

## JOURNAL OF THE SENATE

### Fifty-seventh Legislative Assembly

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**Bismarck, February 9, 2001**

The Senate convened at 12:30 p.m., with President Dalrymple presiding.

The prayer was offered by Reverend Robert Nordvall, Charity Lutheran Church, Bismarck.

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

A quorum was declared by the President.

#### CONSIDERATION OF AMENDMENTS

**SB 2252: SEN. NICHOLS (Finance and Taxation Committee) MOVED** that the amendments on SJ page 344 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**.

#### REQUEST

**SEN. KRAUTER REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to SB 2252, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments to SB 2252, the roll was called and there were 29 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Nething

The motion to adopt the amendments to SB 2252 passed.

#### CONSIDERATION OF AMENDMENTS

**SB 2308: SEN. KILZER (Human Services Committee) MOVED** that the amendments on SJ page 346 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SB 2352: SEN. EVERY (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 347 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SB 2354: SEN. T. MATHERN (Human Services Committee) MOVED** that the amendments on SJ page 348 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SB 2370: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 348-349 be adopted with **DO PASS**, which motion prevailed.

#### MOTION

**SEN. CHRISTMANN MOVED** that the rules be suspended and that SB 2370, as amended, be placed on the Eleventh order for immediate second reading and final passage, and that after action taken on the Sixth order, the bills on that order also be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2370:** A BILL for an Act to provide for authorization of currency exchange businesses; and to provide a penalty.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2370 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2412: SEN. KELSH (Education Committee) MOVED** that the amendments on SJ page 333 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2412:** A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code or in the alternative to create and enact a new section to chapter 15.1-13 of the North Dakota Century Code, relating to lifetime licensure for teachers.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2412 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2115: SEN. LEE (Human Services Committee) MOVED** that the amendments on SJ pages 342-343 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2115:** A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the practice of a regulated occupation or profession.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2115 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2251: SEN. CHRISTENSON (Education Committee) MOVED** that the amendments on SJ pages 343-344 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

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

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Kelsh; O'Connell

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2251 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2302: SEN. KILZER (Human Services Committee) MOVED** that the amendments on SJ pages 344-346 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2302:** A BILL for an Act to amend and reenact section 26.1-26.4-02, subsection 1 of section 26.1-26.4-04, subdivision c of subsection 4 of section 26.1-26.4-04, and subsection 10 of section 26.1-26.4-04 of the North Dakota Century Code, relating to retroactive reviews as part of utilization review.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nothing; Nichols

Engrossed SB 2302 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2307: SEN. T. MATHERN (Human Services Committee) MOVED** that the amendments on SJ page 346 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2307:** A BILL for an Act to provide for a developmental disability services provider reimbursement pilot program in the southeast human service center region; and to provide an expiration date.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2307 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2326: SEN. POLOVITZ (Human Services Committee) MOVED** that the amendments on SJ page 346 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2326:** A BILL for an Act to amend and reenact section 26.1-08-13 of the North Dakota Century Code, relating to termination of comprehensive health association health coverage.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2326 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2328: SEN. KROEPLIN (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 346-347 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2328:** A BILL for an Act to create and enact a new subsection to section 57-15-20.2, a new subsection to section 58-03-07, and a new chapter to title 58 of the North Dakota Century Code, relating to creation of special assessment districts by townships.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Christenson; Espegard; Every; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson;

Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Tallackson; Tollefson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bowman; Christmann; Cook; Dever; Erbele; Flakoll; Klein; Solberg; Stenehjem; Thane; Trenbeath

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2328 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2340: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ page 347 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2340:** A BILL for an Act to limit the liability resulting from the manufacture, distribution, and sale of firearms.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Christenson; Nelson, C.

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2340 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2348: SEN. WARDNER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 341 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2348:** A BILL for an Act to amend and reenact subsection 15 of section 57-02-01 of the North Dakota Century Code, relating to the definition of true and full value for property tax assessment of subsidized housing; 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 18 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Christenson; Every; Fischer; Flakoll; Kelsh; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Trenbeath; Urlacher

**NAYS:** Bercier; Bowman; Christmann; Cook; Dever; Erbele; Espgaard; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Mutch; Nelson, C.; Nelson, G.; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2348 lost.

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**CONSIDERATION OF AMENDMENTS**

**SB 2361: SEN. ERBELE (Human Services Committee) MOVED** that the amendments on SJ page 348 be adopted with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. G. NELSON MOVED** that Senate Rule 329 (4) be amended to read "twenty-eighth legislative day" in place of "twenty-third legislative day", thereby changing the day that that Senate bills are required to be rereferred to the Appropriations Committee, which motion prevailed.

**MOTION**

**SEN. G. NELSON MOVED** that Engrossed SB 2361 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. G. Nelson's motion, SB 2361 was rereferred.

**CONSIDERATION OF AMENDMENTS**

**SB 2381: SEN. WATNE (Judiciary Committee) MOVED** that the amendments on SJ pages 349-350 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2381:** A BILL for an Act to amend and reenact section 53-06.2-10.1 of the North Dakota Century Code, relating to simulcast wagering.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Mathern, D.; Solberg; Stenehjem

**ABSENT AND NOT VOTING:** Nothing

Engrossed SB 2381 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2037:** A BILL for an Act to amend and reenact sections 15-10-12 and 54-44.1-11 of the North Dakota Century Code, relating to the appropriation of higher education institutions' special revenue funds and the cancellation of unexpended appropriations for the North Dakota university system.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Polovitz

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

**ABSENT AND NOT VOTING:** Nothing

SB 2037 lost.

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**SECOND READING OF SENATE BILL**

**SB 2038:** A BILL for an Act to amend and reenact section 54-44.1-04 and subsection 7 of section 54-44.1-06 of the North Dakota Century Code, relating to budget requests and block grant appropriations for the North Dakota university system.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Mathern, T.

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

**ABSENT AND NOT VOTING:** Nothing

SB 2038 lost.

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**MOTION**

**SEN. G. NELSON MOVED** that SB 2040, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2269:** A BILL for an Act to create and enact a new section to chapter 39-13 of the North Dakota Century Code, relating to a logo sign program.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Erbele; Every; Krauter; Lyson; Mathern, D.; Nelson, C.; Polovitz; Solberg; Tomac; Traynor; Urlacher; Wardner

**NAYS:** Christmann; Cook; Dever; Espegard; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Mathern, T.; Mutch; Nelson, G.; Nichols; O'Connell; Robinson; Schobinger; Stenehjem; Tallackson; Thane; Tollefson; Trenbeath; Wanzek; Watne

**ABSENT AND NOT VOTING:** Nothing

SB 2269 lost.

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**SECOND READING OF SENATE BILL**

**SB 2069:** A BILL for an Act to create and enact a new section to chapter 52-08 of the North Dakota Century Code, relating to job task analysis service fees; and to provide a continuing appropriation.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Nothing

SB 2069 lost.

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### SECOND READING OF SENATE BILL

**SB 2070:** A BILL for an Act to amend and reenact section 52-04-22 of the North Dakota Century Code, relating to the federal advance interest repayment fund; and to provide a continuing appropriation.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Kroeplin; Nothing

SB 2070 lost.

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### SECOND READING OF SENATE BILL

**SB 2071:** A BILL for an Act to amend and reenact section 4 of chapter 433 of the 1999 Session Laws, relating to the unemployment compensation incentive fund; and to provide a continuing appropriation.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Heitkamp; Nothing

SB 2071 lost.

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### REQUEST

**SEN. HEITKAMP REQUESTED** that the record reflect he intended to vote NAY on SB 2071, which request was granted.

### MOTION

**SEN. CHRISTMANN MOVED** that SB 2086, which is on the Eleventh order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, SB 2086 was rereferred.

### MOTION

**SEN. CHRISTMANN MOVED** that SB 2369 be returned to the Senate floor from the **Human Services Committee** for the purpose of withdrawal, which motion prevailed.

### REQUEST

**SEN. CHRISTMANN REQUESTED** the unanimous consent of the Senate to withdraw SB 2369. There being no objection, it was so ordered by the President.



**SECOND READING OF SENATE BILL**

**SB 2233:** A BILL for an Act to amend and reenact section 57-15-37.1 of the North Dakota Century Code, relating to township levies for airport purposes; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Klein; Kroeplin; Mutch; Nichols; Solberg; Tallackson; Thane

**NAYS:** Andrist; Bercier; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; O'Connell; Polovitz; Robinson; Schobinger; Stenehjem; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nothing

SB 2233 lost.

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**SECOND READING OF SENATE BILL**

**SB 2238:** A BILL for an Act to create and enact a new section to chapter 15.1-06 of the North Dakota Century Code, relating to the administrative duties of school principals.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Erbele; Freborg; Heitkamp; Wardner

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

**ABSENT AND NOT VOTING:** Nothing

SB 2238 lost.

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**SECOND READING OF SENATE BILL**

**SB 2306:** A BILL for an Act to provide minimum wage requirements for economic development projects.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Nothing

SB 2306 lost.

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**SECOND READING OF SENATE BILL**

**SB 2325:** A BILL for an Act to create and enact a new section to chapter 40-57.1 of the North Dakota Century Code, relating to use of project operator payments in lieu of taxes to pay property taxes and special assessments for employees of the project.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Grindberg; Lee; Wanzek

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

**ABSENT AND NOT VOTING:** Nothing

SB 2325 lost.

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**SECOND READING OF SENATE BILL**

**SB 2341:** A BILL for an Act to amend and reenact sections 23-06.4-03, 23-06.5-05, and 23-06.5-16 and subsection 9 of section 23-06.5-17 of the North Dakota Century Code, relating to the form and execution of advance health care directives.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Nothing

SB 2341 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2351:** A BILL for an Act to create and enact a new section to chapter 57-40.3 of the North Dakota Century Code, relating to an option for the lessee of a motor vehicle under a long-term lease to pay sales or use taxes on lease payments; to amend and reenact subsection 6 of section 57-40.3-04 and section 57-40.3-07 of the North Dakota Century Code, relating to payment of sales or use taxes on motor vehicle leases; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Cook; Erbele; Every; Fischer; Flakoll; Grindberg; Heitkamp; Kelsh; Krauter; Krebsbach; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Schobinger; Tallackson

**NAYS:** Andrist; Bowman; Christmann; Dever; Espegard; Freborg; Holmberg; Kilzer; Klein; Kringstad; Kroepflin; Lee; Lindaas; Mutch; Nelson, G.; Robinson; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nothing

SB 2351 lost.

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### SECOND READING OF SENATE BILL

**SB 2360:** A BILL for an Act to amend and reenact section 15-40.2-12 and subsection 1 of section 57-15-14.2 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-29-15 of the North Dakota Century Code, relating to the levy of property taxes for tuition charges and transportation; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Fischer; Holmberg; Kilzer; Krebsbach; Lee; Polovitz; Tallackson

**NAYS:** Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Flakoll; Freborg; Grindberg; Heitkamp; Kelsh; Klein; Krauter; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nichols; O'Connell; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nothing

SB 2360 lost.

