

## JOURNAL OF THE HOUSE

## Fifty-seventh Legislative Assembly

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Bismarck, April 19, 2001

The House convened at 8:30 a.m., with Speaker Bernstein presiding.

The prayer was offered by Pastor Don Burnett, Bismarck Baptist Church.

The roll was called and all members were present except Representatives Ekstrom, Fairfield, Kerzman, Nicholas, and Ruby.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on April 18, 2001, I have signed the following: HB 1058, HB 1119, HB 1184, HB 1197, HB 1245, HB 1261, HB 1267, HB 1269, HB 1319, HB 1328, and HB 1457.

**REPORT OF STANDING COMMITTEE**

**SB 2159, as engrossed: Transportation Committee (Rep. Weisz, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2159 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 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	<del>\$50.00</del> <u>\$57.00</u>	<del>\$42.00</del> <u>\$49.00</u>	<del>\$34.00</del> <u>\$41.00</u>	<del>\$26.00</del> <u>\$33.00</u>	
3,200 - 4,499	<del>70.00</del> <u>77.00</u>	<del>58.00</del> <u>65.00</u>	<del>46.00</del> <u>53.00</u>	<del>34.00</del> <u>41.00</u>	
4,500 - 4,999	<del>88.00</del> <u>95.00</u>	<del>71.00</del> <u>78.00</u>	<del>56.00</del> <u>63.00</u>	<del>40.00</del> <u>47.00</u>	
5,000 - 5,999	<del>119.00</del> <u>126.00</u>	<del>97.00</del> <u>104.00</u>	<del>75.00</del> <u>82.00</u>	<del>53.00</del> <u>60.00</u>	
6,000 - 6,999	<del>152.00</del> <u>159.00</u>	<del>123.00</del> <u>130.00</u>	<del>94.00</del> <u>101.00</u>	<del>66.00</del> <u>73.00</u>	
7,000 - 7,999	<del>185.00</del> <u>192.00</u>	<del>149.00</del> <u>156.00</u>	<del>114.00</del> <u>121.00</u>	<del>79.00</del> <u>86.00</u>	
8,000 - 8,999	<del>218.00</del> <u>225.00</u>	<del>176.00</del> <u>183.00</u>	<del>134.00</del> <u>141.00</u>	<del>92.00</del> <u>99.00</u>	
9,000 and over	<del>251.00</del> <u>258.00</u>	<del>202.00</del> <u>209.00</u>	<del>154.00</del> <u>161.00</u>	<del>105.00</del> <u>112.00</u>	

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

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

Gross Weights	YEARS REGISTERED				
	1st Through 6th Years	7th Through 9th Years	10th Through 12th Years	13th Through 19th Years	20th and Subsequent Years
Not over 4,000	<del>\$48.00</del> <u>\$55.00</u>	<del>\$35.00</del> <u>\$42.00</u>	<del>\$30.00</del> <u>\$37.00</u>	<del>\$27.00</del> <u>\$34.00</u>	<del>\$26.00</del> <u>\$33.00</u>
4,001 - 6,000	<del>53.00</del> <u>60.00</u>	<del>40.00</del> <u>47.00</u>	<del>34.00</del> <u>41.00</u>	<del>28.00</del> <u>35.00</u>	<del>27.00</del> <u>34.00</u>
6,001 - 8,000	<del>58.00</del> <u>65.00</u>	<del>45.00</del> <u>52.00</u>	<del>38.00</del> <u>45.00</u>	<del>29.00</del> <u>36.00</u>	<del>28.00</del> <u>35.00</u>
8,001 - 10,000	<del>63.00</del> <u>70.00</u>	<del>50.00</del> <u>57.00</u>	<del>42.00</del> <u>49.00</u>	<del>34.00</del> <u>38.00</u>	<del>30.00</del> <u>37.00</u>
10,001 - 12,000	<del>68.00</del> <u>75.00</u>	<del>55.00</del> <u>62.00</u>	<del>46.00</del> <u>53.00</u>	<del>33.00</del> <u>40.00</u>	<del>32.00</del> <u>39.00</u>
12,001 - 14,000	<del>73.00</del> <u>80.00</u>	<del>60.00</del> <u>67.00</u>	<del>50.00</del> <u>57.00</u>	<del>36.00</del> <u>43.00</u>	<del>35.00</del> <u>42.00</u>
14,001 - 16,000	<del>78.00</del> <u>85.00</u>	<del>65.00</del> <u>72.00</u>	<del>54.00</del> <u>61.00</u>	<del>39.00</del> <u>46.00</u>	<del>38.00</del> <u>45.00</u>
16,001 - 18,000	<del>83.00</del> <u>90.00</u>	<del>70.00</del> <u>77.00</u>	<del>58.00</del> <u>65.00</u>	<del>41.00</del> <u>48.00</u>	<del>40.00</del> <u>47.00</u>
18,001 - 20,000	<del>86.00</del> <u>93.00</u>	<del>73.00</del> <u>80.00</u>	<del>60.00</del> <u>67.00</u>	<del>42.00</del> <u>49.00</u>	<del>41.00</del> <u>48.00</u>

