

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, April 9, 1997

The Senate convened at 9:00 a.m., with President Pro Tem Holmberg presiding.

The prayer was offered by Senator Harvey Sand.

The roll was called and all members were present except Senators Grindberg, Mutzenberger, Nething, and Redlin.

A quorum was declared by the President Pro Tem.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NAADEN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1015, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1015: Sens. Goetz, G. Nelson, Robinson.

MOTION

SEN. NAADEN MOVED that the Senate Conference Committee on HB 1018 be dissolved and that a new conference committee be appointed, which motion prevailed.

THE PRESIDENT APPOINTED as a new Conference Committee on HB 1018: Sens. Holmberg, Solberg, Robinson.

REPORT OF CONFERENCE COMMITTEE

SEN. ST. AUBYN MOVED that the conference committee report on Engrossed SB 2004 as printed on SJ pages 1291-1294 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2004, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to amend and reenact sections 23-09-01, 23-09-02.1, 23-09-03, 23-09-05, 23-09-06, 23-09-07, 23-09-08, 23-09-09, 23-09-10, 23-09-11, 23-09-14, 23-09-16, 23-09-17, 23-09-18, 23-09-20.1, 23-09-21, and 23-09-22 of the North Dakota Century Code, relating to the requirements for the operation of a food and lodging establishment; to repeal section 23-09-12 of the North Dakota Century Code, relating to certificates of inspection; to provide an effective date; to provide an expiration date; to provide legislative intent; and to provide for a legislative council study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Grindberg; Mutzenberger; Nething; Redlin

Engrossed SB 2004, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. NAADEN MOVED that the conference committee report on Engrossed SB 2064 as printed on SJ pages 1274-1291 be adopted.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed SB 2064, which request was granted.

MOTION

SEN. GOETZ MOVED that the question be taken at 10:01 a.m., which motion prevailed.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed SB 2064, the roll was called and there were 27 YEAS, 18 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lips; Naaden; Nalewaja; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutch; Nelson, C.; O'Connell; Robinson; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Grindberg; Mutzenberger; Nething; Redlin

The conference committee report on Engrossed SB 2064 was adopted.

Engrossed SB 2064, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2064: A BILL for an Act to provide an appropriation for defraying the expenses of the office of management and budget, extension service, northern crops institute, upper great plains transportation institute, and the experiment centers; to provide a contingent appropriation; to provide for an interim legislative council study; to create and enact six new sections to chapter 4-05.1 and a new section to chapter 4-22 of the North Dakota Century Code, relating to the state board of agricultural research and the duties of the extension service; to amend and reenact sections 4-05.1-01, 4-05.1-02, 4-05.1-03, 4-05.1-04, 4-22-02, 4-22-03, 4-22-04, 4-22-06, 4-22-22, 4-22-47, and 4-22-48 of the North Dakota Century Code, relating to the state agricultural experiment station and state soil conservation committee; to repeal section 4-22-05 of the North Dakota Century Code, relating to employees of the state soil conservation committee; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lips; Mathern; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Kelsh; LaFountain; Lindaas; Mutch; O'Connell; Stenehjem, B.; Tallackson

ABSENT AND NOT VOTING: Grindberg; Mutzenberger; Nething; Redlin

Engrossed SB 2064, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1015: Sens. Goetz; G. Nelson; Robinson

HB 1018: Sens. Holmberg; Solberg; Robinson

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2004.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2064.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause failed on HB 1013.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2012, SB 2014, SB 2030, SB 2132, SB 2153.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2015.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

CONSIDERATION OF VETOED MEASURE

HB 1147: A BILL for an Act to create and enact a new section to chapter 15-47 and a new section to chapter 27-20 of the North Dakota Century Code, relating to school personnel notification of juvenile offenses; and to amend and reenact subsection 4 of section 27-20-51 of the North Dakota Century Code, relating to school personnel receipt of juvenile orders of disposition.

ROLL CALL

The question being on the final passage of the enrolled bill, over the Governor's veto, which has been read, the roll was called and there were 29 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Kringstad; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Thompson; Tomac; Urlacher; Wogsland

NAYS: Bowman; Christmann; Cook; DeMers; Krebsbach; LaFountain; Mutch; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Wanzek; Watne; Yockim

ABSENT AND NOT VOTING: Grindberg; Redlin

The Senate sustained the Governor's veto of HB 1147, as enrolled.