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### SECOND READING OF SENATE BILL

**SB 2366:** A BILL for an Act to amend and reenact section 15-38.1-04 of the North Dakota Century Code or in the alternative to amend and reenact sections 15.1-16-03 and 15.1-16-04 of the North Dakota Century Code, relating to compensation for factfinders and members of the education factfinding commission.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nothing; Robinson

SB 2366 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2391:** A BILL for an Act to create and enact a new subsection to section 54-52-04 and three new sections to chapter 54-52.1 of the North Dakota Century Code, relating to the expansion of the uniform group insurance program to allow participation by certain nonprofit corporations; to amend and reenact section 54-52.1-02 of the North Dakota Century Code, relating to subgroups under the uniform group insurance program; to provide a continuing appropriation; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Nething; Robinson

SB 2391 lost.

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#### SECOND READING OF SENATE BILL

**SB 2434:** A BILL for an Act to provide for union organization limitations on employer use of state funds.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Nething; Robinson

SB 2434 lost.

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#### SECOND READING OF SENATE BILL

**SB 2440:** A BILL for an Act to amend and reenact section 34-06.1-07 of the North Dakota Century Code, relating to required employer records.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Klein

**ABSENT AND NOT VOTING:** Nething; Robinson

SB 2440 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2443:** A BILL for an Act to amend and reenact sections 23-06-03 and 43-10.1-02 of the North Dakota Century Code, relating to pre-need funeral service contracts.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

Mutch; Nelson, C.; Nelson, G.; Nichols; O'Connell; Polovitz; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nething; Robinson

SB 2443 passed and the title was agreed to.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4021:** A concurrent resolution directing the Legislative Council to study individual income tax laws with the objective of determining appropriate measures to enhance the attractiveness of living in North Dakota for young working people.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4021 was declared adopted, and the title was agreed to on a voice vote.

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#### SECOND READING OF SENATE BILL

**SB 2303:** A BILL for an Act to provide for recognition of occupational and professional licenses of other jurisdictions.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Cook; Espgaard; Flakoll; Freborg; Klein; Mutch; Schobinger; Solberg; Stenehjerm; Thane; Traynor; Trenbeath; Urlacher; Wardner

**NAYS:** Christenson; Christmann; Dever; Erbele; Every; Fischer; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nichols; O'Connell; Polovitz; Tallackson; Tollefson; Tomac; Wanzek; Watne

**ABSENT AND NOT VOTING:** Nething; Robinson

SB 2303 lost.

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#### SECOND READING OF SENATE BILL

**SB 2367:** A BILL for an Act to amend and reenact section 57-36-32 of the North Dakota Century Code, relating to the rate of tax on the sale of cigarettes; to provide an appropriation for school nursing project grants; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 24 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Espgaard; Every; Grindberg; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Lee; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; Polovitz; Tallackson; Thane; Tomac; Traynor; Wardner; Watne

**NAYS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Kilzer; Klein; Kringstad; Kroeplin; Lyson; Mutch; Nelson, G.; O'Connell; Schobinger; Solberg; Stenehjerm; Tollefson; Trenbeath; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Christenson; Nething; Robinson

SB 2367 lost.

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**REQUEST**

**SEN. CHRISTENSON REQUESTED** that the record reflect she intended to vote AYE on SB 2367, which request was granted.

**SECOND READING OF SENATE BILL**

**SB 2396:** A BILL for an Act to repeal sections 27-13-05, 27-13-06, and 27-13-07 of the North Dakota Century Code, relating to an attorney's refusal to deliver a client's money or property and the furnishing of a bond.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nething; Robinson

SB 2396 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2401:** A BILL for an Act to amend and reenact section 57-36-32 of the North Dakota Century Code, relating to the rate of tax on the sale of cigarettes; to provide an appropriation; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 27 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Espeguard; Every; Flakoll; Grindberg; Heitkamp; Kelsh; Krauter; Krebsbach; Lee; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Tallackson; Tomac; Traynor; Wardner

**NAYS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Freborg; Kilzer; Klein; Kringstad; Kroeplin; Lyson; Mutch; Nelson, G.; Nichols; O'Connell; Polovitz; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Trenbeath; Urlacher; Wanzek; Watne

**ABSENT AND NOT VOTING:** Holmberg; Nething; Robinson

SB 2401 lost.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4017:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a retirement program for all law enforcement officers within the state of North Dakota which provides retirement benefits similar to those provided to the members of the Highway Patrolmen's retirement system pursuant to North Dakota Century Code Chapter 39-03.1.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4017 was declared adopted, and the title was agreed to on a voice vote.

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

**MR. SPEAKER:** The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2015, SB 2276.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2013, SB 2098, SB 2099, SB 2124, SB 2153, SB 2246, SB 2346.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1221.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1126, HB 1137, HB 1205, HB 1222, HB 1339, HCR 3010.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1223.

**MOTION**

**SEN. CHRISTMANN MOVED** that the absent member be excused, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, February 12, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2003: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2003 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to provide for a legislative council study; to provide statements of legislative intent; to amend and reenact sections 15-10-12, 54-44.1-04, subsection 7 of section 54-44.1-06, and section 54-44.1-11 of the North Dakota Century Code, relating to higher education institutions' special revenue funds, budget requests and block grant appropriations, and unexpended appropriations; to provide an expiration date;"

Page 1, line 12, replace "3,663,482" with "3,660,491"

Page 1, line 13, replace "6,623,559" with "6,993,559"

Page 1, line 14, replace "51,957,520" with "52,126,420"

Page 1, line 15, replace "2,790,106" with "2,610,106"

Page 1, line 17, replace "77,765,508" with "78,121,417"

Page 1, line 19, replace "74,048,686" with "74,404,595"

Page 2, line 21, replace "23,488,351" with "22,937,531"

Page 2, line 22, replace "87,013,261" with "86,462,441"

Page 2, line 23, replace "21,750,820" with "21,200,000"

Page 2, line 28, replace "3,883,500" with "3,800,220"

Page 2, line 29, replace "26,776,628" with "26,693,348"

Page 2, line 30, replace "1,000,000" with "916,720"

Page 3, line 9, replace "724,589" with "4,724,589"

Page 3, after line 9, insert:

"Total all funds  
Less estimated income

\$12,594,596  
4,000,000"

Page 3, line 14, replace "3,186,850" with "412,850"

Page 3, remove lines 15 and 16

Page 4, line 11, replace "367,397,927" with "367,753,836"

Page 4, line 12, replace "41,502,168" with "42,094,068"

Page 4, line 13, replace "408,900,095" with "409,847,904"

Page 5, remove lines 1 through 11

Page 6, line 4, replace "There is appropriated to the forest service" with "The estimated income in subdivision 13 of section 1 of this Act includes"

Page 6, after line 10, insert:

**"SECTION 10. LEGISLATIVE COUNCIL STUDY - HIGHER EDUCATION ACCOUNTABILITY MEASURES.** The legislative council shall consider studying during the 2001-02 interim the board of higher education's implementation of the performance and accountability measures report required by Senate Bill No. 2041. If conducted, the study may include the use of the higher education roundtable format.

**SECTION 11. LEGISLATIVE INTENT - HIGHER EDUCATION ACCOUNTABILITY MEASURES.** It is the intent of the legislative assembly that the board of higher education's performance and accountability report as required by Senate Bill No. 2041 include an executive summary and information regarding:

1. Higher education financing - A status report on higher education financing as compared to the long-term financing plan.
2. Base funding - Levels, trends, and uses of base funding.
3. Incentive funding, including:
  - a. The allocation, use of, and results of incentive funding.
  - b. The percentage of the higher education budget provided as incentive funding.
4. Deferred maintenance, including:
  - a. The value of institutional buildings, funds spent on renewal or updates as compared to depreciation, and the status of deferred maintenance, including a comparison of the funds appropriated for deferred maintenance to actual funds spent on deferred maintenance.
  - b. A deferred maintenance ratio that measures the size of the university system's outstanding maintenance as compared to its expendable net assets.
5. Capital projects - Report on new construction and major renovation capital projects for which specific appropriations are made, including budget to actual comparison, use of third-party funding, and related debt.
6. Peer institution comparisons - Funding levels of institutions or other selected indicators as compared to peer institutions.
7. Funding sources, including:
  - a. The amount and trends of funding from all financial sources.
  - b. An operating income ratio that measures the amount of income from fees for service as compared to the university system's overall funding.
  - c. A contributed income ratio that measures the amount of income from externally generated resources other than debt as compared to the university system's overall funding.
8. State support information, including:



- a. State general fund appropriation levels and trends as compared to changes in the state's economy and total state general fund appropriations.
  - b. A trend report on per capita and per student appropriations for higher education.
9. System indebtedness information, including:
- a. The amount of debt incurred and supported in relation to limitation requirements.
  - b. A debt coverage ratio that measures net income as compared to the amount of debt service.
10. Affordability index detailing:
- a. Tuition and fees on a per student basis and total cost of attendance compared to peer institutions.
  - b. Tuition and fees as a percentage of median North Dakota household income.
  - c. Student affordability considering financial aid.
11. Funding uses information, including:
- a. A trend report on the distribution of expenditures by function.
  - b. An educational core services ratio that measures the total funds being used for instruction, research, and public service as compared to the university system's overall funding excluding capital and debt service amounts.
  - c. An educational support services ratio that measures the total funds being used for academic support and student services as compared to the university system's overall funding excluding capital and debt service amounts.
  - d. A general support ratio that measures the total funds being used for institutional support, operations, and maintenance of physical plant as compared to the university system's overall funding excluding capital and debt service amounts.
12. Equipment expenditures - An equipment expenditure ratio that measures the total funds used for equipment replacement as compared to the total equipment inventory value.
13. Financial ratios and other financial information including:
- a. A viability ration that measures the amount of expendable net assets as compared to the amount of long-term debt.
  - b. A primary reserve ratio that measures the amount of expendable net assets as compared to the university system's overall spending.
  - c. A return on net assets ratio that measures the changes in net assets as compared to the university system's total net assets.
  - d. A net income ratio that measures the change in unrestricted net assets as compared to total unrestricted income to provide information regarding surpluses or deficiencies.
  - e. Debt, assets, and end-of-year fund balances.
14. Faculty and staff trend information, including:
- a. The ratio of faculty and staff to students.
  - b. Faculty and staff turnover rates and major reasons for turnover.

- c. Faculty and staff salary levels, including annual average salary increases and comparisons with peer institutions.
15. Research and development efforts trend information, including:
  - a. Total funding received for research, including federal, state, local, and private sources.
  - b. Revenue generated or additional funding earned by research and development projects.
  - c. A research expenditure ratio that measures the amount of research expenditures as compared to the number of faculty full-time equivalent positions.
16. Audit report information, including:
  - a. An annual audit report, with an unqualified opinion, that identifies suggested material areas of improvement to the university system's financial operations.
  - b. A biennial audit report reflecting budget to actual appropriation statements; appropriate financial noteworthy accomplishments and successes; a reduction in material areas of statutory noncompliance; and university system compliance with suggested significant areas of improvement.
17. Workforce training information, including:
  - a. Trends in the number and percent of businesses and employees in the region receiving training.
  - b. Levels of satisfaction with training events as reflected in information systematically gathered from employers and employees receiving training.
18. Entrepreneurship - Levels and trends in enrollment in entrepreneurship courses and the number of graduates of entrepreneurship programs.
19. Employment placement - Level and trends in the percentage of university system graduates obtaining employment appropriate to their education in state and out of state.
20. Partnerships and joint ventures - Levels and trends in partnerships and joint ventures between university system institutions and the following entities:
  - a. Business and industry.
  - b. Tribal colleges.
  - c. Private sector training providers.
  - d. Other university system institutions.
21. Student performance information, including:
  - a. Levels and trends in performance of students on nationally recognized exams in their major fields in comparison with national averages.
  - b. Levels and trends in licensure pass rates in comparison to other states.
22. Alumni satisfaction - Levels and trends in alumni-reported satisfaction with preparation in:
  - a. Selected major.
  - b. Acquisition of specific basic and higher-order skills.