Gross Weights	YEARS REGISTERED		
	1st, 2nd, 3rd, 4th, 5th, 6th, and 7th Years	8th, 9th, 10th, 11th, and 12th Years	13th and Subsequent Years
20,001 - 22,000	<del>\$116.00</del> <u>\$123.00</u>	<del>\$90.00</del> <u>\$97.00</u>	<del>\$77.00</del> <u>\$84.00</u>
22,001 - 26,000	<del>168.00</del> <u>175.00</u>	<del>138.00</del> <u>145.00</u>	<del>122.00</del> <u>129.00</u>
26,001 - 30,000	<del>229.00</del> <u>236.00</u>	<del>187.00</del> <u>194.00</u>	<del>165.00</del> <u>172.00</u>
30,001 - 34,000	<del>295.00</del> <u>302.00</u>	<del>240.00</del> <u>247.00</u>	<del>212.00</del> <u>219.00</u>
34,001 - 38,000	<del>356.00</del> <u>363.00</u>	<del>289.00</del> <u>296.00</u>	<del>255.00</del> <u>262.00</u>
38,001 - 42,000	<del>417.00</del> <u>424.00</u>	<del>338.00</del> <u>345.00</u>	<del>297.00</del> <u>304.00</u>
42,001 - 46,000	<del>478.00</del> <u>485.00</u>	<del>386.00</del> <u>393.00</u>	<del>340.00</del> <u>347.00</u>
46,001 - 50,000	<del>539.00</del> <u>546.00</u>	<del>435.00</del> <u>442.00</u>	<del>383.00</del> <u>390.00</u>
50,001 - 54,000	<del>609.00</del> <u>616.00</u>	<del>493.00</del> <u>500.00</u>	<del>434.00</del> <u>441.00</u>
54,001 - 58,000	<del>670.00</del> <u>677.00</u>	<del>542.00</del> <u>549.00</u>	<del>477.00</del> <u>484.00</u>
58,001 - 62,000	<del>731.00</del> <u>739.00</u>	<del>591.00</del> <u>598.00</u>	<del>520.00</del> <u>527.00</u>
62,001 - 66,000	<del>792.00</del> <u>799.00</u>	<del>639.00</del> <u>646.00</u>	<del>563.00</del> <u>570.00</u>
66,001 - 70,000	<del>853.00</del> <u>860.00</u>	<del>688.00</del> <u>695.00</u>	<del>605.00</del> <u>612.00</u>
70,001 - 74,000	<del>914.00</del> <u>921.00</u>	<del>737.00</del> <u>744.00</u>	<del>648.00</del> <u>655.00</u>
74,001 - 78,000	<del>975.00</del> <u>982.00</u>	<del>786.00</del> <u>793.00</u>	<del>691.00</del> <u>698.00</u>
78,001 - 82,000	<del>1,036.00</del> <u>1,043.00</u>	<del>835.00</del> <u>842.00</u>	<del>734.00</del> <u>741.00</u>
82,001 - 86,000	<del>1,159.00</del> <u>1,166.00</u>	<del>940.00</del> <u>947.00</u>	<del>821.00</del> <u>828.00</u>
86,001 - 90,000	<del>1,281.00</del> <u>1,288.00</u>	<del>1,044.00</del> <u>1,051.00</u>	<del>908.00</del> <u>915.00</u>
90,001 - 94,000	<del>1,403.00</del> <u>1,410.00</u>	<del>1,149.00</del> <u>1,156.00</u>	<del>995.00</del> <u>1,002.00</u>
94,001 - 98,000	<del>1,525.00</del> <u>1,532.00</u>	<del>1,254.00</del> <u>1,261.00</u>	<del>1,083.00</del> <u>1,090.00</u>
98,001 - 102,000	<del>1,647.00</del> <u>1,654.00</u>	<del>1,358.00</del> <u>1,365.00</u>	<del>1,170.00</del> <u>1,177.00</u>
102,001 - 105,500	<del>1,769.00</del> <u>1,776.00</u>	<del>1,463.00</del> <u>1,470.00</u>	<del>1,257.00</del> <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	<del>\$88.00</del> <u>\$95.00</u>	<del>\$74.00</del> <u>\$81.00</u>	<del>\$60.00</del> <u>\$67.00</u>	<del>\$42.00</del> <u>\$49.00</u>	
22,001 - 24,000	<del>93.00</del> <u>100.00</u>	<del>78.00</del> <u>85.00</u>	<del>63.00</del> <u>70.00</u>	<del>44.00</del> <u>51.00</u>	
24,001 - 26,000	<del>104.00</del> <u>108.00</u>	<del>84.00</del> <u>91.00</u>	<del>67.00</del> <u>74.00</u>	<del>46.00</del> <u>53.00</u>	
26,001 - 28,000	<del>111.00</del> <u>119.00</u>	<del>92.00</del> <u>99.00</u>	<del>73.00</del> <u>80.00</u>	<del>50.00</del> <u>57.00</u>	
28,001 - 30,000	<del>121.00</del> <u>128.00</u>	<del>100.00</del> <u>107.00</u>	<del>79.00</del> <u>86.00</u>	<del>54.00</del> <u>61.00</u>	
