North Dakota Century Code, relating to services and insurance coverage for treatment of metabolic diseases.

ROLL CALL

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

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

ABSENT AND NOT VOTING: O'Connell

Reengrossed SB 2239 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. FLAKOLL MOVED that the conference committee report on Engrossed SB 2042 as printed on SJ page 1390 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2042, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2042: A BILL for an Act to amend and reenact sections 15-10-17, 15-11-15, 15-11-32, 15-11-35, 15-11-36, and 15-12-22 of the North Dakota Century Code, relating to the powers and duties of the state board of higher education, state mineral tests, the child welfare research bureau, the fetal alcohol syndrome center, and the economic feasibility institute; and to repeal sections 15-10-14, 15-10-15, 15-10-25, 15-11-03, 15-11-19, 15-11-27, 15-11-28, 15-11-34, 15-12-03, 15-12-04, and 15-13-04 and chapter 47-28 of the North Dakota Century Code, relating to university system faculty, accounts and records, budget requests, expenditure abstracts, patents, university presidents, the university law library, the university radio station, hockey admission receipts, and gifts and grants.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.;

Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell

Reengrossed SB 2042 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KLEIN MOVED that the conference committee report on SB 2347 as printed on SJ pages 1390-1391 be adopted, which motion prevailed on a voice vote.

SB 2347, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2347: A BILL for an Act to create and enact eight new sections to chapter 36-14 of the North Dakota Century Code, relating to indemnity for diseased animals; to amend and reenact section 36-15-08.1 of the North Dakota Century Code, relating to indemnity payments for animals diagnosed with brucellosis or bovine tuberculosis; and to repeal sections 36-15-03, 36-15-04, 36-15-06, 36-15-07, 36-15-09, and 36-15-11 of the North Dakota Century Code, relating to appraisals and condemnation of animals having brucellosis or bovine tuberculosis.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: O'Connell

Engrossed SB 2347 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that HB 1009 be moved to the bottom of the Seventh order, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. COOK MOVED that the conference committee report on Engrossed HB 1444 as printed on SJ pages 1394-1395 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1444, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1444: A BILL for an Act to provide for a student loan forgiveness program to individuals preparing to teach at grade levels or in content areas having declared teacher shortages.

ROLL CALL

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

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

NAYS: Bowman; Christmann; Mutch; Nelson, G.; Nothing; Solberg

ABSENT AND NOT VOTING: O'Connell

Engrossed HB 1444, as amended, passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. GRINDBERG MOVED that the conference committee report on Engrossed HB 1007 as printed on SJ page 1391 be adopted, which motion prevailed on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that HB 1415 be moved to the top of the calendar, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. LEE MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1415, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1415: Sens. Erbele, Kilzer, Polovitz.

MOTION

SEN. CHRISTMANN MOVED that HB 1344 be moved to the top of the calendar, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that Reengrossed HB 1344, which is on the Sixth order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1344 was rereferred.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2023.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2041, SB 2042, SB 2239, SB 2347.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1444.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1007.

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 1415: Sens. Erbele; Kilzer; Polovitz

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2159.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2159

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to organization number plates; to amend and reenact section 39-04-19 of the North Dakota Century Code, relating to motor vehicle registration fees; and to provide for a legislative council study.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

Organization plates. The director, in cooperation with any organization in this state, shall design a decorative decal that contains an insignia representing the organization, which is to be placed on a distinctive number plate. Upon payment of all

other fees required under this chapter for registration of the motor vehicle and payment of an additional annual fee of fifteen dollars, the applicant is entitled to issuance of the decals and plates. However, the director may not issue the decal and plates to the owner of a passenger motor vehicle or a truck the gross weight of which equals or exceeds ten thousand pounds [4535.92 kilograms].

SECTION 2. 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	\$50.00 \$57.00	\$42.00 \$49.00	\$34.00 \$41.00	\$26.00 \$33.00
3,200 - 4,499	70.00 77.00	58.00 65.00	46.00 53.00	34.00 41.00
4,500 - 4,999	88.00 95.00	74.00 78.00	56.00 63.00	40.00 47.00
5,000 - 5,999	119.00 126.00	97.00 104.00	75.00 82.00	53.00 60.00
6,000 - 6,999	152.00 159.00	123.00 130.00	94.00 101.00	66.00 73.00
7,000 - 7,999	185.00 192.00	149.00 156.00	114.00 121.00	79.00 86.00
8,000 - 8,999	218.00 225.00	176.00 183.00	134.00 141.00	92.00 99.00
9,000 and over	251.00 258.00	202.00 209.00	154.00 161.00	105.00 112.00

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	\$48.00 \$55.00	\$35.00 \$42.00	\$30.00 \$37.00	\$27.00 \$34.00	\$26.00 \$33.00
4,001 - 6,000	53.00 60.00	40.00 47.00	34.00 41.00	28.00 35.00	27.00 34.00
6,001 - 8,000	58.00 65.00	45.00 52.00	38.00 45.00	29.00 36.00	28.00 35.00
8,001 - 10,000	63.00 70.00	50.00 57.00	42.00 49.00	34.00 38.00	30.00 37.00
10,001 - 12,000	68.00 75.00	55.00 62.00	46.00 53.00	33.00 40.00	32.00 39.00
12,001 - 14,000	73.00 80.00	60.00 67.00	50.00 57.00	36.00 43.00	35.00 42.00
14,001 - 16,000	78.00 85.00	65.00 72.00	54.00 61.00	39.00 46.00	38.00 45.00
16,001 - 18,000	83.00 90.00	70.00 77.00	58.00 65.00	41.00 48.00	40.00 47.00
18,001 - 20,000	86.00 93.00	73.00 80.00	60.00 67.00	42.00 49.00	41.00 48.00

Gross Weights	YEARS REGISTERED		
	1st, 2nd, 3rd, 4th, 5th, 6th,	8th, 9th, 10th, 11th, and	13th and Subsequent

Weights	and 7th Years	12th Years	Years
20,001 - 22,000	\$116.00 <u>\$123.00</u>	\$90.00 <u>\$97.00</u>	\$77.00 <u>\$84.00</u>
22,001 - 26,000	168.00 <u>175.00</u>	138.00 <u>145.00</u>	122.00 <u>129.00</u>
26,001 - 30,000	229.00 <u>236.00</u>	187.00 <u>194.00</u>	165.00 <u>172.00</u>
30,001 - 34,000	295.00 <u>302.00</u>	240.00 <u>247.00</u>	212.00 <u>219.00</u>
34,001 - 38,000	356.00 <u>363.00</u>	289.00 <u>296.00</u>	255.00 <u>262.00</u>
38,001 - 42,000	417.00 <u>424.00</u>	338.00 <u>345.00</u>	297.00 <u>304.00</u>
42,001 - 46,000	478.00 <u>485.00</u>	386.00 <u>393.00</u>	340.00 <u>347.00</u>
46,001 - 50,000	539.00 <u>546.00</u>	435.00 <u>442.00</u>	383.00 <u>390.00</u>
50,001 - 54,000	609.00 <u>616.00</u>	493.00 <u>500.00</u>	434.00 <u>441.00</u>
54,001 - 58,000	670.00 <u>677.00</u>	542.00 <u>549.00</u>	477.00 <u>484.00</u>
58,001 - 62,000	731.00 <u>739.00</u>	591.00 <u>598.00</u>	520.00 <u>527.00</u>
62,001 - 66,000	792.00 <u>799.00</u>	639.00 <u>646.00</u>	563.00 <u>570.00</u>
66,001 - 70,000	853.00 <u>860.00</u>	688.00 <u>695.00</u>	605.00 <u>612.00</u>
70,001 - 74,000	914.00 <u>921.00</u>	737.00 <u>744.00</u>	648.00 <u>655.00</u>
74,001 - 78,000	975.00 <u>982.00</u>	786.00 <u>793.00</u>	691.00 <u>698.00</u>
78,001 - 82,000	1,036.00 <u>1,043.00</u>	835.00 <u>842.00</u>	734.00 <u>741.00</u>
82,001 - 86,000	1,159.00 <u>1,166.00</u>	940.00 <u>947.00</u>	821.00 <u>828.00</u>
86,001 - 90,000	1,281.00 <u>1,288.00</u>	1,044.00 <u>1,051.00</u>	908.00 <u>915.00</u>
90,001 - 94,000	1,403.00 <u>1,410.00</u>	1,149.00 <u>1,156.00</u>	995.00 <u>1,002.00</u>
94,001 - 98,000	1,525.00 <u>1,532.00</u>	1,254.00 <u>1,261.00</u>	1,083.00 <u>1,090.00</u>
98,001 - 102,000	1,647.00 <u>1,654.00</u>	1,358.00 <u>1,365.00</u>	1,170.00 <u>1,177.00</u>
102,001 - 105,500	1,769.00 <u>1,776.00</u>	1,463.00 <u>1,470.00</u>	1,257.00 <u>1,264.00</u>

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.