- c. Level, currency, and relevance of computer technology knowledge and abilities in relation to expectations in the marketplace.
23. Employer satisfaction - Levels and trends in employer-reported satisfaction with preparation of recently hired college graduates.
24. Institution and program accreditation - Maintenance of accreditation of programs and institutions by national and regional accrediting bodies and acquisition of additional accreditation where appropriate.
25. Peer review process - Levels and trends in peer review process relating to:
  - a. Grants.
  - b. Publications.
26. Student goals - Levels and trends in the number of students achieving goals - Institution meeting the defined needs/goals as expressed by students.
27. Administrative flexibility - Proportion of university system decisionmakers (deans and higher levels) indicating whether "they can now operate with more flexibility than in the past."
28. Student enrollment information, including:
  - a. Total number and trends in full-time, part-time, degree-seeking, and non-degree-seeking students being served.
  - b. The number and trends of individuals, organizations, and agencies served through noncredit activities.
29. Client satisfaction - Levels of satisfaction with responsiveness as reflected through responses to evaluations and surveys of clients:
  - a. Graduates and individuals completing programs.
  - b. Employers.
  - c. Business/program advisory councils.
  - d. Companies and employees receiving training.
  - e. Workforce training boards.
  - f. Campus presidents' advisory councils.
  - g. Public school superintendents.
  - h. Economic development professionals.
  - i. Other client groups.
30. Noncompleters satisfaction - Levels of satisfaction and reasons for noncompletion as reflected in a survey of individuals who have not completed their program or degree.
31. Student access - Levels and trends in the proportion of residents of the state who are within a forty-five minute drive of a location at which they can receive educational programs from a provider, including providers from outside the immediate region who would also have access to academic and student support services at the site.
32. Distance learning - Levels and trends in the number of enrollments in distance learning courses by in-state and out-of-state residents.
33. Nontraditional courses - Levels and trends in the number and proportion of enrollments in courses offered by nontraditional methods.

34. Student participation - Levels and trends in rates of participation of:
  - a. Recent high school graduates and nontraditional students.
  - b. Individuals pursuing graduate degrees.
35. Sustaining the vision - The extent to which the recommendations of the 2000 higher education roundtable are implemented and performance is improved.

**SECTION 12. LEGISLATIVE INTENT - STATE COLLEGE OF SCIENCE - BLIKRE ACTIVITIES CENTER RENOVATION.** It is the intent of the legislative assembly that the funding of \$531,720 included in the estimated income in subdivision 7 of section 1 of this Act for renovation of the Blikre activities center at the state college of science must be collected before renovation may begin. The state college of science, after receiving approval from the budget section, may obtain and utilize any available funds, in addition to the \$531,720, received from federal, public, private, or other sources which are appropriated to the state college of science to assist in the Blikre activities center renovation.

**SECTION 13. AMENDMENT.** Section 15-10-12 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-10-12. Board may accept gifts and bequests - Deposit and appropriation of institutional funds.** ~~The Subject to the limitations of section 15-10-12.1, the state board of higher education may, subject to the limitations of section 15-10-12.1, receive donations, gifts, grants, and bequests offered or tendered to or for the benefit of any institution of higher education under its control or subject to its administration, and all moneys coming into the hands of the board as donations, gifts, grants, and bequests must be used for the specific purpose for which they are donated or given. A special revenue fund, for each institution of higher education under the control of the board or subject to its administration, must be maintained within the state treasury and all institutional income from tuition collections must be placed in the special fund for the use of the institution for which the money was raised. All rent, interest, or income from land, money, or property, donated or granted by the United States and allocated to specific institutions of higher learning under the terms of the Enabling Act and the Constitution of North Dakota must be deposited in the special revenue fund of each institution and expended in accordance with section 1 of article IX of the Constitution of North Dakota. Moneys in the special revenue fund are subject to legislative appropriations.~~ All other funds, unless restricted by the terms of a grant, donation, or bequest, received by the institutions from federal, state, and local grants and contracts, indirect cost recoveries, tuition, special student fees, room and board fees and other auxiliary enterprise fees, student activity fees, continuing education program fees, internal service fund revenues, and all other revenues must be deposited in the institution special revenue funds. The state treasurer shall immediately transfer the funds deposited in the special revenue funds to institution accounts in the Bank of North Dakota. Biennial estimates of revenue and expenditures of the other funds by source of funds must be presented at the same time biennial budget requests for appropriations from the special revenue fund and state general fund are prepared and submitted to the office of the budget pursuant to section 15-10-15. Payments from each institution's general fund appropriation must be made in amounts as may be necessary for the operation and maintenance of each institution, ~~except that at the close of the biennium the balance of funds not paid from the general fund appropriation must be deposited in the special revenue funds of the institutions.~~ The funds in the institution accounts are appropriated on a continuing basis to the state board of higher education. All such appropriations are subject to proration in the same manner as other appropriations are prorated if insufficient funds are available to meet expenditures from the general fund. Sinking funds for the payment of interest and principal of institutional revenue bonds must be deposited pursuant to section 15-55-06.

**SECTION 14. AMENDMENT.** Section 54-44.1-04 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.1-04. Budget estimates of budget units filed with the office of the budget - Deadline.** The head of each budget unit, not later than July fifteenth of each year next preceding the session of the legislative assembly, shall submit to the office of the budget, estimates of financial requirements of his budget unit for the next two fiscal years, on the forms and in the manner prescribed by the office of the budget, with such explanatory data as is required by the office of the budget and such additional data as the head of the budget unit wishes to submit. The budget estimates for the North

Dakota university system must include block grants for the university system for a base funding component and for an initiative funding component for specific strategies or initiatives and a budget estimate for an asset funding component for renewal and replacement of physical plant assets at the institutions of higher education. The estimates so submitted must bear the approval of the board or commission of each budget unit for which a board or commission is constituted. The director of the budget in his the director's discretion may extend the filing date for any budget unit if he the director finds there is some circumstance which makes it advantageous to authorize the extension. If a budget unit has not submitted its estimate of financial requirements by the required date or within a period of extension set by the director of the budget, the director of the budget shall prepare such budget unit's estimate of financial requirements except such estimate may not exceed ninety percent of such budget unit's previous biennial appropriation. The director of the budget or such subordinate officer as he shall designate the director designates shall examine the estimates and shall afford to the heads of budget units reasonable opportunity for explanation in regard thereto and, when requested, shall grant to the heads of budget units a hearing thereon which must be open to the public.

**SECTION 15. AMENDMENT.** Subsection 7 of section 54-44.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7. Drafts of a proposed general ~~appropriations act~~ and special appropriations acts embodying the budget data and recommendations of the governor for appropriations for the next biennium, and drafts of such revenues and other acts recommended by the governor for putting into effect the proposed financial plan. The recommended general appropriation for each budget unit must be specified in a separate section of the general appropriations act. The draft of the proposed appropriations act for the North Dakota university system must include block grants for a base funding appropriation and for an initiative funding appropriation for specific strategies or initiatives, and an appropriation for asset funding for renewal and replacement of physical plant assets at the institutions of higher education in the format approved by the fifty-seventh legislative assembly.

**SECTION 16. AMENDMENT.** Section 54-44.1-11 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.1-11. Office of management and budget to cancel unexpended appropriations - When they may continue.** ~~The~~ Except as otherwise provided by law, the office of management and budget, thirty days after the close of each biennial period, shall cancel all unexpended appropriations or balances of appropriations after the expiration of the biennial period during which they became available under the law. Unexpended appropriations for the North Dakota university system are not subject to this section. The chairman of the appropriations committees of the senate and house of representatives of the legislative assembly with the office of the budget may continue appropriations or balances in force for not more than two years after the expiration of the biennial period during which they became available upon recommendation of the director of the budget for:

1. New construction projects.
2. Major repair or improvement projects.
3. Purchases of new equipment costing more than ten thousand dollars per unit if it was ordered during the first twelve months of the biennium in which the funds were appropriated.
4. The purchase of land by the state on a "contract for deed" purchase where the total purchase price is within the authorized appropriation.

**SECTION 17. EXPIRATION DATE.** Sections 13, 14, 15, and 16 of this Act are effective through June 30, 2003, and after that date are ineffective."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2003 - Summary of Senate Action**

|                                    | BUDGET            | CHANGES            | VERSION           |
|------------------------------------|-------------------|--------------------|-------------------|
| University System Office           |                   |                    |                   |
| Total all funds                    | \$77,765,508      | \$355,909          | \$78,121,417      |
| Less estimated income              | <u>3,716,822</u>  |                    | <u>3,716,822</u>  |
| General fund                       | \$74,048,686      | \$355,909          | \$74,404,595      |
| Bismarck State College             |                   |                    |                   |
| Total all funds                    | \$15,017,975      | \$0                | \$15,017,975      |
| Less estimated income              |                   |                    |                   |
| General fund                       | \$15,017,975      | \$0                | \$15,017,975      |
| Lake Region State College          |                   |                    |                   |
| Total all funds                    | \$4,724,062       | \$0                | \$4,724,062       |
| Less estimated income              |                   |                    |                   |
| General fund                       | \$4,724,062       | \$0                | \$4,724,062       |
| Williston State College            |                   |                    |                   |
| Total all funds                    | \$5,183,247       | \$0                | \$5,183,247       |
| Less estimated income              |                   |                    |                   |
| General fund                       | \$5,183,247       | \$0                | \$5,183,247       |
| University of North Dakota         |                   |                    |                   |
| Total all funds                    | \$95,008,583      | \$0                | \$95,008,583      |
| Less estimated income              | <u>11,210,000</u> |                    | <u>11,210,000</u> |
| General fund                       | \$83,798,583      | \$0                | \$83,798,583      |
| UND Medical Center                 |                   |                    |                   |
| Total all funds                    | \$28,571,646      | \$0                | \$28,571,646      |
| Less estimated income              |                   |                    |                   |
| General fund                       | \$28,571,646      | \$0                | \$28,571,646      |
| North Dakota State University      |                   |                    |                   |
| Total all funds                    | \$87,013,261      | (\$550,820)        | \$86,462,441      |
| Less estimated income              | <u>21,750,820</u> | <u>(550,820)</u>   | <u>21,200,000</u> |
| General fund                       | \$65,262,441      | \$0                | \$65,262,441      |
| State College of Science           |                   |                    |                   |
| Total all funds                    | \$26,776,628      | (\$83,280)         | \$26,693,348      |
| Less estimated income              | <u>1,000,000</u>  | <u>(83,280)</u>    | <u>916,720</u>    |
| General fund                       | \$25,776,628      | \$0                | \$25,776,628      |
| Dickinson State University         |                   |                    |                   |
| Total all funds                    | \$13,454,794      | \$0                | \$13,454,794      |
| Less estimated income              |                   |                    |                   |
| General fund                       | \$13,454,794      | \$0                | \$13,454,794      |
| Mayville State University          |                   |                    |                   |
| Total all funds                    | \$8,594,596       | \$4,000,000        | \$12,594,596      |
| Less estimated income              |                   | <u>4,000,000</u>   | <u>4,000,000</u>  |
| General fund                       | \$8,594,596       | \$0                | \$8,594,596       |
| Minot State University             |                   |                    |                   |
| Total all funds                    | \$28,004,343      | (\$2,774,000)      | \$25,230,343      |
| Less estimated income              | <u>2,774,000</u>  | <u>(2,774,000)</u> |                   |
| General fund                       | \$25,230,343      | \$0                | \$25,230,343      |
| Valley City State University       |                   |                    |                   |
| Total all funds                    | \$11,882,904      | \$0                | \$11,882,904      |
| Less estimated income              |                   |                    |                   |
| General fund                       | \$11,882,904      | \$0                | \$11,882,904      |
| Minot State University - Bottineau |                   |                    |                   |
| Total all funds                    | \$4,083,153       | \$0                | \$4,083,153       |
| Less estimated income              |                   |                    |                   |
| General fund                       | \$4,083,153       | \$0                | \$4,083,153       |
| Forest Service                     |                   |                    |                   |
| Total all funds                    | \$2,819,395       | \$0                | \$2,819,395       |
| Less estimated income              | <u>1,050,526</u>  |                    | <u>1,050,526</u>  |
| General fund                       | \$1,768,869       | \$0                | \$1,768,869       |
| Bill Total                         |                   |                    |                   |
| Total all funds                    | \$408,900,095     | \$947,809          | \$409,847,904     |
| Less estimated income              | <u>41,502,168</u> | <u>591,900</u>     | <u>42,094,068</u> |
| General fund                       | \$367,397,927     | \$355,909          | \$367,753,836     |