30,001 - 32,000	<del>136.00</del> <u>143.00</u>	<del>113.00</del> <u>120.00</u>	<del>90.00</del> <u>97.00</u>	<del>63.00</del> <u>70.00</u>	
32,001 - 34,000	<del>146.00</del> <u>153.00</u>	<del>124.00</del> <u>128.00</u>	<del>96.00</del> <u>103.00</u>	<del>67.00</del> <u>74.00</u>	
34,001 - 36,000	<del>156.00</del> <u>163.00</u>	<del>129.00</del> <u>136.00</u>	<del>102.00</del> <u>109.00</u>	<del>71.00</del> <u>78.00</u>	
36,001 - 38,000	<del>166.00</del> <u>173.00</u>	<del>137.00</del> <u>144.00</u>	<del>108.00</del> <u>115.00</u>	<del>75.00</del> <u>82.00</u>	
38,001 - 40,000	<del>176.00</del> <u>183.00</u>	<del>145.00</del> <u>152.00</u>	<del>114.00</del> <u>121.00</u>	<del>79.00</del> <u>86.00</u>	
40,001 - 42,000	<del>186.00</del> <u>193.00</u>	<del>153.00</del> <u>160.00</u>	<del>120.00</del> <u>127.00</u>	<del>83.00</del> <u>90.00</u>	
42,001 - 44,000	<del>196.00</del> <u>203.00</u>	<del>161.00</del> <u>168.00</u>	<del>126.00</del> <u>133.00</u>	<del>87.00</del> <u>94.00</u>	
44,001 - 46,000	<del>206.00</del> <u>213.00</u>	<del>169.00</del> <u>176.00</u>	<del>132.00</del> <u>139.00</u>	<del>91.00</del> <u>98.00</u>	
46,001 - 48,000	<del>216.00</del> <u>223.00</u>	<del>177.00</del> <u>184.00</u>	<del>138.00</del> <u>145.00</u>	<del>95.00</del> <u>102.00</u>	
48,001 - 50,000	<del>226.00</del> <u>233.00</u>	<del>185.00</del> <u>192.00</u>	<del>144.00</del> <u>151.00</u>	<del>99.00</del> <u>106.00</u>	
50,001 - 52,000	<del>246.00</del> <u>253.00</u>	<del>203.00</del> <u>210.00</u>	<del>160.00</del> <u>167.00</u>	<del>113.00</del> <u>120.00</u>	
52,001 - 54,000	<del>256.00</del> <u>263.00</u>	<del>211.00</del> <u>218.00</u>	<del>166.00</del> <u>173.00</u>	<del>117.00</del> <u>124.00</u>	
54,001 - 56,000	<del>266.00</del> <u>273.00</u>	<del>219.00</del> <u>226.00</u>	<del>172.00</del> <u>179.00</u>	<del>121.00</del> <u>128.00</u>	
56,001 - 58,000	<del>276.00</del> <u>283.00</u>	<del>227.00</del> <u>234.00</u>	<del>178.00</del> <u>185.00</u>	<del>125.00</del> <u>132.00</u>	
58,001 - 60,000	<del>286.00</del> <u>293.00</u>	<del>235.00</del> <u>242.00</u>	<del>184.00</del> <u>191.00</u>	<del>129.00</del> <u>136.00</u>	
60,001 - 62,000	<del>296.00</del> <u>303.00</u>	<del>243.00</del> <u>250.00</u>	<del>190.00</del> <u>197.00</u>	<del>133.00</del> <u>140.00</u>	
62,001 - 64,000	<del>306.00</del> <u>313.00</u>	<del>251.00</del> <u>258.00</u>	<del>196.00</del> <u>203.00</u>	<del>137.00</del> <u>144.00</u>	
64,001 - 66,000	<del>316.00</del> <u>323.00</u>	<del>259.00</del> <u>266.00</u>	<del>202.00</del> <u>209.00</u>	<del>141.00</del> <u>148.00</u>	
66,001 - 68,000	<del>326.00</del> <u>333.00</u>	<del>267.00</del> <u>274.00</u>	<del>208.00</del> <u>215.00</u>	<del>145.00</del> <u>152.00</u>	
68,001 - 70,000	<del>336.00</del> <u>343.00</u>	<del>275.00</del> <u>282.00</u>	<del>214.00</del> <u>221.00</u>	<del>149.00</del> <u>156.00</u>	
70,001 - 72,000	<del>346.00</del> <u>353.00</u>	<del>283.00</del> <u>290.00</u>	<del>220.00</del> <u>227.00</u>	<del>153.00</del> <u>160.00</u>	
72,001 - 74,000	<del>356.00</del> <u>363.00</u>	<del>291.00</del> <u>298.00</u>	<del>226.00</del> <u>233.00</u>	<del>157.00</del> <u>164.00</u>	
74,001 - 76,000	<del>366.00</del> <u>373.00</u>	<del>299.00</del> <u>306.00</u>	<del>232.00</del> <u>239.00</u>	<del>161.00</del> <u>168.00</u>	