REPORT OF CONFERENCE COMMITTEE

SB 2018: Your conference committee (Sens. St. Aubyn, Nalewaja, Robinson and Reps. Tollefson, Martinson, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1025-1026, adopt amendments as follows, and place SB 2018 on the Seventh order:

That the House recede from its amendments as printed on pages 1025 and 1026 of the Senate Journal and pages 1129 and 1130 of the House Journal and that Senate Bill No. 2018 be amended as follows:

Page 1, line 2, after "hearings" insert "; to create and enact a new section to chapter 54-57 of the North Dakota Century Code, relating to hearings by the office of administrative hearings; and to amend and reenact subsections 1 and 2 of section 54-57-07 of the North Dakota Century Code, relating to payment for administrative hearings"

Page 1, line 5, remove "in the general fund in"

Page 1, line 6, remove "the state treasury, not otherwise appropriated, and"

Page 1, line 10, replace "708,993" with "707,251"

Page 1, line 12, replace "all" with "special", after "funds" insert "appropriation", and replace "1,351,903" with "1,350,161"

Page 1, replace lines 13 and 14 with:

"SECTION 2. OFFICE OF ADMINISTRATIVE HEARINGS - LOAN FROM STATE GENERAL FUND - APPROPRIATION OF LOAN REPAYMENT.

Notwithstanding any other provision of law, the office of administrative hearings is authorized to borrow up to \$100,000, which amounts are hereby appropriated from the state general fund during the biennium beginning July 1, 1997, and ending June 30, 1999. The office of administrative hearings shall inform the office of management and budget of any loan required pursuant to this section. Any loan made to the office of administrative hearings under this section must be repaid to the state general fund by June 30, 1999, and any loan repayments made by the office of administrative hearings are hereby appropriated for the biennium beginning July 1, 1997, and ending June 30, 1999.

SECTION 3. A new section to chapter 54-57 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

Hearings after judgment. The office of administrative hearings may not hold hearings on the same issue involving the same parties as the original hearing after a judgment has been rendered by a court concerning that issue unless authorized to or directed to by that court.

SECTION 4. AMENDMENT. Subsections 1 and 2 of section 54-57-07 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. The office of administrative hearings ~~may~~ shall require payment for services rendered by any administrative law judge provided by it to any agency, to any unit of local government in this state, to any tribal government in this state, or to the judicial branch, in the conduct of an administrative hearing and related proceedings, and those entities must make the required payment to the office. Payment ~~may~~ must include payment for support staff necessary to render administrative law judge services. ~~General fund moneys may not be used for payment by state agencies pursuant to this subsection except for those payments required of the department of human services and the state department of health. Moneys received by the office of administrative hearings in payment for providing an administrative law judge to conduct an administrative hearing and related proceedings must be deposited into the operating fund of the office of administrative hearings.~~
2. The office of administrative hearings ~~may~~ shall require payment for mileage, meals, and lodging in connection with services rendered by an administrative law judge provided to any agency, to any unit of local government in this state, to any tribal government in this state, or to the judicial branch, in the conduct of an administrative hearing and related proceedings, and those entities must make the required payment to the office. Payment for meals and lodging must be in the amounts allowable under section 44-08-04. Payment for mileage when using state vehicles must be in amounts set for user charges under section 24-02-03.5. All other payments must be in amounts allowed for other state officials and employees. Either general fund or special fund moneys, or other income, may be used for the payment of mileage, meals, and lodging under this subsection."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 140 - OFFICE OF ADMINISTRATIVE HEARINGS

CONFERENCE COMMITTEE - This amendment removes the \$248,196 general fund appropriation, provides the office's appropriation entirely from special funds from billing agencies for services, and reduces operating expenses by \$1,742 of special funds to remove risk management premiums.

The amendment also adds a section allowing for a loan of up to \$100,000 from the state general fund to the Office of Administrative Hearings. Any loan made under this section must be repaid by the end of the 1997-99 biennium.