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

|                                    | EXECUTIVE<br>BUDGET | SENATE<br>CHANGES | SENATE<br>VERSION |
|------------------------------------|---------------------|-------------------|-------------------|
| University System Office           | \$74,048,686        | \$355,909         | \$74,404,595      |
| Bismarck State College             | 15,017,975          |                   | 15,017,975        |
| Lake Region State College          | 4,724,062           |                   | 4,724,062         |
| Williston State College            | 5,183,247           |                   | 5,183,247         |
| University of North Dakota         | 83,798,583          |                   | 83,798,583        |
| UND Medical Center                 | 28,571,646          |                   | 28,571,646        |
| North Dakota State University      | 65,262,441          |                   | 65,262,441        |
| State College of Science           | 25,776,628          |                   | 25,776,628        |
| Dickinson State University         | 13,454,794          |                   | 13,454,794        |
| Mayville State University          | 8,594,596           |                   | 8,594,596         |
| Minot State University             | 25,230,343          |                   | 25,230,343        |
| Valley City State University       | 11,882,904          |                   | 11,882,904        |
| Minot State University - Bottineau | 4,083,153           |                   | 4,083,153         |
| Forest Service                     | <u>1,768,869</u>    |                   | <u>1,768,869</u>  |
| Total general fund                 | \$367,397,927       | \$355,909         | \$367,753,836     |

### Detail of Senate Changes to the General Fund

| ADJUST<br>MARKET<br>EQUITY | INCREASE<br>FUNDING FOR<br>STUDENT | INCREASE<br>FUNDING FOR | DECREASE<br>FUNDING FOR | DECREASE<br>FUNDING FOR<br>CONTINGENCIES | ADD<br>CAPITAL |
|----------------------------|------------------------------------|-------------------------|-------------------------|--|----------------|
|----------------------------|------------------------------------|-------------------------|-------------------------|--|----------------|

|                                    | SALARY INCREASE 1 | GRANT PROGRAMS 2 | COMPETITIVE RESEARCH 3 | CAMPUS-BASED PROGRAMS | AND BOARD INITIATIVES | CONSTRUCTION FUNDING 4 |
|------------------------------------|-------------------|------------------|------------------------|-----------------------|-----------------------|------------------------|
| University System Office           | (\$2,991)         | \$370,000        | \$528,900              | (\$360,000)           | (\$180,000)           |                        |
| Bismarck State College             |                   |                  |                        |                       |                       |                        |
| Lake Region State College          |                   |                  |                        |                       |                       |                        |
| Williston State College            |                   |                  |                        |                       |                       |                        |
| University of North Dakota         |                   |                  |                        |                       |                       |                        |
| UND Medical Center                 |                   |                  |                        |                       |                       |                        |
| North Dakota State University      |                   |                  |                        |                       |                       |                        |
| State College of Science           |                   |                  |                        |                       |                       |                        |
| Dickinson State University         |                   |                  |                        |                       |                       |                        |
| Mayville State University          |                   |                  |                        |                       |                       |                        |
| Minot State University             |                   |                  |                        |                       |                       |                        |
| Valley City State University       |                   |                  |                        |                       |                       |                        |
| Minot State University - Bottineau |                   |                  |                        |                       |                       |                        |
| Forest Service                     |                   |                  |                        |                       |                       |                        |
| <b>Total general fund</b>          | <b>(\$2,991)</b>  | <b>\$370,000</b> | <b>\$528,900</b>       | <b>(\$360,000)</b>    | <b>(\$180,000)</b>    | <b>\$0</b>             |

|                                    | REMOVE CAPITAL CONSTRUCTION FUNDING 5 | TOTAL GENERAL FUND CHANGES |
|------------------------------------|---------------------------------------|----------------------------|
| University System Office           |                                       | \$355,909                  |
| Bismarck State College             |                                       |                            |
| Lake Region State College          |                                       |                            |
| Williston State College            |                                       |                            |
| University of North Dakota         |                                       |                            |
| UND Medical Center                 |                                       |                            |
| North Dakota State University      |                                       |                            |
| State College of Science           |                                       |                            |
| Dickinson State University         |                                       |                            |
| Mayville State University          |                                       |                            |
| Minot State University             |                                       |                            |
| Valley City State University       |                                       |                            |
| Minot State University - Bottineau |                                       |                            |
| Forest Service                     |                                       |                            |
| <b>Total general fund</b>          | <b>\$0</b>                            | <b>\$355,909</b>           |

**Senate Bill No. 2003 - University System - Other Funds Summary**

|                                    | EXECUTIVE BUDGET    | SENATE CHANGES   | SENATE VERSION      |
|------------------------------------|---------------------|------------------|---------------------|
| University System Office           | \$3,716,822         |                  | \$3,716,822         |
| Bismarck State College             |                     |                  |                     |
| Lake Region State College          |                     |                  |                     |
| Williston State College            |                     |                  |                     |
| University of North Dakota         | 11,210,000          |                  | 11,210,000          |
| UND Medical Center                 |                     |                  |                     |
| North Dakota State University      | 21,750,820          | (\$550,820)      | 21,200,000          |
| State College of Science           | 1,000,000           | (83,280)         | 916,720             |
| Dickinson State University         |                     |                  |                     |
| Mayville State University          |                     | 4,000,000        | 4,000,000           |
| Minot State University             | 2,774,000           | (2,774,000)      |                     |
| Valley City State University       |                     |                  |                     |
| Minot State University - Bottineau |                     |                  |                     |
| Forest Service                     | <u>1,050,526</u>    |                  | <u>1,050,526</u>    |
| <b>Total other funds</b>           | <b>\$41,502,168</b> | <b>\$591,900</b> | <b>\$42,094,068</b> |

**Detail of Senate Changes to Other Funds**

|                                    | ADJUST MARKET EQUITY SALARY INCREASE 1 | INCREASE FUNDING FOR STUDENT GRANT PROGRAMS 2 | INCREASE FUNDING FOR COMPETITIVE RESEARCH 3 | DECREASE FUNDING FOR CAMPUS-BASED PROGRAMS | DECREASE FUNDING FOR CONTINGENCIES AND BOARD INITIATIVES | ADD CAPITAL CONSTRUCTION FUNDING 4 |
|------------------------------------|--|---|---|--|--|------------------------------------|
| University System Office           |  |   |   |  |  |                                    |
| Bismarck State College             |  |   |   |  |  |                                    |
| Lake Region State College          |  |   |   |  |  |                                    |
| Williston State College            |  |   |   |  |  |                                    |
| University of North Dakota         |  |   |   |  |  |                                    |
| UND Medical Center                 |  |   |   |  |  |                                    |
| North Dakota State University      |  |   |   |  |  |                                    |
| State College of Science           |  |   |   |  |  | \$916,720                          |
| Dickinson State University         |  |   |   |  |  |                                    |
| Mayville State University          |  |   |   |  |  | 4,000,000                          |
| Minot State University             |  |   |   |  |  |                                    |
| Valley City State University       |  |   |   |  |  |                                    |
| Minot State University - Bottineau |  |   |   |  |  |                                    |
| Forest Service                     |  |   |   |  |  |                                    |
| <b>Total other funds</b>           | <b>\$0</b>                             | <b>\$0</b>                                    | <b>\$0</b>                                  | <b>\$0</b>                                 | <b>\$0</b>   | <b>\$4,916,720</b>                 |

|                               | REMOVE CAPITAL CONSTRUCTION FUNDING 5 | TOTAL OTHER FUNDS CHANGES |
|-------------------------------|---------------------------------------|---------------------------|
| University System Office      |                                       |                           |
| Bismarck State College        |                                       |                           |
| Lake Region State College     |                                       |                           |
| Williston State College       |                                       |                           |
| University of North Dakota    |                                       |                           |
| UND Medical Center            |                                       |                           |
| North Dakota State University | (\$550,820)                           | (\$550,820)               |
| State College of Science      | (1,000,000)                           | (83,280)                  |

|                                    |               |             |
|------------------------------------|---------------|-------------|
| Dickinson State University         |               | 4,000,000   |
| Mayville State University          |               |             |
| Minot State University             | (2,774,000)   | (2,774,000) |
| Valley City State University       |               |             |
| Minot State University - Bottineau |               |             |
| Forest Service                     |               |             |
| Total other funds                  | (\$4,324,820) | \$591,900   |

### Senate Bill No. 2003 - University System - All Funds Summary

|                                    | EXECUTIVE<br>BUDGET | SENATE<br>CHANGES | SENATE<br>VERSION |
|------------------------------------|---------------------|-------------------|-------------------|
| University System Office           | \$77,765,508        | \$355,909         | \$78,121,417      |
| Bismarck State College             | 15,017,975          |                   | 15,017,975        |
| Lake Region State College          | 4,724,062           |                   | 4,724,062         |
| Williston State College            | 5,183,247           |                   | 5,183,247         |
| University of North Dakota         | 95,008,583          |                   | 95,008,583        |
| UND Medical Center                 | 28,571,646          |                   | 28,571,646        |
| North Dakota State University      | 87,013,261          | (550,820)         | 86,462,441        |
| State College of Science           | 26,776,628          | (83,280)          | 26,693,348        |
| Dickinson State University         | 13,454,794          |                   | 13,454,794        |
| Mayville State University          | 8,594,596           | 4,000,000         | 12,594,596        |
| Minot State University             | 28,004,343          | (2,774,000)       | 25,230,343        |
| Valley City State University       | 11,882,904          |                   | 11,882,904        |
| Minot State University - Bottineau | 4,083,153           |                   | 4,083,153         |
| Forest Service                     | 2,819,395           |                   | 2,819,395         |
| Total all funds                    | \$408,900,095       | \$947,809         | \$409,847,904     |
| FTE                                | 3,087.39            | 0.00              | 3,087.39          |