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	\$88.00 <u>\$95.00</u>	\$74.00 <u>\$81.00</u>	\$60.00 <u>\$67.00</u>	\$42.00 <u>\$49.00</u>	
22,001 - 24,000	93.00 <u>100.00</u>	78.00 <u>85.00</u>	63.00 <u>70.00</u>	44.00 <u>51.00</u>	

24,001 - 26,000	401.00 108.00	84.00 91.00	67.00 74.00	46.00 53.00
26,001 - 28,000	444.00 119.00	92.00 99.00	73.00 80.00	50.00 57.00
28,001 - 30,000	424.00 128.00	400.00 107.00	79.00 86.00	54.00 61.00
30,001 - 32,000	436.00 143.00	443.00 120.00	90.00 97.00	63.00 70.00
32,001 - 34,000	446.00 153.00	424.00 128.00	96.00 103.00	67.00 74.00
34,001 - 36,000	456.00 163.00	429.00 136.00	402.00 109.00	71.00 78.00
36,001 - 38,000	466.00 173.00	437.00 144.00	408.00 115.00	75.00 82.00
38,001 - 40,000	476.00 183.00	445.00 152.00	414.00 121.00	79.00 86.00
40,001 - 42,000	486.00 193.00	453.00 160.00	420.00 127.00	83.00 90.00
42,001 - 44,000	496.00 203.00	461.00 168.00	426.00 133.00	87.00 94.00
44,001 - 46,000	206.00 213.00	469.00 176.00	432.00 139.00	91.00 98.00
46,001 - 48,000	246.00 223.00	477.00 184.00	438.00 145.00	95.00 102.00
48,001 - 50,000	226.00 233.00	485.00 192.00	444.00 151.00	99.00 106.00
50,001 - 52,000	246.00 253.00	203.00 210.00	460.00 167.00	443.00 120.00
52,001 - 54,000	256.00 263.00	241.00 218.00	466.00 173.00	447.00 124.00
54,001 - 56,000	266.00 273.00	249.00 226.00	472.00 179.00	421.00 128.00
56,001 - 58,000	276.00 283.00	227.00 234.00	478.00 185.00	425.00 132.00
58,001 - 60,000	286.00 293.00	235.00 242.00	484.00 191.00	429.00 136.00
60,001 - 62,000	296.00 303.00	243.00 250.00	490.00 197.00	433.00 140.00
62,001 - 64,000	306.00 313.00	251.00 258.00	496.00 203.00	437.00 144.00
64,001 - 66,000	346.00 323.00	259.00 266.00	202.00 209.00	441.00 148.00
66,001 - 68,000	326.00 333.00	267.00 274.00	208.00 215.00	445.00 152.00
68,001 - 70,000	336.00 343.00	275.00 282.00	214.00 221.00	449.00 156.00
70,001 - 72,000	346.00 353.00	283.00 290.00	220.00 227.00	453.00 160.00
72,001 - 74,000	356.00 363.00	291.00 298.00	226.00 233.00	457.00 164.00
74,001 - 76,000	366.00 373.00	299.00 306.00	232.00 239.00	461.00 168.00
76,001 - 78,000	376.00 383.00	307.00 314.00	238.00 245.00	465.00 172.00
78,001 - 80,000	386.00 393.00	315.00 322.00	244.00 251.00	469.00 176.00
80,001 - 82,000	396.00 403.00	323.00 330.00	250.00 257.00	473.00 180.00
82,001 - 84,000	406.00 413.00	345.00 352.00	293.00 300.00	249.00 256.00
84,001 - 86,000	426.00 433.00	362.00 369.00	307.00 314.00	261.00 268.00
86,001 - 88,000	446.00 453.00	379.00 386.00	321.00 328.00	273.00 280.00
88,001 - 90,000	466.00 473.00	396.00 403.00	335.00 342.00	285.00 292.00
90,001 - 92,000	486.00 493.00	413.00 420.00	349.00 356.00	297.00 304.00
92,001 - 94,000	506.00 513.00	430.00 437.00	363.00 370.00	309.00 316.00
94,001 - 96,000	526.00 533.00	447.00 454.00	377.00 384.00	321.00 328.00
96,001 - 98,000	546.00 553.00	464.00 471.00	391.00 398.00	333.00 340.00
98,001 - 100,000	566.00 573.00	481.00 488.00	405.00 412.00	345.00 352.00
100,001 - 102,000	586.00 593.00	498.00 505.00	419.00 426.00	357.00 364.00
102,001 - 104,000	606.00 613.00	515.00 522.00	433.00 440.00	369.00 376.00
104,001 - 105,500	626.00 633.00	532.00 539.00	447.00 454.00	381.00 388.00

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 3. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying during the 2001-02 interim the retail pricing of motor vehicle fuel to determine the cause of price fluctuations and price differentials from community to community and possible solutions that would provide for stable and fair motor vehicle fuel prices. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

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

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

SB 2032: Reprs. Berg; Keiser; Lemieux

SB 2043: Reprs. Berg; Skarphol; Lemieux

SB 2354: Reprs. Porter; Kliniske; Metcalf

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1004.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1294.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 12:30 p.m., which motion prevailed.

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

MOTION

SEN. CHRISTMANN MOVED that HB 1344 be moved to the top of the Sixth order, which motion prevailed.

REPORT OF STANDING COMMITTEE

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

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. It is the intent of the legislative assembly to support elementary and secondary education in this state from state funds. For purposes of this section, state funds include all appropriations for foundation aid, tuition apportionment, supplemental per student payments, special education, vocational education, transportation aid, school district technology, the governor's school, teacher centers, and the leadership in educational administration development consortium. For purposes of distributing state funds, the superintendent of public instruction shall determine the educational cost per student. In determining the educational cost per student, the superintendent may not use:
 - a. Expenditures for capital outlay for buildings and sites, or debt service.
 - b. Expenditures from school activities and school lunch programs.
 - c. Expenditures for the cost of transportation, including the cost of schoolbuses.
2. a. The educational support per student ~~during~~ for the first year of the ~~1999-2001~~ 2001-03 biennium ~~must be~~ is two thousand one hundred ~~forty-five~~ forty-nine dollars ~~and~~. The educational support per student for the second year of the ~~1999-2001~~ 2001-03 biennium ~~the educational support per student must be~~ is two thousand two hundred ~~thirty~~ eleven dollars ~~and~~. The educational support per student is the basis for calculating grants-in-aid on a per student basis as provided in sections 15-40.1-07 and 15-40.1-08.

- b. School districts operating high schools not meeting the minimum curriculum as provided in section 15-41-24 or the teacher qualifications in section 15-41-25 must be supported in the amount of two hundred twenty dollars, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07.
 - c. School districts operating high schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1991, or that become unaccredited in any succeeding school year must be supported for the first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-07, but those school districts are not entitled to the amounts resulting from applying the factors in that section. The amount of aid a school district is entitled to under this subsection for each high school that is not accredited must be reduced by two hundred dollars times the number of students in the school for the second school year that the high school is unaccredited, and an additional two hundred dollars per student in the unaccredited school for each additional year the school remains unaccredited. Any high school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-07 for the entire school year in which the school becomes accredited.
 - d. School districts operating elementary schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1992, or that become unaccredited in any succeeding school year must be supported for the first year that they become unaccredited in the amount of the educational support per student established in subdivision a, which is the basis for calculating grants-in-aid on a per student basis as provided in section 15-40.1-08, except that the amount of aid that a school district is entitled to under this subsection for each elementary school that is unaccredited must be reduced by two hundred dollars times the number of students in the school each year that the elementary school is unaccredited. Any elementary school that becomes accredited is entitled to the per student payments provided for in section 15-40.1-08 for the entire school year in which the school becomes accredited.
3. In determining the amount of payments due a school district for tuition apportionment provided in section 15-44-03, and per student aid under this section, the amount of district, the superintendent of public instruction shall add the tuition apportionment, foundation aid payments, per student payments, special education aid, and transportation aid for which a school district is eligible must be added together, and from that total, subtract the following amounts must be subtracted:
- a. The product of thirty-two mills times the latest available net assessed and equalized valuation of property of the school district.
 - b. The amount that the unobligated general fund balance of a school district on the preceding June thirtieth is in excess of three-fourths fifty percent of the its actual expenditures, plus an additional twenty thousand dollars.
4. No school district may receive foundation payments beyond the October payment unless the following reports have been filed with the superintendent of public instruction:
- a. Annual average daily membership report.
 - b. Annual school district financial report.
 - c. The September tenth fall enrollment report.
 - d. The personnel report forms for certified and noncertified employees.