76,001 - 78,000	<del>376.00</del> 383.00	<del>397.00</del> 314.00	<del>238.00</del> 245.00	<del>165.00</del> 172.00
78,001 - 80,000	<del>386.00</del> 393.00	<del>345.00</del> 322.00	<del>244.00</del> 251.00	<del>169.00</del> 176.00
80,001 - 82,000	<del>396.00</del> 403.00	<del>323.00</del> 330.00	<del>250.00</del> 257.00	<del>173.00</del> 180.00
82,001 - 84,000	<del>406.00</del> 413.00	<del>345.00</del> 352.00	<del>293.00</del> 300.00	<del>249.00</del> 256.00
84,001 - 86,000	<del>426.00</del> 433.00	<del>362.00</del> 369.00	<del>307.00</del> 314.00	<del>261.00</del> 268.00
86,001 - 88,000	<del>446.00</del> 453.00	<del>379.00</del> 386.00	<del>321.00</del> 328.00	<del>273.00</del> 280.00
88,001 - 90,000	<del>466.00</del> 473.00	<del>396.00</del> 403.00	<del>335.00</del> 342.00	<del>285.00</del> 292.00
90,001 - 92,000	<del>486.00</del> 493.00	<del>413.00</del> 420.00	<del>349.00</del> 356.00	<del>297.00</del> 304.00
92,001 - 94,000	<del>506.00</del> 513.00	<del>430.00</del> 437.00	<del>363.00</del> 370.00	<del>309.00</del> 316.00
94,001 - 96,000	<del>526.00</del> 533.00	<del>447.00</del> 454.00	<del>377.00</del> 384.00	<del>321.00</del> 328.00
96,001 - 98,000	<del>546.00</del> 553.00	<del>464.00</del> 471.00	<del>391.00</del> 398.00	<del>333.00</del> 340.00
98,001 - 100,000	<del>566.00</del> 573.00	<del>481.00</del> 488.00	<del>405.00</del> 412.00	<del>345.00</del> 352.00
100,001 - 102,000	<del>586.00</del> 593.00	<del>498.00</del> 505.00	<del>419.00</del> 426.00	<del>357.00</del> 364.00
102,001 - 104,000	<del>606.00</del> 613.00	<del>515.00</del> 522.00	<del>433.00</del> 440.00	<del>369.00</del> 376.00
104,001 - 105,500	<del>626.00</del> 633.00	<del>532.00</del> 539.00	<del>447.00</del> 454.00	<del>381.00</del> 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