### Detail of Senate Changes to All Funds

|                                       | ADJUST<br>MARKET<br>EQUITY<br>SALARY<br>INCREASE <sup>1</sup> | INCREASE<br>FUNDING FOR<br>STUDENT<br>GRANT<br>PROGRAMS <sup>2</sup> | INCREASE<br>FUNDING FOR<br>COMPETITIVE<br>RESEARCH <sup>3</sup> | DECREASE<br>FUNDING FOR<br>CAMPUS-BASED<br>PROGRAMS | DECREASE<br>FUNDING FOR<br>CONTINGENCIES<br>AND BOARD<br>INITIATIVES | ADD<br>CAPITAL<br>CONSTRUCTION<br>FUNDING <sup>4</sup> |
|---------------------------------------|---|--|---|---|--|--|
| University System Office              | (\$2,991)   | \$370,000  | \$528,900   | (\$360,000)   | (\$180,000)  |  |
| Bismarck State College                |   |  |   |   |  |  |
| Lake Region State College             |   |  |   |   |  |  |
| Williston State College               |   |  |   |   |  |  |
| University of North Dakota            |   |  |   |   |  |  |
| UND Medical Center                    |   |  |   |   |  |  |
| North Dakota State University         |   |  |   |   |  |  |
| State College of Science              |   |  |   |   |  | \$916,720  |
| Dickinson State University            |   |  |   |   |  |  |
| Mayville State University             |   |  |   |   |  | 4,000,000  |
| Minot State University                |   |  |   |   |  |  |
| Valley City State University          |   |  |   |   |  |  |
| Minot State University -<br>Bottineau |   |  |   |   |  |  |
| Forest Service                        |   |  |   |   |  |  |
| Total all funds                       | (\$2,991)   | \$370,000  | \$528,900   | (\$360,000)   | (\$180,000)  | \$4,916,720  |
| FTE                                   | 0.00  | 0.00   | 0.00  | 0.00  | 0.00   | 0.00   |
|                                       | REMOVE<br>CAPITAL<br>CONSTRUCTION<br>FUNDING <sup>5</sup>     | TOTAL<br>ALL<br>FUNDS<br>CHANGES                                     |   |   |  |  |
| University System Office              |   | \$355,909  |   |   |  |  |
| Bismarck State College                |   |  |   |   |  |  |
| Lake Region State College             |   |  |   |   |  |  |
| Williston State College               |   |  |   |   |  |  |
| University of North Dakota            |   |  |   |   |  |  |
| UND Medical Center                    |   |  |   |   |  |  |
| North Dakota State University         | (\$550,820)   | (550,820)  |   |   |  |  |
| State College of Science              | (1,000,000)   | (83,280)   |   |   |  |  |
| Dickinson State University            |   |  |   |   |  |  |
| Mayville State University             |   | 4,000,000  |   |   |  |  |
| Minot State University                | (2,774,000)   | (2,774,000)  |   |   |  |  |
| Valley City State University          |   |  |   |   |  |  |
| Minot State University - Bottineau    |   |  |   |   |  |  |
| Forest Service                        |   |  |   |   |  |  |
| Total all funds                       | (\$4,324,820)   | \$947,809  |   |   |  |  |
| FTE                                   | 0.00  | 0.00   |   |   |  |  |

<sup>1</sup> **University System Office** - This amendment reduces, from \$19,490 to \$16,499, the amount provided for a market equity salary increase for the counsel and human resources director. The amount included in the bill will provide for a salary increase of \$623 per month for counsel and \$162 per month for the human resources director for the last 18 months of the biennium.

<sup>2</sup> **University System Office** - This amendment increases funding for student grant programs by \$370,000, from \$6,623,559 to \$6,993,559. The Hoeven executive budget recommended an increase in funding for student grant programs of \$830,000.

<sup>3</sup> **University System Office** - This amendment increases funding for competitive research by \$528,900, from \$3,471,100 to \$4 million, which represents a \$2,028,900 increase from the 1999-2001 biennium.

<sup>4</sup> **State College of Science** - This amendment adds special funds of \$531,720 for renovation of the Blikre Activities Center and \$385,000 for renovation of the Skills and Technology Training Center. A section of legislative intent is also added requiring all funds for the renovation of the Blikre Activities Center be raised before the start of the renovation project and any necessary additional funding required for the renovation to be from non-general fund sources.



**Mayville State University** - This amendment adds \$4 million of special funds for renovation of the Lewy Lee Fieldhouse.

<sup>5</sup> **North Dakota State University** - This amendment removes special funding of \$550,820 for Robinson Hall renovation as funding for the project was provided in Senate Bill No. 2137.

**State College of Science** - This amendment removes special funding of \$1 million for parking lot improvements as the funding would be addressed in Senate Bill No. 2023.

**Minot State University** - This amendment removes the local fund match requirement of \$2,774,000 and Section 7 of the bill as introduced relating to the Old Main renovation project. The university's local match requirement would be addressed in Senate Bill No. 2023.

### Senate Bill No. 2003 - Other Changes - Senate Action

This amendment also:

- Provides for a Legislative Council study regarding the State Board of Higher Education's implementation of the performance and accountability measures report required by Senate Bill No. 2041.
- Provides a section of legislative intent regarding higher education accountability measures.
- Incorporates the provisions of Senate Bill No. 2037 relating to the appropriation of special funds and the carryover of unexpended appropriations and Senate Bill No. 2038 relating to the University System budget request and appropriations bill that would expire on June 30, 2003.
- Removes Section 6 of the bill as introduced relating to the local match requirement for Old Main renovation project at Minot State University as the university's local match requirement would be addressed in Senate Bill No. 2023.
- Removes Section 7 of the bill as introduced relating to the establishment of a reserve fund for utility and repair costs for the College of Business building to be constructed at North Dakota State University.
- Amends Section 11 of the bill as introduced to clarify that the estimated income appropriated in Subdivision 13 of Section 1 includes \$120,000 from the State Forester reserve account for the construction of the Towner Nursery tree storage building.

The following is a summary of the Senate general fund changes to the Schafer executive budget and the Hoeven executive budget recommendations:

|                                     | SCHAFFER<br>EXECUTIVE<br>BUDGET | SENATE<br>CHANGES | SENATE<br>VERSION | HOEVEN<br>EXECUTIVE<br>BUDGET | INCREASE<br>(DECREASE)<br>TO HOEVEN<br>BUDGET |
|-------------------------------------|---------------------------------|-------------------|-------------------|-------------------------------|---|
| University System                   |                                 |                   |                   |                               |   |
| System governance                   | \$3,502,149                     | (\$2,991)         | \$3,499,158       | \$3,502,149                   | (\$2,991)                                     |
| Student grant programs              | 5,071,409                       | 370,000           | 5,441,409         | 5,901,409                     | (460,000)                                     |
| Campus-based programs               | 51,423,520                      | 168,900           | 51,592,420        | 51,952,420                    | (360,000)                                     |
| Contingencies and board initiatives | 2,790,106                       | (180,000)         | 2,610,106         | 2,790,106                     | (180,000)                                     |
| Capital bond payments               | <u>11,261,502</u>               |                   | <u>11,261,502</u> | <u>11,261,502</u>             |   |
| Subtotal                            | \$74,048,686                    | \$355,909         | \$74,404,595      | \$75,407,586                  | (\$1,002,991)                                 |
| Bismarck State College              | \$15,017,975                    |                   | \$15,017,975      | \$15,017,975                  |   |
| Lake Region State College           | 4,724,062                       |                   | 4,724,062         | 4,724,062                     |   |
| Williston State College             | 5,183,247                       |                   | 5,183,247         | 5,183,247                     |   |
| University of North Dakota          | 83,798,583                      |                   | 83,798,583        | 83,798,583                    |   |
| UND Medical Center                  | 28,571,646                      |                   | 28,571,646        | 28,571,646                    |   |
| North Dakota State University       | 65,262,441                      |                   | 65,262,441        | 65,262,441                    |   |
| State College of Science            | 25,776,628                      |                   | 25,776,628        | 25,776,628                    |   |
| Dickinson State University          | 13,454,794                      |                   | 13,454,794        | 13,454,794                    |   |
| Mayville State University           | 8,594,596                       |                   | 8,594,596         | 8,594,596                     |   |
| Minot State University              | 25,230,343                      |                   | 25,230,343        | 25,405,343                    | (\$175,000)                                   |
| Valley City State University        | 11,882,904                      |                   | 11,882,904        | 11,882,904                    |   |
| Minot State University - Bottineau  | 4,083,153                       |                   | 4,083,153         | 4,083,153                     |   |
| Forest Service                      | <u>1,768,869</u>                |                   | <u>1,768,869</u>  | <u>1,768,869</u>              |   |
| Total                               | \$367,397,927                   | \$355,909         | \$367,753,836     | \$368,931,827                 | (\$1,177,991)                                 |

**NOTE:** For the campus-based programs line item, the Senate change of \$168,900 consists of a \$528,900 increase for competitive research which increases the funding provided for competitive research to the level recommended in the Hoeven executive budget and a \$360,000 decrease in funding which decreases both the Schafer executive budget and the Hoeven executive budget for campus-based programs.

## REPORT OF STANDING COMMITTEE

**SB 2017: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2017 was placed on the Sixth order on the calendar.

Page 1, line 2, after "Dakota" insert "; to create and enact a new section to chapter 52-08 of the North Dakota Century Code, relating to job task analysis services; to amend and reenact section 52-04-22 of the North Dakota Century Code and section 4 of chapter 433 of the 1999 Session Laws, relating to the federal advance interest repayment fund and the unemployment compensation incentive fund; and to provide a continuing appropriation"

Page 1, line 14, replace "2,000,356" with "2,250,356"

Page 1, line 15, replace "58,310,160" with "58,560,160"

Page 1, line 17, replace "2,000,356" with "2,250,356"

Page 1, line 22, replace "\$2,000,356" with "\$2,250,356"

Page 2, after line 2, insert:

**"SECTION 4. AMENDMENT.** Section 52-04-22 of the North Dakota Century Code is amended and reenacted as follows:

**52-04-22. Federal advance interest repayment fund -~~Appropriation~~ Continuing appropriation.** There is created the federal advance interest repayment fund, to which will be credited all assessments collected by the division for the purpose of paying interest due on federal advances to the state trust fund. The fund must consist of all interest collected on delinquent contributions, all penalties provided by the Unemployment Compensation Law, and funds borrowed from sources other than federal advances which are placed in this fund. All moneys accruing to this fund in any manner must be maintained in this separate interest-bearing account at the Bank of North Dakota or invested in deposits of the Bank of North Dakota.

Moneys in this fund may also be used for the purpose of repaying funds placed in this fund which are borrowed from sources other than federal advances and for the purpose of paying interest due on other than federal advances. However, moneys in this fund may not be expended or available for expenditure in any manner which would permit their substitution for, or a corresponding reduction in, federal funds which would in the absence of the moneys be available to finance expenditures for the administration of the bureau.