5. No school district may receive the January foundation payment unless the taxable valuation and mill levy certifications are on file with the department of public instruction by December fifteenth.

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

School district employee compensation report.

1. On or before September tenth of each year, beginning in 2002, each school district shall provide the following information to the superintendent of public instruction, with respect to teachers and with respect to administrators:
 - a. The total amount of base salary.
 - b. The total amount of compensation reportable as gross income under the Internal Revenue Code.
 - c. Any other compensation paid or provided to or on behalf of individuals employed as teachers and as administrators.
 - d. Health insurance benefits paid to or on behalf of individuals employed as teachers and as administrators.
 - e. Retirement benefits paid on behalf of individuals employed as teachers and as administrators, and including individual shares if paid by the district.
 - f. Any other benefits paid or provided to or on behalf of individuals employed as teachers and as administrators.
2. The superintendent of public instruction shall:
 - a. Compile the information required by subsection 1 in a manner that allows for accurate comparisons based on:
 - (1) Full-time versus part-time personnel;
 - (2) A normal schoolday versus an extended schoolday; and
 - (3) A regular school calendar of approximately one hundred eighty days versus an extended school year.
 - b. Forward a copy of the compiled information to the governor and the chairman of the legislative council.
3. If a district expends less than seventy percent of all moneys received as per student payments under section 1 or 4 of this Act for the compensation of teachers and administrators, the district shall provide a detailed explanation at the time it submits the information required by subsection 1. The superintendent of public instruction shall forward copies of any explanation received under this subsection to the governor and the chairman of the legislative council.
4. If any school district fails without good cause to provide the information required by this section on or before September tenth and in the manner directed by the superintendent of public instruction, the superintendent shall withhold all state aid until the information is received.
5. For purposes of this section:
 - a. "Administrator" means an individual employed by a school district in an administrative position and includes a school district superintendent, an assistant or associate superintendent, a principal, an assistant principal, a special education director, a vocational education director, and any other individual whose position requires an administrator's credential.
 - b. "Teacher" means an individual, other than an administrator, who:

- (1) Is licensed to teach by the education standards and practices board;
- (2) Is employed by a school district as a class 70 teacher, according to classifications of the superintendent of public instruction; and
- (3) Performs assigned professional activities that involve the selection, organization, presentation, and evaluation of students' learning experiences in the school environment.

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

School board authority - Signing bonuses - Retention bonuses.

1. The board of a school district may offer to pay a signing bonus to an individual who:
 - a. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
 - b. Has signed a contract of employment to serve as a full-time classroom teacher in the district; and
 - c. Has not previously been employed by the board of the district as a classroom teacher or as an administrator.
2. The board of a school district may offer to pay a retention bonus to an individual who has been employed by the district as a full-time classroom teacher for at least one full school year and who agrees to continued employment by the district as a full-time classroom teacher.
3. The board may pay a bonus under this section in one lump sum at the time the contract is signed or in multiple installments over the period of time agreed to by the board and the individual.
4. A bonus paid under this section does not affect the provisions of any negotiated salary schedule agreed to by the teachers and the board of a school district.

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

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

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

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

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

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

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

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

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

SECTION 8. APPROPRIATION - TEACHER BONUSSES.

1. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$20,800,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of providing a bonus payment to teachers, for the biennium beginning July 1, 2001, and ending June 30, 2003.
2.
 - a. During the first year of the biennium, the superintendent of public instruction shall forward to each school district, special education unit, and area vocational and technology center an amount equal to \$1,300 times the number of full-time equivalent teachers employed by the entity on September 15, 2001.
 - b. During the second year of the biennium, the superintendent of public instruction shall forward to each school district, special education unit, and area vocational and technology center an amount equal to \$1,300 times the number of full-time equivalent teachers employed by the entity on September 15, 2002.
 - c. The superintendent of public instruction shall distribute the moneys payable under this section at the time and in the manner other state aid payments are distributed to school districts.
3.
 - a. During the first year of the biennium, each school district, special education unit, and area vocational technology center shall provide a bonus of \$1,300 to each full-time teacher employed by the entity on September 15, 2001, subject to the provisions of this section.
 - b. During the second year of the biennium, each school district, special education unit, and area vocational and technology center shall provide a bonus of \$1,300 to each full-time teacher employed by the entity on September 15, 2002, subject to the provisions of this section.
 - c. Teachers employed less than full time are entitled to a proportionate share of the bonus amount.
4. Each school district, special education unit, and area vocational and technology center shall determine the time and manner by which the bonus payments are to be distributed.

5. A school district, special education unit, and area vocational and technology center shall treat bonus payments under this section as wages or salary for all purposes, including state and federal tax purposes and retirement purposes under chapter 15-39.1.
6. The bonus to which each teacher is entitled under this section:
 - a. Does not affect the provisions of any negotiated salary schedule agreed to by the teachers and the board of a school district, a special education unit, or an area vocational and technology center.
 - b. Is not subject to negotiation by the teachers and the board of a school district, a special education unit, or the board of an area vocational and technology center.
7. For purposes of this section, a "teacher" means an individual, other than an administrator, who:
 - a. Is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
 - b. Is employed by a school district, a special education unit, or an area vocational and technology center as a class 70 teacher, according to classifications of the superintendent of public instruction; and
 - c. Performs assigned professional activities that involve the selection, organization, presentation, and evaluation of students' learning experiences in the school environment.
8. If the superintendent of public instruction fulfills the requirements of this section without expending the entire amount appropriated for the bonuses provided in this section, the difference between the amount expended and the amount appropriated must be added to that portion of the grants - foundation aid and transportation line item designated for per student payments during the 2001-03 biennium in House Bill No. 1013, as approved by the fifty-seventh legislative assembly.

SECTION 9. CONTINGENT PAYMENT - DECLINING ENROLLMENT.

1. If the superintendent of public instruction determines that the portion of the grants-foundation aid and transportation line item designated for per student payments during the first year of the 2001-03 biennium in House Bill No. 1013, as approved by the fifty-seventh legislative assembly, exceeds the estimated expenditure for per student payments during the first year of the biennium by an amount sufficient to provide for a distribution of \$150 per student to school districts whose 2000-01 fall enrollment is less than their 1997-98 fall enrollment, the superintendent shall distribute \$150 per student to those school districts.
2. If the superintendent of public instruction determines that the portion of the grants-foundation aid and transportation line item designated for per student payments during the first year of the biennium in House Bill No. 1013, as approved by the fifty-seventh legislative assembly, does not exceed the estimated expenditure for per student payments during the first year of the biennium by the amount required for a payment under subsection 1, the superintendent may not distribute any amounts under subsection 1.
3. If the superintendent of public instruction determines that the portion of the grants-foundation aid and transportation line item designated for per student payments during the second year of the 2001-03 biennium in House Bill No. 1013, as approved by the fifty-seventh legislative assembly, exceeds the estimated expenditure for per student payments during the second year of the biennium, the superintendent shall distribute \$250 per student to each school district in which the district's 2000-01 fall enrollment was less than the district's 1997-98 fall enrollment, or a lesser proportionate amount if the amount available is insufficient to provide for a distribution of \$250 per student to those school districts.

4. No school district may receive payments for declining enrollments in excess of four hundred students under this section.
5. No school district may receive more than \$250 per student during the biennium under this section.

SECTION 10. APPROPRIATION - GRANTS FOR NATIONAL TEACHER CERTIFICATION.