#### SIXTH ORDER OF BUSINESS

**REP. BELTER MOVED** that the amendments on the Sixth order of business to SB 2159 be adopted, which motion prevailed.

SB 2159, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2159:** A BILL 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.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 43 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Brandenburg; Brekke; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Dosch; Drovdal; Eckre; Galvin; Glassheim; Grande; Grosz; Grumbo; Haas; Hawken; Huether; Jensen; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Kretschmar; Mahoney; Meier; Pietsch; Pollert; Porter; Price; Ruby; Schmidt; Severson; Skarphol; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Weisz; Wikenheiser; Speaker Bernstein

**NAYS:** Aarsvold; Bellew; Boehm; Boucher; Brusegaard; Byerly; Delzer; Disrud; Froelich; Froseth; Gulleston; Gunter; Hanson; Herbel; Hunskor; Johnson, D.; Kasper; Keiser; Kingsbury; Koppelman; Kroeber; Lemieux; Lloyd; Maragos; Martinson; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Renner; Rennerfeldt; Sandvig; Solberg; Svedjan; Thoreson, B.; Warner; Weiler; Wentz; Winrich; Wrangham

**ABSENT AND NOT VOTING:** Ekstrom; Fairfield; Kerzman; Nicholas

Engrossed SB 2159 passed and the title was agreed to.

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#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2032: Reps. Berg, Keiser, Lemieux.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2354: Reps. Porter, Kliniske, Metcalf.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2043: Reps. Berg, Skarphol, Lemieux.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. SKARPHOL MOVED** that the conference committee report on Reengrossed HB 1004 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1004, as amended, was placed on the Eleventh 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, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 12 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lloyd; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Aarsvold; Delmore; Gulleson; Hanson; Kelsh, S.; Kroeber; Lemieux; Mahoney; Niemeier; Solberg; Thorpe; Winrich

**ABSENT AND NOT VOTING:** Ekstrom; Fairfield; Kerzman; Nicholas

Reengrossed HB 1004 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. JENSEN MOVED** that the conference committee report on HB 1294 be adopted, which motion prevailed on a voice vote.

HB 1294, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1294:** A BILL for an Act to create and enact a new section to chapter 57-55 of the North Dakota Century Code, relating to documentation of taxes paid for transfer of title to a mobile home; and to amend and reenact sections 39-18-03, 39-22-12, and subsection 2 of section 57-55-11 of the North Dakota Century Code, relating to documentation of taxes paid for transfer of title to a mobile home, an exemption from the motor vehicle dealer licensing law for house car dealers, manufacturers, and distributors, and moving permits for mobile homes.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 1 YEA, 93 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Clark

**NAYS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury;

Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Ekstrom; Fairfield; Kerzman; Nicholas

HB 1294 lost.

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#### MOTION

**REP. MONSON MOVED** that the House stand in recess until 1:00 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Bernstein presiding.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. TIMM MOVED** that the House do not concur in the Senate amendments to HB 1012 as printed on HJ pages 1513-1519 and that a conference committee be appointed to meet with a like committee from the Senate.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1012: Reps. Svedjan, Delzer, Kerzman.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. NICHOLAS MOVED** that the House do concur in the Senate amendments to HB 1338.

#### REQUEST

**REP. MUELLER REQUESTED** a recorded roll call vote on the motion to concur in the Senate amendments to HB 1338, which request was granted.

#### ROLL CALL

The question being on the motion to concur in the Senate amendments to HB 1338, the roll was called and there were 50 YEAS, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bellew; Belter; Berg; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovdal; Froseth; Grande; Gunter; Haas; Herbel; Johnson, D.; Johnson, N.; Kelsch, R.; Kempenich; Kingsbury; Klein, M.; Koppang; Maragos; Monson; Nicholas; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Aarsvold; Boehm; Boucher; Cleary; Delmore; Disrud; Eckre; Fairfield; Galvin; Glassheim; Grosz; Grumbo; Gullerson; Hanson; Hawken; Huether; Hunskor; Jensen; Kasper; Keiser; Kelsh, S.; Kerzman; Klein, F.; Klemin; Kliniske; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Meier; Metcalf; Mueller; Nelson; Niemeier; Nottestad; Onstad; Renner; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich

**ABSENT AND NOT VOTING:** Ekstrom; Froelich

The House concurred in the Senate amendments to HB 1338.