Moneys in this fund may also be used for the purpose of paying principal and interest costs associated with the acquisition and renovation of land and a building to be used as an office facility by job service North Dakota in Grand Forks, North Dakota. Moneys in this fund also may be used for the purpose of paying principal and interest costs associated with the acquisition and renovation of land and building to be used as an office facility by job service North Dakota in Bismarck, North Dakota. Moneys in this fund may be used for the purpose of paying the costs of repair, renovation, or alteration of job service-owned office facilities. Moneys in this fund may be used for the purpose of paying the replacement rate charged for use of state fleet vehicles. Moneys in this fund are hereby appropriated for the purposes specified in this section including the purpose of paying principal and interest costs associated with the acquisition and renovation of land and a building to be used as an office facility by job service North Dakota in Grand Forks, North Dakota. Moneys in this fund are appropriated for the purpose of paying the principal and interest costs associated with the acquisition and renovation of land and a building to be used as an office facility by job service North Dakota in Bismarck, North Dakota. Moneys in this fund are appropriated for the purpose of paying the costs of repair, renovation, or alteration of job service-owned office facilities. Moneys in this fund are appropriated for the purpose of paying the replacement rate charged for use of state fleet vehicles.

**SECTION 5.** A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Job task analysis services - Authorization to charge fees - Continuing appropriation. Job service North Dakota may provide job task analysis services to an employer requesting these services. Notwithstanding the reference to free public

employment offices in this chapter or in any other provision of law, job service North Dakota may charge reasonable fees to employers for providing job task analysis services. All fees collected under this section must be deposited in a separate interest-bearing account at the Bank of North Dakota and must be used for the purpose of providing job task analysis services. Moneys in this fund are appropriated for the purpose of providing job task analysis services.

**SECTION 6. AMENDMENT.** Section 4 of chapter 433 of the 1999 Session Laws is amended and reenacted as follows:

**SECTION 4. APPROPRIATION.** The unemployment compensation incentive fund is established from all moneys credited to this state under section 2 of this Act for federal fiscal years 2000, 2001, and 2002. ~~The amount of \$327,000 from this unemployment compensation incentive fund, to the extent funds are available in this fund, is hereby appropriated to job service North Dakota every year in which job service North Dakota achieves an average duration of benefits that is at least one-half week less than the average duration of benefits for the preceding program year, excluding every claimant who is on temporary layoff and returning to employment with the former employer within four weeks and excluding every claimant with demonstrated job attachment and a reasonable expectation of returning to a former base period employer once work becomes available for the biennium beginning July 1, 1999, and ending June 30, 2004.~~All moneys in this fund are appropriated to job service North Dakota for administration of the unemployment compensation program."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2017 - Job Service - Senate Action**

|                       | EXECUTIVE BUDGET  | SENATE CHANGES   | SENATE VERSION    |
|-----------------------|-------------------|------------------|-------------------|
| Salaries and wages    | \$33,830,614      |                  | \$33,830,614      |
| Operating expenses    | 13,420,143        |                  | 13,420,143        |
| Equipment             | 786,830           |                  | 786,830           |
| Capital improvements  | 453,545           |                  | 453,545           |
| Grants                | 7,818,672         |                  | 7,818,672         |
| Work Force 2000       | <u>2,000,356</u>  | <u>\$250,000</u> | <u>2,250,356</u>  |
| Total all funds       | \$58,310,160      | \$250,000        | \$58,560,160      |
| Less estimated income | <u>56,309,804</u> |                  | <u>56,309,804</u> |
| General fund          | \$2,000,356       | \$250,000        | \$2,250,356       |
| FTE                   | 389.78            | 0.00             | 389.78            |

**Dept. 380 - Job Service - Detail of Senate Changes**

|                       | INCREASES FUNDING FOR WORK FORCE 2000 <sup>1</sup> | TOTAL SENATE CHANGES |
|-----------------------|--|----------------------|
| Salaries and wages    |  |                      |
| Operating expenses    |  |                      |
| Equipment             |  |                      |
| Capital improvements  |  |                      |
| Grants                |  |                      |
| Work Force 2000       | <u>\$250,000</u>                                   | <u>\$250,000</u>     |
| Total all funds       | \$250,000  | \$250,000            |
| Less estimated income |  |                      |
| General fund          | \$250,000  | \$250,000            |
| FTE                   | 0.00   | 0.00                 |

<sup>1</sup> This amendment increases funding for Work Force 2000 by \$250,000 for total funding of \$2,250,356, which represents an increase of \$1,000,356, from the 1999-2001 biennium.

This amendment also:

- Adds a new section to North Dakota Century Code (NDCC) Chapter 52-08 providing a continuing appropriation for fees collected for job task analysis services (Senate Bill No. 2069).
- Amends NDCC Section 52-04-22 relating to the federal advance interest repayment fund to provide a continuing appropriation for the purpose of paying the principal and interest costs associated with the construction of a new delivery service office in Bismarck (Senate Bill No. 2070).

- Amends Section 4 of Chapter 433 of the 1999 Session Laws to provide a continuing appropriation for moneys in the unemployment compensation incentive fund (Senate Bill No. 2071).

### REPORT OF STANDING COMMITTEE

**SB 2020: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2020 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "3,066,412" with "2,946,750"

Page 1, line 11, replace "682,906" with "596,147"

Page 1, line 13, replace "23,274,665" with "22,920,288"

Page 1, line 15, replace "875,000" with "1,350,000"

Page 1, line 17, replace "28,842,195" with "28,756,397"

Page 1, line 18, replace "14,990,919" with "14,887,742"

Page 1, line 19, replace "13,851,276" with "13,868,655"

Page 1, after line 19, insert:

**"SECTION 2. WORK FORCE TRAINING FUNDS - DISTRIBUTION.** The line item entitled work force training in section 1 of this Act is to be distributed by the state board for vocational and technical education, as follows:

1. For the fiscal year beginning July 1, 2001, and ending June 30, 2002, the state board for vocational and technical education shall distribute up to a total of \$675,000 pursuant to the business plan approved by the state board of higher education for each institution of higher education assigned primary responsibility for work force training.
2. To be eligible to receive state funding for the fiscal year beginning July 1, 2002, and ending June 30, 2003, each institution of higher education assigned primary responsibility for work force training must provide, prior to January 1, 2003, certification to the workforce development division of the department of commerce that at least 75 percent of the regional funds included in the approved business plan for the biennium have been received, or are pledged to be received, prior to June 30, 2003. These funds may not be distributed to an institution of higher education assigned primary responsibility for work force training until the workforce development division notifies the state board for vocational and technical education that the institution has met the requirements of this subsection.
3. Any funds appropriated by the fifty-seventh legislative assembly for work force training which as of January 1, 2003, are not distributed pursuant to subsections 1 and 2 of this section may be distributed by the state board for vocational and technical education for grants to secondary and postsecondary vocational and technical education programs for equipment, training, or other one-time expenditures."

ReNUMBER accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2020 - Vocational Education - Senate Action

|  | EXECUTIVE<br>BUDGET | SENATE<br>CHANGES | SENATE<br>VERSION |
|--|---------------------|-------------------|-------------------|
| Salaries and wages                           | \$3,066,412         | (\$119,662)       | \$2,946,750       |
| Operating expenses                           | 682,906             | (86,759)          | 596,147           |
| Equipment                                    | 60,000              |                   | 60,000            |
| Grants                                       | 23,274,665          | (354,377)         | 22,920,288        |
| Adult farm management                        | 525,760             |                   | 525,760           |
| Work force training                          | 875,000             | 475,000           | 1,350,000         |
| Postsecondary education<br>vocational grants | 357,452             |                   | 357,452           |
| Total all funds                              | \$28,842,195        | (\$85,798)        | \$28,756,397      |
| Less estimated income                        | <u>14,990,919</u>   | <u>(103,177)</u>  | <u>14,887,742</u> |

|              |              |          |              |
|--------------|--------------|----------|--------------|
| General fund | \$13,851,276 | \$17,379 | \$13,868,655 |
| FTE          | 29.50        | (1.00)   | 28.50        |

**Dept. 270 - Vocational Education - Detail of Senate Changes**

|  | ADD<br>FUNDING FOR A<br>GRANT TO<br>THE CAREER<br>RESOURCE<br>NETWORK <sup>1</sup> | REDUCE<br>GRANTS FOR<br>VOCATIONAL<br>EDUCATION<br>PROGRAMS <sup>2</sup> | INCREASE<br>FUNDING FOR<br>WORK FORCE<br>TRAINING<br>GRANTS <sup>3</sup> | REMOVE<br>WORKFORCE<br>DEVELOPMENT<br>COUNCIL FTE<br>AND RELATED<br>EXPENSES <sup>4</sup> | ADJUST<br>MARKET<br>EQUITY<br>SALARY<br>INCREASE <sup>5</sup> | TOTAL<br>SENATE<br>CHANGES |
|--|--|--|--|---|---|----------------------------|
| Salaries and wages                           |  |  |  | (\$119,515)   | (\$147)   | (\$119,662)                |
| Operating expenses                           |  |  |  | (86,759)  |   | (86,759)                   |
| Equipment                                    |  |  |  |   |   |                            |
| Grants                                       | \$40,000   | (\$394,377)  |  |   |   | (354,377)                  |
| Adult farm management                        |  |  |  |   |   |                            |
| Work force training                          |  |  | \$475,000  |   |   | 475,000                    |
| Postsecondary education<br>vocational grants |  |  |  |   |   |                            |
| Total all funds                              | \$40,000   | (\$394,377)  | \$475,000  | (\$206,274)   | (\$147)   | (\$85,798)                 |
| Less estimated income                        |  |  |  | (103,136)   | (41)  | (103,177)                  |
| General fund                                 | \$40,000   | (\$394,377)  | \$475,000  | (\$103,138)   | (\$106)   | \$17,379                   |
| FTE  | 0.00   | 0.00   | 0.00   | (1.00)  | 0.00  | (1.00)                     |

<sup>1</sup> Funding is provided for a grant to the North Dakota Career Resource Network to support the publication of the "Outlook" magazine.

<sup>2</sup> Funding for general fund grants to vocational and technical education programs is reduced by \$394,377, from \$9,915,306 to \$9,520,929. The \$9,520,929 amount is the same as the amount appropriated for the 1999-2001 biennium. This change is included in the Hoeven budget recommendation to reflect teacher FTE payments for vocational education teachers under the proposed Hoeven FTE payment program.

<sup>3</sup> Funding for work force training grants is increased by \$475,000, from \$875,000 to \$1,350,000. The 1999 Legislative Assembly appropriated \$875,000 for these grants, which are distributed to institutions of higher education to support the work force training initiative. This change is included in the Hoeven budget recommendation.

<sup>4</sup> One FTE position and related funding for the Workforce Development Council is removed with the anticipation that the funding will be included in the budget for the proposed department of commerce. This change is included in the Hoeven budget recommendation.

<sup>5</sup> The amount provided for a market equity salary increase for the state director is reduced by \$147, from \$6,838 to \$6,689. The amount included in the bill will provide for a monthly increase of \$318 per month for the last 18 months of the biennium.

This amendment also adds Section 2, which provides that state work force training grants for the second year of the biennium can only be distributed after the institutions of higher education have raised at least 75 percent of the local funds anticipated to be raised in each region during the 2001-03 biennium. Any funds not distributed for work force training may be distributed by the State Board for Vocational and Technical Education for grants to vocational and technical education programs.

**REPORT OF STANDING COMMITTEE**

**SB 2027: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2027 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second semicolon insert "and"

Page 1, line 3, remove "; and to declare an emergency"

Page 1, line 5, replace "Before July" with "By January"

Page 1, line 6, replace "2001" with "2002"

Page 1, line 9, after the period insert "The department shall pay the training costs of the personnel necessary to implement the pilot project."