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

SECTION 11. TEACHER COMPENSATION PACKAGE - LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying the feasibility and desirability of implementing a teacher compensation package that recognizes four levels of teachers from beginning to advanced and which bases the compensation level for each category on the individual teacher's ability to meet or exceed district standards for content knowledge, planning and preparation for instruction, instructional delivery, student assessment, classroom management, and professional responsibility. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly.

SECTION 12. APPROPRIATION - SCHOOL DISTRICT COMPENSATION REPORT. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of developing and implementing a school district employee compensation report as provided in section 2 of this Act, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 13. LEGISLATIVE INTENT. It is the intent of the fifty-seventh legislative assembly that each school district expend at least seventy percent of all moneys received as per student payments under section 1 or 4 of this Act for the compensation of teachers and administrators. For purposes of this section, "compensation" includes all salaries, benefits, commissions, memberships, the provision of housing, the provision of vehicles, and any other payments in lieu of compensation, reportable as gross income under the Internal Revenue Code.

SECTION 14. EFFECTIVE DATE. Subdivision b of subsection 3 of section 15-40.1-06 of the North Dakota Century Code as amended by section 1 of this Act and sections 5 and 6 of this Act become effective on July 1, 2004."

CONSIDERATION OF AMENDMENTS

HB 1344, as reengrossed: SEN. FLAKOLL (Education Committee) MOVED that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. KRAUTER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed HB 1344, which request was granted.

MOTION

SEN. G. NELSON MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the motion to adopt the amendments to Reengrossed HB 1344, the roll was called and there were 32 YEAS, 17 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Bercier; Christenson; Every; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Tomac

The motion to adopt the amendments to Reengrossed HB 1344 passed.

Reengrossed 1344, as amended, was placed on the Fourteenth order for immediate second reading and final passage.

SECOND READING OF HOUSE BILL

HB 1344: A BILL for an Act to provide for teacher mentoring and evaluation programs, contingent payments for declining enrollment, and bonus payments for teachers; to create and enact a new section to chapter 15.1-02 and a new section to chapter 15.1-09 of the North Dakota Century Code, relating to a school district employee compensation report and bonuses; to amend and reenact section 15-40.1-06 of the North Dakota Century Code or in the alternative to amend and reenact sections 15.1-27-04 and 15.1-27-05 of the North Dakota Century Code and to amend and reenact section 57-15-27 of the North Dakota Century Code, relating to per student payments and ending fund balances; to provide for a legislative council report; to provide for a legislative council study; to provide a statement of legislative intent; to provide an appropriation; and to provide an effective date.

MOTION

SEN. CHRISTMANN MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Nething; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; Christenson; Every; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson

Reengrossed HB 1344, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2015, as engrossed: Your conference committee (Sens. Holmberg, Schobinger, Heitkamp and Reps. B. Thoreson, Koppelman, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1150-1151, adopt amendments as follows, and place SB 2015 on the Seventh order:

That the House recede from its amendments as printed on pages 1150 and 1151 of the Senate Journal and pages 1231 and 1232 of the House Journal and that Engrossed Senate Bill No. 2015 be amended as follows:

Page 5, line 30, replace "**FULL-TIME EQUIVALENT POSITION**" with "**INFORMATION TECHNOLOGY SHARED SERVICES**"

Page 5, line 31, remove "new" and replace "coordinator position" with "coordinators employed by the oil and gas division and geological survey share knowledge, expertise, duties, and responsibilities in an effort to increase efficiencies and avoid duplication."

Page 6, remove lines 1 through 3

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2015 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	COMPARISON TO HOUSE
Industrial Commission						
Total all funds	\$42,898,571	\$42,950,171	\$0	\$42,950,171	\$42,970,171	(\$20,000)
Less estimated income	35,585,990	35,585,990		35,585,990	35,585,990	
General fund	\$7,312,581	\$7,364,181	\$0	\$7,364,181	\$7,384,181	(\$20,000)
Bank of North Dakota						
Total all funds	\$39,280,867	\$39,280,867	\$0	\$39,280,867	\$39,280,867	\$0
Less estimated income	30,780,867	30,780,867		30,780,867	30,780,867	
General fund	\$8,500,000	\$8,500,000	\$0	\$8,500,000	\$8,500,000	\$0
Housing Finance Agency						
Total all funds	\$39,873,425	\$39,872,263	\$0	\$39,872,263	\$39,872,263	\$0
Less estimated income	39,873,425	39,872,263		39,872,263	39,872,263	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Mill and Elevator						
Total all funds	\$21,741,294	\$21,741,294	\$0	\$21,741,294	\$21,741,294	\$0
Less estimated income	21,741,294	21,741,294		21,741,294	21,741,294	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
Bill Total						
Total all funds	\$143,794,157	\$143,844,595	\$0	\$143,844,595	\$143,864,595	(\$20,000)
Less estimated income	127,981,576	127,980,414		127,980,414	127,980,414	
General fund	\$15,812,581	\$15,864,181	\$0	\$15,864,181	\$15,884,181	(\$20,000)

Senate Bill No. 2015 - Other Changes - Conference Committee Action

This amendment amends Section 15 of the engrossed bill to encourage information technology coordinators employed by the Oil and Gas Division and the Geological Survey to share knowledge, expertise, duties, and responsibilities in an effort to increase efficiencies and avoid duplication.

Engrossed SB 2015 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HOLMBERG MOVED that the conference committee report on Engrossed SB 2015 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2015, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to provide a continuing appropriation; to authorize transfers; to limit Bank of North Dakota transfers to the general fund; to provide legislative intent; to provide for a legislative council study; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bowman

Reengrossed SB 2015 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

HB 1004, as engrossed: Your conference committee (Sens. Kringstad, Schobinger, Tallackson and Reps. Skarphol, B. Thoreson, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1316, adopt amendments as follows, and place HB 1004 on the Seventh order:

That the Senate recede from its amendments as printed on page 1316 of the House Journal and pages 1170 and 1171 of the Senate Journal and that Engrossed House Bill No. 1004 be amended as follows:

Page 1, line 10, replace "5,855,615" with "5,872,615"

Page 1, line 11, replace "745,320" with "760,320"

Page 1, line 13, replace "6,679,905" with "6,711,905"

Page 1, line 15, replace "4,534,068" with "4,566,068"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1004 - State Auditor - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$5,716,616	\$5,855,615	\$17,000	\$5,872,615	\$5,802,615	\$70,000
Operating expenses	775,320	745,320	15,000	760,320	775,320	(15,000)
Equipment	78,970	78,970		78,970	78,970	
Total all funds	\$6,570,906	\$6,679,905	\$32,000	\$6,711,905	\$6,656,905	\$55,000
Less estimated income	2,145,837	2,145,837		2,145,837	2,145,837	
General fund	\$4,425,069	\$4,534,068	\$32,000	\$4,566,068	\$4,511,068	\$55,000
FTE	53.00	55.00	0.00	55.00	54.00	1.00

Dept. 117 - State Auditor - Detail of Conference Committee Changes

	ADD FUNDING FOR ADDITIONAL SALARY ADJUSTMENTS ¹	RESTORE FUNDING FOR OPERATING EXPENSES ²	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$17,000		\$17,000
Operating expenses		\$15,000	15,000
Equipment			
Total all funds	\$17,000	\$15,000	\$32,000
Less estimated income			
General fund	\$17,000	\$15,000	\$32,000
FTE	0.00	0.00	0.00

¹ The Schafer and Hoeven budget recommendations included \$35,000 for salary adjustments, in addition to the executive budget compensation package, to increase entry level auditor salaries to assist in reducing agency turnover. The Conference Committee did not change the Senate recommendation to increase funding for this purpose by \$17,000, to provide a total of \$52,000.

² The House reduced funding for operating expenses by \$30,000 to partially offset the cost of the two FTE positions added by the House. The Senate restored the \$30,000 for operating expenses. The Conference Committee amendment adds \$15,000 for operating expenses, \$15,000 less than the Senate version.

The Conference Committee amendment includes funding for 55 FTE positions, two FTEs more than the Schafer and Hoeven executive recommendations. The House added the two FTE positions removed in the executive recommendation; the Senate added only one of the positions.

Engrossed HB 1004 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. KRINGSTAD MOVED that the conference committee report on Engrossed HB 1004 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1004, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Holmberg

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. STENEHJEM MOVED that the Senate do not concur in the House amendments to Engrossed SB 2159, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2159: Sens. Stenehjem, Mutch, O'Connell.