#### SECOND READING OF HOUSE BILL

**HB 1338:** A BILL for an Act to provide for a legislative council study of issues related to genetic modification.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman;

Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Solberg

**ABSENT AND NOT VOTING:** Ekstrom

Engrossed HB 1338 passed and the title was agreed to.

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**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			1,932,419	1,932,419	1,932,419	

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	_____	\$1,932,419	1,932,419
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)

<sup>1</sup> 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.

<sup>2</sup> 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**

**REP. BYERLY MOVED** that the conference committee report on HB 1005 be adopted as printed on HJ page 1288, which motion prevailed on a voice vote.

HB 1005, as amended, was placed on the Eleventh 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein



**ABSENT AND NOT VOTING:** Ekstrom

Engrossed HB 1005 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1460, as engrossed:** Your conference committee (Sens. Stenehjem, Grindberg, Kroepin 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.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BRANDENBURG MOVED** that the conference committee report on Engrossed HB 1460 as printed on HJ page 1290 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1460, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1460:** A BILL for an Act to amend and reenact section 40-63-07 of the North Dakota Century Code, relating to the limitation on the total amount of tax credits for investments in renaissance fund corporations; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Fairfield; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Froelich; Hanson; Kerzman; Kroeber; Onstad; Schmidt; Solberg; Thorpe; Warner

**ABSENT AND NOT VOTING:** Belter; Ekstrom

Engrossed HB 1460 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2023, as engrossed:** Your conference committee (Sens. Grindberg, Thane, Heitkamp and Reps. Timm, Wald, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1324-1325, adopt amendments as follows, and place SB 2023 on the Seventh order:

That the House recede from its amendments as printed on pages 1324 and 1325 of the Senate Journal and pages 1432 and 1433 of the House Journal and that Engrossed Senate Bill No. 2023 be amended as follows:

Page 1, line 5, after "appropriation" insert "; to provide a statement of legislative intent"

Page 2, line 1, replace "\$6,656,000" with "\$6,356,000"

Page 2, line 6, replace "2,599,000" with "2,299,000"

Page 2, after line 6, insert:

"The Minot state university local responsibility of \$2,299,000 must be paid in ten annual payments with each of the first two annual payments being \$315,000 and each of the remaining eight annual payments being \$208,625."

Page 2, line 27, after "renovation" insert "and expansion"

Page 3, line 7, after "renovation" insert "and expansion"

Page 3, after line 10, insert:

**"SECTION 6. LEGISLATIVE INTENT - STATE COLLEGE OF SCIENCE - STUDENT UNION RENOVATION AND EXPANSION.** It is the intent of the fifty-seventh legislative assembly that the state college of science local responsibility of \$1,300,000, as provided in section 4 of this Act, must be collected before the state college of science may begin on the renovation and expansion of the student union.

**SECTION 7. STATE FACILITY ENERGY IMPROVEMENT PROJECT - REPORT TO THE FIFTY-EIGHTH LEGISLATIVE ASSEMBLY.** The agencies and institutions receiving authorization for energy improvement projects pursuant to section 3 of this Act shall monitor the resulting energy savings and the cost-effectiveness of the projects and shall report the results to the house and senate appropriations committees of the fifty-eighth legislative assembly."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2023 - Summary of House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
<b>University of North Dakota</b>				
Total all funds	\$3,990,785	\$7,490,785	\$0	\$7,490,785
Less estimated income	<u>3,990,785</u>	<u>7,490,785</u>		<u>7,490,785</u>
General fund	\$0	\$0	\$0	\$0
<b>North Dakota State University</b>				
Total all funds	\$296,348	\$11,296,348	\$0	\$11,296,348
Less estimated income	<u>296,348</u>	<u>11,296,348</u>		<u>11,296,348</u>
General fund	\$0	\$0	\$0	\$0
<b>State College of Science</b>				
Total all funds	\$0	\$4,300,000	\$0	\$4,300,000
Less estimated income		<u>4,300,000</u>		<u>4,300,000</u>
General fund	\$0	\$0	\$0	\$0
<b>Minot State University</b>				
Total all funds	\$5,076,000	\$7,850,000	\$0	\$7,850,000
Less estimated income	<u>5,076,000</u>	<u>7,850,000</u>		<u>7,850,000</u>
General fund	\$0	\$0	\$0	\$0
<b>State Department of Health</b>				
Total all funds	\$2,700,000	\$2,700,000	\$0	\$2,700,000
Less estimated income	<u>2,700,000</u>	<u>2,700,000</u>		<u>2,700,000</u>
General fund	\$0	\$0	\$0	\$0
<b>Job Service North Dakota</b>				
Total all funds	\$2,302,000	\$2,302,000	\$0	\$2,302,000
Less estimated income	<u>2,302,000</u>	<u>2,302,000</u>		<u>2,302,000</u>
General fund	\$0	\$0	\$0	\$0
<b>Department of Transportation</b>				
Total all funds	\$352,600	\$352,600	\$0	\$352,600
Less estimated income	<u>352,600</u>	<u>352,600</u>		<u>352,600</u>
General fund	\$0	\$0	\$0	\$0
<b>Bill Total</b>				
Total all funds	\$14,717,733	\$36,291,733	\$0	\$36,291,733
Less estimated income	<u>14,717,733</u>	<u>36,291,733</u>		<u>36,291,733</u>
General fund	\$0	\$0	\$0	\$0