Page 1, line 13, replace "2001-02" with "2003-04"

Page 1, remove line 17

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2033: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2033 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and", remove "subsection 2 of section", and replace the second "sections" with "40-63-05,"

Page 1, line 4, remove "and" and after "40-63-09" insert ", and 40-63-10"

Page 2, line 11, overstrike "corporation" and insert immediately thereafter "organization"

Page 2, line 12, after the period insert "If a city is not ready to commit to establishing a renaissance fund organization, the city may indicate in the renaissance zone application the city's desire to submit a plan for approval at a later date."

Page 2, line 17, overstrike "corporation" and insert immediately thereafter "organization"

Page 2, line 18, after the period insert:

"Lease" means the lease of space in a building in a designated renaissance zone by a new business moving into the zone or by an existing zone business expanding in the zone, and the continuation of a lease of an existing zone tenant in a building rehabilitated as an approved zone project. For existing zone tenants expanding in the zone, the term does not include existing leased space.

5."

Page 2, line 22, overstrike "5." and insert immediately thereafter "6." and remove the overstrike over "~~"Original principal amount" means the funds invested in a renaissance fund~~"

Page 2, line 23, after "~~corporation~~" insert "organization" and remove the overstrike over "~~after designation of the renaissance zone and before the sunset of that~~"

Page 2, remove the overstrike over line 24

Page 2, after line 24, insert:

"7. "Rehabilitation", as used in sections 40-63-04 and 40-63-05, means the repair or remodeling of a building at a cost that is equal to or exceeds fifty percent to the current true and full value for commercial buildings and twenty percent for single-family homes."

Page 2, line 25, after "~~6.~~" insert "8."

Page 2, line 27, replace "6" with "9"

Page 2, line 29, replace "7" with "10" and overstrike "any project contained within a designated renaissance zone"

Page 2, line 30, overstrike "and" and insert immediately thereafter "the purchase, lease, rehabilitation, or historical preservation or renovation of a building or space in a building"

Page 4, line 14, overstrike "corporation" and insert immediately thereafter "organization"

Page 5, after line 14, insert:

"8. The use of grant funds as the sole source of investment in the purchase of a building or space in a building does not qualify a taxpayer for any tax exemption or credit available under the chapter, and grant funds may not be counted in determining if the cost of rehabilitation meets or exceeds the current true and full value of the building.

9. If after a minimum of five years a portion of an approved renaissance zone is not progressing, the city may request the division of community services to permit deleting that portion and to make a one-time adjustment of the boundaries to add another equal, contiguous area to the original zone."

Page 5, line 15, replace "Subsection 2 of section" with "Section"

Page 5, replace lines 17 through 20 with:

**"40-63-04. Income tax exemptions.**

1. An individual taxpayer who purchases single-family residential property for the individual's primary place of ten thousand dollars of personal income tax liability as determined under section 57-38-29 or 57-38-30.3 for five taxable years beginning with the date of occupancy or completion of rehabilitation.
2. ~~A business~~ Any taxpayer that purchases, leases, or rehabilitates residential or commercial property for any business or investment income any tax on income derived from the business or investment locations within the zone for five taxable years, beginning in the year of the investment or lease for income derived from the business locations within the zone with the date of purchase, lease, or completion of rehabilitation.
3. ~~An individual, partnership, limited partnership, limited liability company, trust, or corporation that purchases residential or commercial property as an investment as part of a zone project is exempt from any income tax for five taxable years resulting from income earned from that investment.~~
4. The exemptions provided by this section do not eliminate any duty to file a return or to report income as required under chapter 57-35.3 or 57-38.

**SECTION 5. AMENDMENT.** Section 40-63-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-63-05. Property tax exemptions.**

1. A municipality may grant a partial or complete exemption from ad valorem taxation on single-family residential property, exclusive of the land on which it is situated, ~~located in a zone project~~ if the property was purchased or rehabilitated by an individual for the individual's primary place of residence as a zone project. An exemption granted under this subsection may not extend beyond five taxable years following the date of acquisition or rehabilitation.
2. A municipality may grant a partial or complete exemption from ad valorem taxation on buildings, structures, fixtures, and improvements purchased ~~by a business or on improvements made as a zone project~~ for any business or investment purpose, excluding investment, as part of a zone project. An exemption granted under this subsection may not extend beyond five taxable years ~~beginning in the year of the investment~~ following the date of purchase or rehabilitation.
3. ~~A municipality may grant a partial or complete exemption from ad valorem taxation on all buildings, structures, fixtures, and improvements to residential or commercial property located in a zone project if the property was purchased solely for investment purposes. An exemption granted under this subsection may not extend beyond five taxable years following the date of acquisition."~~

Page 5, line 27, overstrike "fifty" and insert immediately thereafter "twenty-five" and overstrike "during the taxable year"

Page 5, line 28, overstrike "from the date of the"

Page 5, line 29, overstrike "investment" and insert immediately thereafter "up to a maximum of two hundred fifty thousand dollars"

Page 6, line 1, overstrike "**corporation**" and insert immediately thereafter "organization"

Page 6, line 3, overstrike the first "corporation" and insert immediately thereafter "organization", overstrike "provisions" and insert immediately thereafter "detailed plan", and overstrike "a corporation are" and insert immediately thereafter "an organization is"

Page 6, line 4, after the second "plan" insert ", or is submitted at a later date to the division of community services for approval after the designation of a renaissance zone" and overstrike "The renaissance fund corporation"

Page 6, overstrike line 5

Page 6, line 6, remove "A renaissance fund corporation that is not established by a city may provide"

Page 6, remove line 7

Page 6, line 8, remove "3." and overstrike "corporation" and insert immediately thereafter "organization"

Page 6, line 15, overstrike "corporation" and insert immediately thereafter "organization"

Page 6, line 21, overstrike "4." and insert immediately thereafter "3." and overstrike "corporation" and insert immediately thereafter "organization"

Page 6, line 26, overstrike "corporation" and insert immediately thereafter "organization"

Page 6, line 27, overstrike "5." and insert immediately thereafter "4."

Page 6, line 29, overstrike "corporation" and insert immediately thereafter "organization"

Page 7, line 3, overstrike "6." and insert immediately thereafter "5."

Page 7, line 6, overstrike "7." and insert immediately thereafter "6." and overstrike "corporation" and insert immediately thereafter "organization"

Page 7, line 7, overstrike "corporation" and insert immediately thereafter "organization"

Page 7, line 12, overstrike "8." and insert immediately thereafter "7." and overstrike "corporation" and insert immediately thereafter "organization"

Page 7, line 15, overstrike "9." and insert immediately thereafter "8." and overstrike "corporation" and insert immediately thereafter "organization"

Page 7, line 23, overstrike "10." and insert immediately thereafter "9.", overstrike "corporation" and insert immediately thereafter "organization", overstrike "housing," and insert immediately thereafter "residential or", and overstrike ", or"

Page 7, line 24, overstrike "infrastructure project" and insert immediately thereafter "property involved"

Page 8, after line 9, insert:

**"SECTION 9. AMENDMENT.** Section 40-63-10 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-63-10. Pass-through of tax exemption or credit.** A partnership, subchapter S corporation, limited partnership, limited liability company, or any other pass-through entity that purchases or leases property in a renaissance zone for any business purpose, invests in a historic preservation or renovation of property within a renaissance zone, or invests in a renaissance fund ~~corporation~~ organization must be considered to be the taxpayer for purposes of any investment limitations in sections 40-63-04, 40-63-06, and 40-63-07, and the amount of the exemption or credit allowed with respect to the entity's investments must be determined at the pass-through entity level. The amount of the total exemption or credit determined at the entity level must be passed through to the partners, shareholders, or members in proportion to their respective interests in the pass-through entity."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2043: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2043 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2109: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2109 was placed on the Eleventh order on the calendar.



**REPORT OF STANDING COMMITTEE**

**SB 2182: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2182 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2198: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2198 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2203: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2203 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2207: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2207 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2209: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2209 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "provide an effective date" with "declare an emergency"

Page 1, replace lines 14 and 15 with:

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

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2260: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2260 was placed on the Sixth order on the calendar.

Page 1, line 18, after the underscored period insert "The committee shall adopt and establish an appeal process."

Page 1, line 19, replace "the administrative committee on veterans' affairs. The" with "an appeals committee appointed by the chairman of the administrative committee, and the"

Page 1, line 20, remove ". The committee shall adopt and establish an appeal process similar to that"

Page 1, remove line 21

Page 1, line 22, remove "before December 1, 2001"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2263: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2263 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2266: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2266 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2282: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2282 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of methods to encourage production and consumption of ethanol.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying methods to encourage production and consumption of ethanol. 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

**REPORT OF STANDING COMMITTEE**

**SB 2287: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2287 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "No" with "If the assessment is for a project costing less than two hundred thousand dollars, no"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2289: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2289 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2304: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2304 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2305: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2305 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2317: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2317 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2319: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2319 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2329: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2329 was referred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2330: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2330 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "create and enact a new section to chapter 26.1-36 and a new section to" with "provide for a legislative council study"

Page 1, line 2, remove "chapter 54-52.1 of the North Dakota Century Code,"

Page 1, line 5, replace "A new section to chapter 26.1-36 of the North Dakota Century Code is" with "**LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying, during the 2001-2002 interim, the coordination of benefits for children with special needs under the age of twenty-one among the department of public instruction, the department of human services, and private insurance companies, with the purpose of optimizing and coordinating resources and expanding services including augmentative communication devices and therapy services. The study, if conducted, must include reports from any private insurance company's task force concerning the coordination of these services. If the study is conducted, the legislative council shall report its findings and recommendations, together with any legislation required to implement its recommendations, to the fifty-eighth legislative assembly."

Page 1, remove lines 6 through 23

Page 2, remove lines 1 and 2

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2331: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2331 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "twenty-one" with "twenty-two; and to amend and reenact section 26.1-26.4-02 of the North Dakota Century Code, relating to the definition of medically necessary"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 26.1-26.4-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**26.1-26.4-02. Definitions.** For purposes of this chapter, unless the context requires otherwise:

1. "Commissioner" means the insurance commissioner.
2. "Emergency medical condition" means a medical condition of recent onset and severity, including severe pain, that would lead a prudent layperson acting reasonably and possessing an average knowledge of health and medicine to believe that the absence of immediate medical attention could reasonably be expected to result in serious impairment to bodily function, serious dysfunction of any bodily organ or part, or would place the person's health, or with respect to a pregnant woman the health of the woman or her unborn child, in serious jeopardy.
3. "Emergency services" means health care services, supplies, or treatments furnished or required to screen, evaluate, and treat an emergency medical condition.
4. "Enrollee" means an individual who has contracted for or who participates in coverage under an insurance policy, a health maintenance organization contract, a health service corporation contract, an employee welfare benefit plan, a hospital or medical services plan, or any other benefit program providing payment, reimbursement, or indemnification for health care costs for the individual or the individual's eligible dependents.
5. "Health care insurer" includes an insurance company as defined in section 26.1-02-01, a health service corporation as defined in section 26.1-17-01, a health maintenance organization as defined in section 26.1-18.1-01, and a fraternal benefit society as defined in section 26.1-15.1-02.
6. "Medically necessary" for individuals under age twenty-two has the same meaning as stated in section 2 of this Act.