MOTION

SEN. CHRISTMANN MOVED that the Senate Conference Committee on Engrossed HB 1435 be dissolved, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the Senate Conference Committee on HB 1294 be dissolved, which motion prevailed.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1344.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2015.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1004.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2159 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2159: Sens. Stenehjem; Mutch; O'Connell

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

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1338.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee reports on SB 2041, SB 2042, and SB 2239.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2023.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1005, HB 1460.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1012 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1012: Reps. Svedjan; Delzer; Kerzman

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Krebsbach presiding.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Watne, Chairman)** has carefully examined the Journal of the Sixty-ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1390, line 48, replace "533" with "1100"

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

MOTION

SEN. CHRISTMANN MOVED that HB 1287 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1287, as engrossed: SEN. NICHOLS (Agriculture Committee) MOVED that the amendments on SJ page 1214 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1287: A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to the presence of pesticides in agricultural products; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 14 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Erbele; Krauter; Kroeplin; Lindaas; Mathern, T.; Nichols; Robinson; Tomac; Wanzek; Wardner

NAYS: Christenson; Cook; Dever; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mutch; Nelson, C.; Nelson, G.; Nething; O'Connell; Polovitz; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Watne

Engrossed HB 1287, as amended, lost.

REPORT OF CONFERENCE COMMITTEE

HB 1005, as engrossed: Your conference committee (Sens. Grindberg, Andrist, Lindaas and Reps. Byerly, B. Thoreson, Glassheim) recommends that the **SENATE RECEDE** from

the Senate amendments on HJ page 1288, adopt amendments as follows, and place HB 1005 on the Seventh order:

That the Senate recede from its amendments as printed on page 1288 of the House Journal and pages 1128 and 1129 of the Senate Journal and that Engrossed House Bill No. 1005 be amended as follows:

Page 1, line 2, after "reenact" insert "subsection 1 of the new section to chapter 5-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1404, as approved by the fifty-seventh legislative assembly, and"

Page 1, line 3, after "to" insert "issuance of farm winery licenses," and after "treasurer" insert a comma

Page 1, line 12, replace "642,551" with "585,879"

Page 1, line 14, replace "2,000" with "2,000"

Page 1, after line 14, insert:
 "In lieu of tax payments 1,932,419"

Page 1, line 15, replace "750,587" with "2,626,334"

Page 1, after line 15, insert:

"SECTION 2. AMENDMENT. Subsection 1 of the new section to chapter 5-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1404, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

1. The state ~~treasurer~~ tax commissioner may issue a farm winery license to the owner or operator of a farm winery located within this state to produce table or sparkling wines. A farm winery must be operated by the owner of a North Dakota farm and produce table or sparkling wines from grapes, grape juice, other fruit bases, or honey with a majority of the ingredients by volume, excluding water, grown and produced in this state by the farm winery. Licenses may be issued and renewed for an annual fee of fifty dollars, which is in lieu of all other license fees required by this title."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1005 - State Treasurer - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$651,142	\$642,551	(\$56,672)	\$585,879	\$558,166	\$27,713
Operating expenses	106,036	106,036		106,036	106,036	
Equipment	2,000	2,000		2,000	2,000	
In lieu of tax payments			<u>1,932,419</u>	<u>1,932,419</u>	<u>1,932,419</u>	
Total all funds	\$759,178	\$750,587	\$1,875,747	\$2,626,334	\$2,598,621	\$27,713
Less estimated income						
General fund	\$759,178	\$750,587	\$1,875,747	\$2,626,334	\$2,598,621	\$27,713
FTE	7.00	7.00	(1.00)	6.00	6.00	0.00

Dept. 120 - State Treasurer - Detail of Conference Committee Changes

	REDUCE ONE ADMINISTRATIVE CLERK POSITION 1	PAYMENTS TO COUNTIES IN LIEU OF PROPERTY TAXES 2	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$56,672)		(\$56,672)
Operating expenses			
Equipment			
In lieu of tax payments		<u>\$1,932,419</u>	<u>1,932,419</u>
Total all funds	(\$56,672)	\$1,932,419	\$1,875,747
Less estimated income			

General fund	(\$56,672)	\$1,932,419	\$1,875,747
FTE	(1.00)	0.00	(1.00)

¹ The Conference Committee did not change the Senate reduction of one FTE as a result of the transfer of beer and wholesale liquor tax collection duties to the Tax Commissioner and the savings from utilization of the Information Technology Department for electronic records and signatures.

² Provides an appropriation in accordance with North Dakota Century Code Section 57-06-17.2 relating to payments to counties in lieu of property taxes on carbon dioxide pipeline property.

A section was added in Conference Committee to transfer the duties of issuing farm winery licenses to the Tax Commissioner.

The Conference Committee removed the Senate amendment to reduce the salary of the deputy treasurer by 20 percent and restored \$27,713.

Engrossed HB 1005 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. GRINDBERG MOVED that the conference committee report on Engrossed HB 1005 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1005, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; to amend and reenact subsection 1 of the new section to chapter 5-01 of the North Dakota Century Code as created by section 1 of House Bill No. 1404, as approved by the fifty-seventh legislative assembly, and sections 54-11-13 and 54-27-08 of the North Dakota Century Code, relating to issuance of farm winery licenses, the salary of the state treasurer, and the signing of warrants by electronic means; and to provide legislative intent to prohibit payment of national association of state treasurers-related activities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Every; Kelsh; O'Connell

Engrossed HB 1005, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that HB 1012 be placed at the top of the calendar, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1012, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1012: Sens. Solberg, Bowman, Tomac.

MOTION

SEN. CHRISTMANN MOVED that SB 2088 be placed at the top of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2088: Your conference committee (Sens. Stenehjem, Trenbeath, O'Connell and Reps. Weisz, Price, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1003-1004, adopt amendments as follows, and place SB 2088 on the Seventh order:

That the House recede from its amendments printed on pages 1003 and 1004 of the Senate Journal and pages 1076 and 1077 of the House Journal and that Senate Bill No. 2088 be amended as follows:

Page 1, line 3, replace "sections" with "section" and after the first comma insert "subsection 8 of section 39-06.1-06, sections"

Page 1, line 5, after "Code" insert "and subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly", after "offenses" insert "and weight limitations", remove "and", and after "penalties" insert "; to provide an expiration date; and to declare an emergency"

Page 2, after line 4, insert:

"SECTION 2. AMENDMENT. Subsection 8 of section 39-06.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	\$ 10 plus \$1/each mph over limit
6 - 10	\$ 15 plus \$2/each mph over 5 mph over limit
11 - 15	\$ 25 plus \$3/each mph over 10 mph over limit
<u>16 - 20</u>	<u>\$ 40 plus \$3/each mph over 15 mph over limit</u>
46 <u>21</u> - 25	\$ 40 <u>60</u> plus \$3/each mph over 15 mph over limit
26 - 35	\$ 70 <u>90</u> plus \$3/each mph over 25 mph over limit
36 + - 45	\$400 <u>120</u> plus \$5/each mph over 35 mph over limit
<u>46 +</u>	<u>\$170 plus \$5/each mph over 45 mph over limit"</u>

Page 8, line 30, overstrike "Except as provided in"

Page 8, line 31, overstrike "paragraphs 31 and 34"

Page 9, line 1, overstrike ", operating" and insert immediately thereafter "Operating"

Page 9, overstrike lines 5 through 15

Page 9, line 16, overstrike "1 point" and insert immediately thereafter "0 points"

Page 9, line 17, overstrike "2 points" and insert immediately thereafter "1 point"

Page 9, line 19, overstrike "4" and insert immediately thereafter "5"

Page 9, line 20, overstrike "6" and insert immediately thereafter "9"

Page 9, line 21, overstrike "8" and insert immediately thereafter "12"

Page 9, line 22, overstrike "12" and insert immediately thereafter "15"

Page 9, line 23, overstrike "(32)" and insert immediately thereafter "(31)"

Page 9, line 25, overstrike "(33)" and insert immediately thereafter "(32)"

Page 9, overstrike lines 27 through 31

Page 10 overstrike lines 1 through 10

Page 10, line 11, overstrike "(35)" and insert immediately thereafter "(33)"

Page 10, line 14, replace "(36)" with "(34)"

Page 10, line 18, replace "(37)" with "(35)"

Page 14, after line 29, insert:

"SECTION 9. AMENDMENT. Subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

6. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled fertilizer spreader if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed eighty thousand pounds [38287.39 kilograms]. The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled agricultural chemical applicator if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed forty-five thousand pounds [20411.66 kilograms]. The highway patrol shall issue a seasonal permit for the commercial movement of vehicles exempted by this subsection. The seasonal permit issued under this subsection or under subdivision d of subsection 1 of section 39-12-04 entitles an individual with the permit to operate a vehicle as allowed by either of these provisions. A seasonal permit issued under this subsection is subject to the requirements of subdivision d of subsection 1 of section 39-12-04, ~~except a vehicle exempted by this subsection which is an implement of husbandry is not required to have proof of financial responsibility and does not have to be operated by a commercial entity.~~

Page 15, after line 31, insert:

"SECTION 12. EXPIRATION DATE. Section 9 of this Act is effective through July 31, 2003, and after that date is ineffective.