**Senate Bill No. 2023 - House Action**

This amendment makes the following changes:

- The required local match for the Minot State University Old Main renovation project is reduced by \$300,000, from \$2,599,000 to \$2,299,000. The local match must be paid in 10 annual payments. The first two payments will be \$315,000 and the remaining eight payments will be \$208,625. The amount of bonds issued for the project remains unchanged from the Senate version of \$7,850,000; however, the portion of bonds repaid from the general fund is increased by \$300,000 to reflect the decrease in local repayment responsibility.
- A section is added providing that the required local match of \$1.3 million for the State College of Science Student Union renovation and expansion project must be raised by the college before the project is started.
- A section is added providing that the Department of Transportation, North Dakota State University, and the University of North Dakota must report to the House and Senate Appropriations Committees of the Fifty-eighth Legislative Assembly regarding the cost-effectiveness of the energy improvement projects authorized in Section 3 of the bill.

Engrossed SB 2023 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. TIMM MOVED** that the conference committee report on Engrossed SB 2023 as printed on HJ pages 1324-1325 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 87 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Clark; Cleary; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Speaker Bernstein

**NAYS:** Byerly; Carlson; DeKrey; Delzer; Grande; Lloyd; Porter; Skarphol; Weisz; Wrangham

**ABSENT AND NOT VOTING:** Ekstrom

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

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### REPORT OF CONFERENCE COMMITTEE

**SB 2041:** Your conference committee (Sens. Flakoll, Wanzek, Christenson and Reps. R. Kelsch, Skarphol, Grumbo) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1325 and place SB 2041 on the Seventh order.

SB 2041 was placed on the Seventh order of business on the calendar.

### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. R. KELSCH MOVED** that the conference committee report on SB 2041 as printed on HJ page 1325 be adopted, which motion prevailed on a voice vote.

### REPORT OF CONFERENCE COMMITTEE

**SB 2042, as engrossed:** Your conference committee (Sens. Flakoll, Wanzek, Kelsh and Reps. R. Kelsch, Skarphol, Grumbo) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1326 and place SB 2042 on the Seventh order.

Engrossed SB 2042 was placed on the Seventh order of business on the calendar.

### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. R. KELSCH MOVED** that the conference committee report on SB 2042 as printed on HJ page 1326 be adopted, which motion prevailed on a voice vote.

### REPORT OF CONFERENCE COMMITTEE

**SB 2239, as reengrossed:** Your conference committee (Sens. Fischer, Kilzer, T. Mathern and Reps. Kliniske, Porter, Cleary) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1100 and place SB 2239 on the Seventh order.

Reengrossed SB 2239 was placed on the Seventh order of business on the calendar.

### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. KLINISKE MOVED** that the conference committee report on Reengrossed SB 2239 as printed on HJ page 533 be adopted, which motion prevailed on a voice vote.

### MOTION

**REP. MONSON MOVED** that the House stand in recess until 5:00 p.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker Bernstein presiding.

### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2159: Reps. Weisz, Pollert, Mahoney.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1344.

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1344**

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~~ three 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~~ four 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 BONUSES.**

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."

Renumber accordingly

#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. R. KELSCH MOVED** that the House do not concur in the Senate amendments to HB 1344, and that a conference committee be appointed to meet with a like committee from the Senate.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1344: Reps. R. Kelsch, Brusegaard, Hanson.