7. "Provider of record" means the physician or other licensed practitioner identified to the utilization review agent as having primary responsibility for the care, treatment, and services rendered to an individual.
7. 8. "Utilization review" means a system for prospective and concurrent review of the necessity and appropriateness in the allocation of health care resources and services that are subject to state insurance regulation and which are given or proposed to be given to an individual within this state. Utilization review does not include elective requests for clarification of coverage.
8. 9. "Utilization review agent" means any person or entity performing utilization review, except:
- a. An agency of the federal government; or
  - b. An agent acting on behalf of the federal government or the department of human services, but only to the extent that the agent is providing services to the federal government or the department of human services."

Page 1, underscore lines 7 through 11

Page 1, line 12, underscore "routinely accepted by" and replace "at least seventy percent of the relevant specialty" with "three or more licensed practitioners actively practicing in the area of pediatric medicine or therapy."

Page 1, remove line 13

Page 1, underscore lines 14 through 22

Page 1, line 23, underscore "provides coverage for" and replace "a medical treatment, medical service, medical therapy," with "medically necessary therapy, including physical, occupational, speech, or language therapy and equipment as"

Page 1, line 24, remove "medical equipment, or medical supply" and underscore "prescribed by a licensed medical"

Page 2, line 1, replace "professional" with "physician" and underscore "acting in the scope of that licensure for any individual under age"

Page 2, line 2, replace "twenty-one" with "twenty-two", underscore "who is covered under the policy. The purpose of prescribing", and replace "this" with "the medically necessary therapy, including physical, occupational, speech, or language therapy and equipment"

Page 2, remove line 3

Page 2, line 4, remove "medical supply" and underscore "must be to improve or prevent deterioration of a physical or"

Page 2, line 5, replace "psychiatric" with "mental" and underscore "illness, injury, or condition; achieve, prevent deterioration of, or mitigate"

Page 2, underscore lines 6 and 7

Page 2, line 8, underscore "or aggravate a disability, physical deformity, or malfunction; or" and replace "reduce, alleviate, or" with "address pain management as related to the treating diagnoses"

Page 2, line 9, remove "prevent pain" and underscore ". Coverage is not required under this section if a similarly"

Page 2, line 10, underscore "credentialed medical", replace "professional" with "physician or physical therapist, occupational therapist, or speech or language therapist currently practicing in the field of pediatrics", and underscore "presents an opinion supported by a consensus"

Page 2, line 11, underscore "in the relevant medical community, that the prescribed" and replace "medical treatment, medical" with "medically necessary therapy, including physical, occupational, and speech or language therapy and equipment"

Page 2, line 12, remove "service, medical therapy, medical equipment, or medical supply" and underscore "will not improve or"

Page 2, line 13, underscore "prevent deterioration of the individual's physical or", replace "psychiatric" with "mental", and underscore "illness, injury, or"

Page 2, line 14, underscore "condition", remove the first comma, underscore the first "or", remove "will not reduce, alleviate, or prevent the individual's", underscore "pain" and insert immediately thereafter "management as related to the treating diagnoses", and underscore the period

Page 2, underscore lines 17 through 20

Page 2, line 21, underscore "under section", replace "1" with "2", and underscore "of this Act."

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2335: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2335 was placed on the Sixth order on the calendar.

Page 1, line 8, after "governor" insert "or the governor's designee"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2363: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2363 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2386: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2386 was placed on the Sixth order on the calendar.

Page 1, line 2, after "an" insert "ethanol production" and after "cooperative" insert "or limited liability company"

Page 1, line 13, after "that" insert "produces ethanol"

Page 1, line 14, replace "adds" with "to add"

Page 1, line 18, replace the first "cooperative" with "business" and after the second "cooperative" insert "or a limited liability company"

Page 1, line 19, after "incorporated" insert "or organized"

Page 1, line 20, replace "processing and marketing agricultural commodities capable of being raised" with "establishing and operating an ethanol production facility"

Page 2, line 4, replace "**cooperatives**" with "**businesses**"

Page 2, line 5, replace "cooperative" with "business"

Page 2, line 6, replace "cooperative" with "business"

Page 2, line 7, replace "cooperatives" with "businesses"

Page 2, line 8, replace "**cooperative**" with "**business**"

Page 2, line 9, replace "cooperative" with "business"

Page 2, line 12, replace "cooperatives" with "businesses"

Page 2, line 25, replace "cooperative" with "business"

Page 2, line 28, replace "cooperative" with "business"

Page 3, line 1, replace "cooperative" with "business"

Page 3, line 2, replace "stock" with "ownership interests"

Page 3, line 3, replace "cooperative" with "business"

Page 3, line 4, replace "cooperative" with "business"

Page 3, line 6, replace "cooperative" with "business"

Page 3, line 8, replace "cooperative" with "business"

Page 3, line 10, replace "cooperative" with "business"

Page 3, line 11, replace the first "cooperative" with "business" and replace the second "cooperative" with "business"

Page 3, line 17, replace "**cooperative**" with "**business**"

Page 3, line 19, replace "cooperative" with "business"

Page 3, line 20, replace "cooperative" with "business"

Page 3, line 21, replace "**cooperative**" with "**business**"

Page 3, line 24, replace "cooperative" with "business"

Page 3, line 25, replace "cooperative" with "business"

Page 3, line 27, replace the first "cooperative" with "business" and replace the second "cooperative" with "business"

Page 3, line 29, replace "cooperative" with "business"

Page 4, line 4, replace "cooperative" with "business"

Page 4, line 9, replace "cooperatives" with "businesses"

Page 4, line 12, replace "cooperatives" with "businesses"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2389: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2389 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "4-09.1" with "4-10"

Page 1, line 2, after the first "to" insert "seed"

Page 1, line 3, after "seed" insert "potatoes"

Page 1, line 5, replace "4-09.1" with "4-10"

Page 1, line 7, after "all" insert "seed"

Page 1, line 9, after "No" insert "seed"

Page 1, line 10, replace "health certificate and a phytosanitary" with "shipping point inspection"

Page 1, line 11, after "the" insert "seed"

Page 2, line 1, after "Dakota" insert "potato"

Page 2, line 2, after "seed" insert "potatoes", after "Dakota" insert "potato", and remove "once each year"

Page 2, line 3, after "seed" insert "potatoes" and replace "recipient grower" with "seed potatoes may not be recertified or retained for use in the following production cycle."

Page 2, remove line 4

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2392: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2392 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2394: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2394 was placed on the Sixth order on the calendar.

Page 3, line 22, after the period insert "Lessee means a person renting the land for agricultural purposes and a person defined as an outfitter in this section."

20."

Page 3, line 29, overstrike "20." and insert immediately thereafter "21."

Page 4, line 3, overstrike "21." and insert immediately thereafter "22."

Page 4, line 5, overstrike "22." and insert immediately thereafter "23."

Page 4, line 6, overstrike "23." and insert immediately thereafter "24."

Page 4, line 16, replace "24" with "25"

Page 4, line 21, replace "25" with "26"

Page 4, line 30, replace "26" with "27"

Page 5, line 3, replace "27" with "28"

Page 5, line 7, replace "28" with "29"

Page 5, line 9, replace "29" with "30"

Page 5, line 17, replace "30" with "31"

Page 5, line 18, replace "31" with "32"

Page 5, line 22, replace "32" with "33"

Page 5, line 24, replace "33" with "34"

Page 5, line 25, replace "34" with "35"

Page 5, line 27, replace "35" with "36"

Page 6, line 1, replace "36" with "37"

Page 6, line 4, replace "37" with "38"

Page 6, line 6, replace "38" with "39"

Page 6, line 7, replace "39" with "40"

Page 6, line 10, replace "40" with "41"

Page 6, line 13, replace "41" with "42"

Page 6, line 15, replace "42" with "43"

Page 6, line 17, replace "43" with "44"

Page 6, line 18, replace "44" with "45"

Page 6, line 19, replace "45" with "46"

Page 6, line 21, replace "46" with "47"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2403: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2403 was placed on the Sixth order on the calendar.

Page 1, line 2, after "necessary" insert "oral maxillofacial services and associated"

Page 1, line 7, replace "**Orthodontic**" with "**Oral maxillofacial**"

Page 1, line 8, after "make" insert "oral maxillofacial surgical services and" and after "services" insert "in conjunction with such surgical services"

Page 1, line 9, replace "orthodontic" with "such" and after "mitigate" insert "a congenital or acquired deformity associated with"

Page 1, line 10, after the second comma insert "swallowing,"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2404: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2404 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2406: Judiciary Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2406 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "whether sentenced to house arrest by the court or committed"

Page 1, remove line 8

Page 1, line 9, remove "the director of the department may determine the type of imprisonment"

Page 1, line 12, after the period insert "The defendant shall defray all costs associated with the electronic home detention. This subsection does not apply to individuals committed to or under the supervision and management of the department of corrections and rehabilitation."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2414: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2414 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2419: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2419 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2421: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2421 was placed on the Sixth order on the calendar.



Page 1, line 16, replace "in an amount fixed by the commission" with "of seventy-five dollars"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2422: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2422 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2436: Transportation Committee (Sen. Stenehjem, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2436 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2450: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2450 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1067, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1067 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1070: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1070 was placed on the Fourteenth order on the calendar.

#### FIRST READING OF HOUSE BILLS

**HB 1126:** A BILL for an Act to create and enact section 43-10.1-03.1 of the North Dakota Century Code, relating to pre-need funeral contracts; to amend and reenact sections 43-10.1-01, 43-10.1-03, 43-10.1-04, 43-10.1-05, and 43-10.1-07.1 of the North Dakota Century Code, relating to pre-need funeral contracts; and to repeal section 23-06-03.1 of the North Dakota Century Code, relating to pre-need funeral contracts.  
Was read the first time and referred to the **Industry, Business and Labor Committee.**

**HB 1137:** A BILL for an Act to amend and reenact sections 26.1-08-06 and 26.1-08-06.1 of the North Dakota Century Code, relating to minimum benefits and medicare supplement plans of a qualified comprehensive health plan.  
Was read the first time and referred to the **Industry, Business and Labor Committee.**

**HB 1205:** A BILL for an Act to amend and reenact section 54-03-22 of the North Dakota Century Code, relating to the continuance of civil proceedings when a party, witness, or attorney is a member of the legislative assembly.  
Was read the first time and referred to the **Judiciary Committee.**

**HB 1221:** A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 57-39.2-04.2 and subdivision b of subsection 1 of section 57-40.2-04.2 of the North Dakota Century Code, relating to sales and use tax exemptions for certain wind-powered electrical generating facilities; to provide an effective date; and to declare an emergency.  
Was read the first time and referred to the **Finance and Taxation Committee.**

**HB 1222:** A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to reduction in taxable valuation of wind turbine electric generators that are centrally assessed property; to amend and reenact section 57-02-27 of the North Dakota Century Code, relating to determination of taxable valuation of property; and to provide an effective date.  
Was read the first time and referred to the **Finance and Taxation Committee.**

**HB 1223:** A BILL for an Act to amend and reenact section 57-38-01.8 of the North Dakota Century Code, relating to application of the income tax credit for geothermal, solar, or wind energy devices; and to provide an effective date.  
Was read the first time and referred to the **Finance and Taxation Committee.**

**HB 1339:** A BILL for an Act to amend and reenact section 6-09-37 of the North Dakota Century Code, relating to the sale and leasing of agricultural real estate by the Bank of North Dakota.  
Was read the first time and referred to the **Agriculture Committee.**

**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3010:** A concurrent resolution directing the Legislative Council to study the property tax exemption for public housing authorities.

Was read the first time and referred to the **Finance and Taxation Committee**.

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

**WILLIAM R. HORTON, Secretary**