SECTION 13. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

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

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. STENEHJEM MOVED that the conference committee report on SB 2088 be adopted, which motion prevailed on a voice vote.

SB 2088, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2088: A BILL for an Act to create and enact two new subsections to section 39-06.1-06 of the North Dakota Century Code, relating to fees for traffic offenses; to amend and reenact section 39-06.1-05, subsection 8 of section 39-06.1-06, sections 39-06.1-07, 39-06.1-09, and 39-06.1-10, subdivision g of subsection 2 of section 39-07-09, and subsections 1 and 2 of section 39-21-46 of the North Dakota Century Code and subsection 6 of section 39-12-05.3 of the North Dakota Century Code as amended by Senate Bill No. 2054, as approved by the fifty-seventh legislative assembly, relating to traffic offenses and weight limitations; to provide penalties; to provide an expiration date; and to declare an emergency.

ROLL CALL

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

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

Engrossed SB 2088 passed, the title was agreed to, and the emergency clause was declared carried.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1287.**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)****MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2088.**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)****MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1005.**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 1012:** Sens. Solberg; Bowman; Tomac**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)****MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2015.**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)****MR. PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1003.**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)****MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1407.**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)****MR. PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:**SB 2159:** Reps. Weisz; Pollert; Mahoney**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)****MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1344 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:**HB 1344:** Reps. R. Kelsch; Brusegaard; Hanson**MOTION****SEN. CHRISTMANN MOVED** that the absent member be excused, which motion prevailed.**MOTION****SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Friday, April 20, 2001, which motion prevailed.**REPORT OF CONFERENCE COMMITTEE****SB 2380, as reengrossed:** Your conference committee (Sens. Lee, Fischer, T. Mathern and Reps. Price, Devlin, Sandvig) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1162-1165, adopt amendments as follows, and place SB 2380 on the Seventh order:

That the House recede from its amendments as printed on pages 1162-1165 of the Senate Journal and pages 1267-1270 of the House Journal and that Reengrossed Senate Bill No. 2380 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a community health grant program; to provide an appropriation; to provide a continuing appropriation; and to provide for a legislative council study."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**SECTION 1. Community health grant program.**

1. The state department of health shall establish a community health grant program. The primary purpose of the program is to prevent or reduce tobacco usage in the state by strengthening community-based public health programs and by providing assistance to public health units and communities throughout the state. The program must build on and may not duplicate existing programs. Grants awarded under the program must be awarded on a noncompetitive basis using the per capita formula provided for in this subsection. The program must, to the extent funding is available, follow guidelines concerning tobacco prevention programs recommended by the centers for disease control and prevention. Entities awarded grants under the program may contract with or award grants to private providers that conduct tobacco cessation programs. Not more than five percent of the community health grant program funds may be expended for surveillance and evaluation activities. Funds appropriated for the program must be allocated as follows:
 - a. Forty percent of all funds appropriated for the program must be granted to a public health unit or to cooperating public health units that have an agreement with school boards concerning preventive health programs to be funded. The program must be developed with student participation and must include a plan to reduce student tobacco use.
 - b. Forty percent of all funds appropriated for the program must be granted to a public health unit or to cooperating public health units that have established a unitwide plan, developed in cooperation with local elected officials in the unit's jurisdiction, concerning the preventive health programs to be funded. The plan must address programs to reduce tobacco use by the residents living in the counties serviced by the units; however, the plan may include other chronic disease programs. In addition to any grants received under this subdivision, each county with a population of less than ten thousand must receive five thousand dollars per biennium to be used to implement the county's programs.
 - c. Twenty percent of all funds appropriated for the program must be granted to public health units to supplement existing state aid from other sources. Each unit must receive one percent of the amount allocated under this subdivision for each county within the unit and the remaining amount must be distributed to each unit on a per capita basis.
2. The state department of health, in establishing the community health grant program, shall build upon the state's existing tobacco control grant program activities and shall follow the centers for disease control and prevention's best practices for comprehensive tobacco control programs. The department shall encourage applicants to monitor program accountability with respect to tobacco-related behaviors, attitudes, and health outcomes and to include in their plans:
 - a. Community programs that:
 - (1) Engage youth in the development and implementation of interventions;
 - (2) Develop partnerships with local organizations;
 - (3) Conduct educational programs at local levels;
 - (4) Promote government and voluntary health policies, such as clean indoor air, youth access, and treatment coverage;
 - (5) Restrict minors' access to tobacco; and
 - (6) Deter smoking in public places.

- b. Promotion of school programs by partnering with public health organizations, school boards, education associations, and other organizations in each county to provide school programs that promote:
 - (1) Tobacco-free policies;
 - (2) Evidence-based curricula;
 - (3) Teacher training;
 - (4) Parental involvement; and
 - (5) Cessation services for students and staff.

SECTION 2. Community health grant program advisory committee - Duties of state health officer.

1. The state health officer shall establish a community health grant program advisory committee and shall appoint, after consulting with the governor, appropriate members to advise the state department of health in the development of a community health grant program. The state health officer, who shall be the chairman of the committee, shall appoint to the committee the state tobacco control administrator; one high school student; one student of a postsecondary institution in the state; one representative of a nongovernmental tobacco control organization; and one law enforcement officer. In addition to the members appointed by the state health officer, the committee must include:
 - a. One individual appointed by the North Dakota Indian affairs commission;
 - b. One individual appointed by the North Dakota public health association;
 - c. The superintendent of public instruction or the superintendent's designee;
 - d. An academic researcher with expertise in tobacco control and health promotion intervention, appointed by the dean of the university of North Dakota school of medicine and health sciences; and
 - e. One physician appointed by the North Dakota medical association.
2. Members of the committee who are not state employees or officers are entitled to be compensated at a rate of sixty-two dollars and fifty cents per day and are entitled to mileage and expenses as provided by law for state officers and employees. A state employee who is a member of the committee must receive that employee's regular salary and is entitled to mileage and expenses, to be paid by the employing agency.
3. The state department of health, with the committee's involvement, shall provide assistance to:
 - a. Evaluate programs;
 - b. Promote media advocacy by working with statewide media associations;
 - c. Implement smoke-free policies by involving antitobacco groups in promoting the need for smoke-free public buildings;
 - d. Work to reduce minors' access to tobacco in all communities;
 - e. Facilitate the coordination of program components with the local level;
 - f. Involve state agencies, law enforcement, and local government in the administration and management of the program; and
 - g. Assist the state in screening and implementing the grants.

4. The state health officer shall monitor the implementation of the community health grant program. The state health officer shall provide reports to the legislative council regarding the implementation of the program not later than December 31, 2001, and November 1, 2002. Upon request, the state health officer shall provide assistance to any interim legislative committee that may study the implementation of the community health grant program and shall recommend any legislation that the community health grant program advisory committee considers appropriate to improve the community health grant program.

SECTION 3. Gifts, grants, and donations - Continuing appropriation. The state department of health and public health units may accept any gifts, grants, or donations, whether conditional or unconditional. The department of health or public health units may contract public or private entities and may expend any available moneys to obtain matching funds for the purposes of this Act. All moneys received by the state department of health as gifts, grants, or donations under this section are appropriated on a continuing basis to the state department of health.

SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the community health trust fund, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the state department of health for the purpose of funding the community health grant program advisory committee, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the community health trust fund, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the state department of health for the purpose of funding grants to cities and counties on a dollar-for-dollar matching fund basis for city and county employee tobacco education and cessation programs, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 6. ALCOHOL, TOBACCO, AND DRUG ABUSE PROGRAMS - LEGISLATIVE COUNCIL STUDY. During the 2001-02 interim, the legislative council shall consider studying the programs that deal with the prevention and treatment of alcohol, tobacco, and drug abuse and other kinds of risk-associated behavior which are operated by various state agencies, including the department of corrections and rehabilitation, the attorney general, the state department of health, the department of human services, the department of public instruction, the department of transportation, the national guard, and the supreme court, and whether better coordination among the programs within those agencies may lead to a more effective and cost-efficient way of operating the programs and providing services. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

Reengrossed SB 2380 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1003, as engrossed: Your conference committee (Sens. Nething, Robinson, Holmberg and Reps. Koppelman, Glassheim, Carlisle) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1325-1329, adopt amendments as follows, and place HB 1003 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1325-1329 of the House Journal and pages 1166-1170 of the Senate Journal and that Engrossed House Bill No. 1003 be amended as follows:

Page 1, line 3, after the first semicolon insert "to provide for a legislative council study;" and replace "sections" with "section"

Page 1, line 4, replace the first "and" with ", subsections 1 and 3 of section 53-06.2-02, subsection 3 of section 53-06.2-11, sections" and after "54-12-11" insert "and 54-12-18"

Page 1, line 5, replace the first "and" with ", racing commission supervision and compensation, racing commission expenses," and after "general" insert ", and the attorney general refund fund; to provide for retroactive application"

Page 1, line 12, replace "14,841,235" with "14,970,368"

Page 1, line 13, replace "5,882,969" with "6,002,469"

Page 1, line 14, replace "399,876" with "414,876"

Page 1, line 17, replace "297,112" with "300,000"

Page 1, line 23, replace "32,142,123" with "32,408,644"

Page 2, line 1, replace "17,751,371" with "17,604,259"

Page 2, line 2, replace "14,390,752" with "14,804,385"

Page 2, line 22, after "23-37" insert ". Fees under this section may be collected in amounts"

Page 2, line 23, replace "2001" with "1999" and replace "2003" with "2001, and of up to a total of \$35,000 for services provided by the state fire marshal program for the biennium beginning July 1, 2001, and ending June 30, 2003"

Page 3, line 7, replace "\$297,112" with "\$50,000", after the second comma insert "\$50,000 from the", and after "and" insert "\$50,000 from the"

Page 3, line 9, remove "The racing"

Page 3, remove lines 10 and 11

Page 3, after line 30, insert:

"SECTION 14. LEGISLATIVE COUNCIL STUDY - RACING COMMISSION.

The legislative council shall consider studying, during the 2001-02 interim, the racing commission, including its authority to schedule, promote, support, and regulate live or simulcast racing in North Dakota. If chosen, the study must address the effectiveness of the commission's authority to both promote and regulate racing and whether its authority is appropriate for the commission and its members. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Page 5, after line 3, insert:

"SECTION 16. AMENDMENT. Subsections 1 and 3 of section 53-06.2-02 of the North Dakota Century Code are amended and reenacted as follows:

1. A North Dakota racing commission is established in the office of the attorney general. The commission is subject to the supervision and direction of the attorney general, except with regard to the commission's authority to spend the funds described in subsection 6 of section 53-06.2-11. The attorney general may require payment for any services rendered to the racing commission. Payment for such services must be deposited into the attorney general's operating fund. The commission consists of the chairman and four other members appointed by the governor. Of the members appointed by the governor, one must be appointed from a list of four nominees, one of whom is nominated by the state chapter or affiliate of the American quarter horse racing association, one of whom is nominated by the state chapter or affiliate of the United States trotting association, one of whom is nominated by the state chapter or affiliate of the international Arabian horse association, and one of whom is nominated by the state chapter or affiliate of the North Dakota thoroughbred association. The members serve five-year terms and until a successor is appointed and qualified. A member appointed to fill a vacancy arising from other than the natural expiration of a term serves only for the unexpired portion of the term. The terms of the commissioners must be staggered so that one term expires each July first. At the expiration of the five-year term of each incumbent member of the commission, the governor shall appoint a new member to the commission.
3. Commission members are entitled to ~~forty~~seventy-five dollars per day for compensation, and mileage and expense reimbursement as allowed to other state employees.

SECTION 17. AMENDMENT. Subsection 3 of section 53-06.2-11 of the North Dakota Century Code is amended and reenacted as follows:

3. Unclaimed tickets and breakage from each live race meet and simulcast program as defined by the commission and the percentage of the wagering pool to be paid to the racing promotion fund under subsections 1 and 2 must be retained by the commission in a special fund to assist in improving and upgrading racetracks in the state, for the promotion of horse racing within the state, and in developing new racetracks in the state as necessary and approved by the commission. Notwithstanding this section, the commission may, upon approval of the ~~emergency commission~~ attorney general, receive no more than twenty-five percent of this fund for the purpose of payment of operating expenses of the commission."

Page 5, after line 10, insert:

"SECTION 19. AMENDMENT. Section 54-12-18 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-12-18. Special fund established - Continuing appropriation. A special fund is established in the state treasury and designated as the attorney general refund fund. The attorney general shall deposit all moneys recovered by the consumer protection division for refunds to consumers in cases where persons or parties are found to have violated the consumer fraud laws, all costs, expenses, attorney's fees, and civil penalties collected by the division regarding any consumer protection or antitrust matter, all cash deposit bonds paid by applicants for a transient merchant's license who do not provide a surety bond, and all funds and fees collected by the gaming section for licensing tribal gaming and for the investigation of gaming employees, applicants, organizations, manufacturers, distributors, or tribes involved in state or tribal gaming. The moneys in the fund are appropriated, as necessary, for the following purposes:

1. To provide refunds of moneys recovered by the consumer protection and antitrust division on behalf of specifically named consumers;
2. To pay valid claims against cash deposit bonds posted by transient merchant licensees;
3. To refund, upon expiration of the two-year period after the expiration of the transient merchant's license, the balance of any cash deposit bond remaining after the payment of valid claims;
4. To pay costs, expenses, and attorney's fees and salaries incurred in the operation of the consumer protection division; and
5. To pay the actual costs of background investigations, licensing, and enforcement of gaming in the state or pursuant to Indian gaming compacts.

At the end of each ~~fiscal year~~ biennium any moneys in the fund in excess of the amounts required for subsections 1, 2, 3, and 5 must be deposited in the general fund. The attorney general, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures for use of the attorney general refund fund, particularly with respect to expenditures under subsection 4.

SECTION 20. RETROACTIVE APPLICATION. Section 6 of this Act is effective for services provided by the state fire marshal program beginning July 1, 1999."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1003 - Summary of Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Attorney General						
Total all funds	\$31,909,515	\$32,142,123	\$266,521	\$32,408,644	\$32,349,212	\$59,432
Less estimated income	16,979,504	17,751,371	(147,112)	17,604,259	17,454,259	150,000
General fund	\$14,930,011	\$14,390,752	\$413,633	\$14,804,385	\$14,894,953	(\$90,568)

Department of Human Services -
Program and Policy

Total all funds	\$0	\$0	\$0	\$0	\$50,000	(\$50,000)
Less estimated income						
General fund	\$0	\$0	\$0	\$0	\$50,000	(\$50,000)
Bill Total						
Total all funds	\$31,909,515	\$32,142,123	\$266,521	\$32,408,644	\$32,399,212	\$9,432
Less estimated income	16,979,504	17,751,371	(147,112)	17,604,259	17,454,259	150,000
General fund	\$14,930,011	\$14,390,752	\$413,633	\$14,804,385	\$14,944,953	(\$140,568)

House Bill No. 1003 - Attorney General - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$14,847,334	\$14,841,235	\$129,133	\$14,970,368	\$14,970,368	
Operating expenses	5,882,969	5,882,969	119,500	6,002,469	6,002,469	
Equipment	428,876	399,876	15,000	414,876	414,876	
Grants	5,524,989	5,734,398		5,734,398	5,734,398	
Litigation fees	50,000	50,000		50,000	50,000	
Racing Commission	238,814	297,112	2,888	300,000	240,568	\$59,432
National criminal history improvement project	2,358,720	2,358,720		2,358,720	2,358,720	
Arrest and return of fugitives	10,000	10,000		10,000	10,000	
Gaming Commission	5,109	5,109		5,109	5,109	
Law enforcement programs	631,056	631,056		631,056	631,056	
High-intensity drug trafficking area	1,931,648	1,931,648		1,931,648	1,931,648	
Total all funds	\$31,909,515	\$32,142,123	\$266,521	\$32,408,644	\$32,349,212	\$59,432
Less estimated income	16,979,504	17,751,371	(147,112)	17,604,259	17,454,259	150,000
General fund	\$14,930,011	\$14,390,752	\$413,633	\$14,804,385	\$14,894,953	(\$90,568)
FTE	158.50	158.50	2.00	160.50	160.50	0.00