#### **MOTION**

**REP. BELTER MOVED** that SB 2347 be laid over one legislative day, which motion prevailed.

**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**

**REP. B. THORESON MOVED** that the conference committee report on Engrossed SB 2015 as printed on HJ pages 1150-1151 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2015, as amended, was placed on the Fourteenth 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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Huether; Klein, F.; Renner; Wald

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

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#### 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 ~~fortyseven~~fortyseven-~~five~~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 <sup>1</sup>	ADD BCI AGENT <sup>2</sup>	ADD INFORMATION TECHNOLOGY FUNDING <sup>3</sup>	CHANGE FUNDING FOR RACING COMMISSION <sup>4</sup>	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

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

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

<sup>3</sup> 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.

<sup>4</sup> 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.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. KOPPELMAN MOVED** that the conference committee report on Engrossed HB 1003 as printed on HJ pages 1325-1329 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1003, as amended, was placed on the Eleventh order.

#### SECOND READING OF HOUSE BILL

**HB 1003:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to require the state fire marshal to inspect buildings as requested by a political subdivision; to provide for a legislative council study; to provide statements of legislative intent; to amend and reenact section 53-06.1-12, subsections 1 and 3 of section 53-06.2-02, subsection 3 of section 53-06.2-11, sections 54-12-11 and 54-12-18 of the North Dakota Century Code, relating to gaming and excise tax collections, racing commission supervision and compensation, racing commission expenses, the salary of the attorney general, and the attorney general refund fund; to provide for retroactive application; 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 89 YEAS, 5 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Delmore; Ekstrom; Kelsh, S.; Onstad; Warner

**ABSENT AND NOT VOTING:** Huether; Klein, F.; Renner; Wald

Engrossed HB 1003 passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

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

#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BERG MOVED** that the conference committee report on Reengrossed HB 1407 as printed on HJ pages 1289-1290 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1407, as amended, was placed on the Eleventh order.

#### **SECOND READING OF HOUSE BILL**

**HB 1407:** A BILL for an Act to provide for a cost-benefit analysis of mandated health insurance coverage of services; to provide for a legislative council study; and to provide an appropriation.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Schmidt; Severson; Skarphol; Solberg; Svedjan;

Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Cleary; DeKrey; Fairfield; Froelich; Kerzman; Niemeier; Sandvig

**ABSENT AND NOT VOTING:** Huether; Klein, F.; Renner; Wald

Reengrossed HB 1407 passed and the title was agreed to.

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**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, 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 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 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 has adopted the conference committee report on HB 1007.

**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, 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 amended and subsequently failed to pass: HB 1287.

**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: HB 1003.

**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 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

**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.

**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 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 Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2032:** Reps. Berg; Keiser; Lemieux  
**SB 2043:** Reps. Berg; Skarphol; Lemieux  
**SB 2354:** Reps. Porter; Kliniske; Metcalf

**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

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2159.

**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 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 and subsequently passed: HB 1407.

**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

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2088:** Your conference committee (Sens. Stenehjem, Trenbeath, O'Connell and Reprs. 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>
<del>16</del> <u>21</u> - 25	<del>\$ 40</del> <u>60</u> plus \$3/each mph over 15 mph over limit
26 - 35	<del>\$ 70</del> <u>90</u> plus \$3/each mph over 25 mph over limit
36 + <del>- 45</del>	<del>\$400</del> <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.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2347:** Your conference committee (Sens. Klein, Wanzek, Nichols and Reps. Renner, Koppang, Froelich) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 946, adopt amendments as follows, and place SB 2347 on the Seventh order:

That the House recede from its amendments as printed on page 946 of the Senate Journal and page 1011 of the House Journal and that Senate Bill No. 2347 be amended as follows:

Page 2, after line 6, insert:

"1."

Page 2, after line 10, insert:

"2. If an emergency is declared by the governor, the board shall conduct any appraisal required by this section and may destroy the animal as soon thereafter as is practicable. The owner may protest the appraisal, however, a protest may not delay the destruction of the animal."

Page 2, line 14, replace "If" with "Except as provided in section 3, if"

Page 2, line 16, after "order" insert "within seven days"

Page 3, line 13, after "check" insert "jointly" and after "owner" insert "and any lienholders"

Page 3, line 17, replace "appropriated" with "approved by the emergency commission" and replace "by the legislative assembly and the state" with an underscored period

Page 3, remove lines 18 and 19

Page 3, line 23, replace "payment" with "the board" and replace "be made" with "authorize payment"

Re-number accordingly

SB 2347 was placed on the Seventh order of business on the calendar.

**MOTION**

**REP. MONSON MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth and Twelfth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Friday, April 20, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**