Dept. 125 - Attorney General - Detail of Conference Committee Changes

	ADD PUBLIC INFORMATION OFFICER ¹	ADD BCI AGENT ²	ADD INFORMATION TECHNOLOGY FUNDING ³	CHANGE FUNDING FOR RACING COMMISSION ⁴	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$48,000	\$81,133			\$129,133
Operating expenses		19,500	\$100,000		119,500
Equipment		15,000			15,000
Grants					
Litigation fees					
Racing Commission				\$2,888	2,888
National criminal history improvement project					
Arrest and return of fugitives					
Gaming Commission					
Law enforcement programs					
High-intensity drug trafficking area					
Total all funds	\$48,000	\$115,633	\$100,000	\$2,888	\$266,521
Less estimated income				(147,112)	(147,112)
General fund	\$48,000	\$115,633	\$100,000	\$150,000	\$413,633
FTE	1.00	1.00	0.00	0.00	2.00

¹ A public information officer position is added only for the second year of the biennium, the same as the Senate version.

² A Bureau of Criminal Investigation (BCI) position is added, the same as the Senate version.

³ Operating expenses are increased by \$100,000 from the general fund to provide a total of \$200,000 from the general fund for costs associated with rewriting the uniform crime reporting (UCR) computer system, the same as the Senate version.

⁴ Funding for the Racing Commission is increased by \$2,888, to a total of \$300,000, of which \$150,000 is from the general fund, \$50,000 is from the Racing Commission promotion fund, \$50,000 is from the Racing Commission purse fund, and \$50,000 from the Racing Commission breeders' fund. The House provided a total of \$297,112 for the Racing Commission from the promotion, purse, and breeders' fund. The Racing Commission was to determine the allocation from each fund based on the proportion of resources available in each fund. The Senate provided a total of \$240,568 for the Racing Commission from the general fund.

A section is added providing that any excess moneys in the Attorney General refund fund be transferred to the general fund at the end of each biennium rather than at the end of each fiscal year, the same as the Senate version. (Section 20)

A retroactive application section is added which will allow the State Fire Marshal to bill for services provided to entities covered by the petroleum release compensation fund for the 1999-2001 biennium in addition to the 2001-03 biennium, the same as the Senate version. (Section 21)

Sections added by the Senate are included providing that:

- The Racing Commission is under the supervision of the Attorney General. (Section 16)
- The Attorney General may charge the Racing Commission for services provided to the commission. (Section 16)
- The Attorney General, rather than the Emergency Commission, may authorize the Racing Commission to spend up to 25 percent of the promotion fund for operating expenses of the commission. (Section 18)

The section added by the Senate providing for a Legislative Council study of the Racing Commission is included. (Section 14)

A section is added increasing the compensation of Racing Commission members by \$35 per day, from \$40 to \$75. (Section 17)

House Bill No. 1003 - Department of Human Services - Program and Policy - Conference Committee Action

The Conference Committee did not include funding of \$50,000 added by the Senate for the Department of Human Services to provide volunteer guardianship training during the 2001-03 biennium.

The Conference Committee did not include the section added by the Senate providing that the Attorney General, in cooperation with the Department of Human Services, implement standards of practice for guardianship services.

Engrossed HB 1003 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1407, as reengrossed: Your conference committee (Sens. Espégard, Mutch, Every and Reps. Berg, Kasper, Lemieux) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1289-1290, adopt amendments as follows, and place HB 1407 on the Seventh order:

That the Senate recede from its amendments printed on pages 1289 and 1290 of the House Journal and page 910 of the Senate Journal and that Reengrossed House Bill No. 1407 be amended as follows:

Page 1, line 4, remove the underscore under "**Health insurance mandated coverage of services - Cost-benefit**"

Page 1, remove the underscore under lines 5 through 8

Page 1, line 9, remove the underscore under "analysis", replace "prepared" with "provided", and remove the underscore under "by the legislative council. Factors to consider in this analysis"

Page 1, remove the underscore under line 10

Page 1, remove lines 11 through 19

Page 1, line 20, replace "f." with "a." and remove the underscore under "The extent to which the proposed mandate would increase or decrease the"

Page 1, remove the underscore under line 21

Page 1, line 22, replace "g." with "b." and remove the underscore under "The extent to which the proposed mandate would increase the appropriate"

Page 1, remove the underscore under line 23

Page 2, line 1, replace "h." with "c." and remove the underscore under "The extent to which the proposed mandate would increase or decrease the"

Page 2, remove the underscore under lines 2 and 3

Page 2, line 4, replace "i." with "d." and remove the underscore under "The impact of the proposed mandate on the total cost of health care."

Page 2, remove the underscore under lines 5 through 10

Page 2, line 11, remove the underscore under "analysis", replace "prepared" with "provided", and remove the underscore under "by the legislative council."

Page 2, after line 11, insert:

"4. The legislative council shall contract with a private entity, after receiving one or more recommendations from the insurance commissioner, to provide the cost-benefit analysis required by this section. The insurance commissioner shall pay the cost of the contracted services to the entity providing the services."

Page 3, after line 4, insert:

"SECTION 4. APPROPRIATION. There is appropriated out of any moneys in the insurance regulatory trust fund in the state treasury, not otherwise appropriated, the sum of \$55,000, or so much of the sum as may be necessary, to the insurance commissioner for the purpose of paying for the services contracted for under section 1 of this Act, for the biennium beginning July 1, 2001, and ending June 30, 2003."

ReNUMBER accordingly

Reengrossed HB 1407 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1460, as engrossed: Your conference committee (Sens. Stenehjem, Grindberg, Kroeplin and Reps. Brandenburg, Drovdal, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1290, adopt amendments as follows, and place HB 1460 on the Seventh order:

That the Senate recede from its amendments as printed on page 1290 of the House Journal and pages 890 and 1133 and 1134 of the Senate Journal and that Engrossed House Bill No. 1460 be amended as follows:

Page 2, line 14, after the comma insert "an initial limit of"

Page 2, line 15, after "this" insert "initial", replace "two" with "one", and remove "five hundred"

Page 2, line 16, remove "thousand", replace "to" with "for investments in", and after "organizations" insert "for taxable years beginning after December 31, 2000,"

Page 2, line 17, replace "investment in renaissance zones in which" with "investments permitted under this chapter if", replace "fifty" with "sixty-five", and replace "each qualifying" with "the"

Page 2, line 18, replace "funds available for that renaissance zone" with "net investments received" and after "invested" insert "as permitted under this chapter or the organization is established after the exhaustion of the initial limit. Upon exhaustion of the initial limit, an additional one million five hundred thousand dollars in credits is available for investments in renaissance fund organizations for taxable years beginning after December 31, 2002, for investments permitted under this chapter if more than sixty-five percent of the qualifying organization's net investments received have been invested as permitted under this chapter or the organization is established after the exhaustion of the initial limit"

Page 3, line 5, after the period insert "A renaissance fund organization shall secure an annual audit of its financial records, prepared by an independent certified public accounting firm in accordance with generally accepted auditing standards. The audit report must include a statement of the percentage of annual net investments received by the organization after December 31, 2000, which have been invested by the organization in"

investments permitted under this chapter. If the audit report shows that less than fifty percent of such net investments have been so invested during the previous four years and the organization has been incorporated for four years or more, that organization may not accept any new investments until the governing body of the city in which the organization was established determines that good cause exists for the failure to reach that level of investment or until a subsequent audit report shows that fifty percent or more of such net investments have been so invested. A renaissance fund organization shall file a copy of each audit of its financial records under this subsection with the governing body of the city in which it was established, the division of community services, and the tax commissioner. The division of community services shall provide an annual report to the budget section of the legislative council showing the conclusions of audit reports filed under this subsection.

11."

Page 3, line 7, overstrike "11." and insert immediately thereafter "12."

Renumber accordingly

Engrossed HB 1460 was placed on the Seventh order of business on the calendar.

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

WILLIAM R. HORTON, Secretary