SB 2018 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. ST. AUBYN MOVED that the conference committee report on SB 2018 be adopted, which motion prevailed on a voice vote.

SB 2018, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings; to create and enact a new section to chapter 54-57 of the North Dakota Century Code, relating to hearings by the office of administrative hearings; and to amend and reenact subsections 1 and 2 of section 54-57-07 of the North Dakota Century Code, relating to payment for administrative hearings.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Grindberg; Redlin; Thane

SB 2018, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2353, as engrossed: Your conference committee (Sens. Naaden, Bowman, Krauter and Reps. Rennerfeldt, Mickelson, Kroepelin) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1029, adopt amendments as follows, and place SB 2353 on the Seventh order:

That the House recede from its amendments as printed on page 1029 of the Senate Journal and page 1077 of the House Journal and that Engrossed Senate Bill No. 2353 be amended as follows:

Page 1, line 3, after "liability" insert "of telecommunications providers"

Page 1, line 5, after "service" insert "definitions"

Page 2, line 7, replace "fifty" with "forty"

Page 2, line 10, replace "twenty" with "twelve and one-half"

Page 2, line 12, replace "The" with "In a county in which state radio communications is the 911 service provider, the"

Page 2, line 14, replace "operating fund" with "911 provider equipment account" and after the underscored period insert "In a county in which state radio communications is not the 911 service provider, the county treasurer shall retain all fees received under this section."

Page 3, line 26, replace "an eleven-member" with "a nine-member"

Page 4, line 1, replace "911 association" with "wireless telephone service industry"

Page 4, line 3, replace "two members of the North Dakota house of representatives" with "one representative of counties with public safety answering points" and replace the second "two" with "one representative of counties served by state radio 911"

Page 4, line 4, remove "members of the North Dakota senate"

Page 4, line 7, remove "The legislative council is responsible for paying the expenses of"

Page 4, remove line 8

Page 4, line 9, remove "services to the committee."

Page 4, replace lines 11 through 16 with:

- "2. The advisory committee shall study the feasibility of implementing an automatic number identification and automated location identification system. The study must include the estimated cost of the system and a proposed funding plan.
3. The committee shall submit a report of its work to the budget section of the legislative council by August 1998."

Renumber accordingly

Engrossed SB 2353 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. NAADEN MOVED that the conference committee report on Engrossed SB 2353 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2353, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2353: A BILL for an Act to create and enact two new sections to chapter 57-40.6 and a new subsection to section 57-40.6-08 of the North Dakota Century Code, relating to a wireless 911 service fee, liability of telecommunications providers, and an emergency services communication system advisory committee for 911; and to amend and reenact sections 57-40.6-01, 57-40.6-05, and 57-40.6-06 of the North Dakota Century Code, relating to wireless 911 telephone service definitions.

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, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Kinnoin; O'Connell; Stenehjem, B.

ABSENT AND NOT VOTING: Grindberg; Redlin

Engrossed SB 2353, as amended, passed and the title was agreed to.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has sustained the Governor's veto on HB 1147. The vote was 29 YEAS, 18 NAYS, 2 ABSENT AND NOT VOTING.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2018, SB 2353.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1003, HB 1004, HB 1035.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1168.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has not adopted the conference committee report on HB 1297. The committee was unable to agree and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1297: Reps. Maragos; Kretschmar; Callahan

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1008, HB 1017, HB 1112, HB 1337, HB 1453.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1006, HB 1034, HB 1116, HB 1167, HB 1482.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SCR 4062, SCR 4063.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 2:45 p.m., April 9, 1997: SB 2372, SB 2399.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 2:45 p.m., April 9, 1997: SCR 4010.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report on HB 1014. The committee was unable to agree and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1014: Reps. Carlisle; Svedjan; Nichols

MOTION

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

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

REPORT OF CONFERENCE COMMITTEE

SEN. KRINGSTAD MOVED that the conference committee report on Engrossed SB 2396 as printed on SJ page 1291 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2396, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2396: A BILL for an Act to provide for establishment and operation of the North Dakota low-risk incentive fund; to provide a penalty; 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 42 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Berg; DeMers; LaFountain; Nelson, C.

ABSENT AND NOT VOTING: Grindberg; Nething; Redlin

Engrossed SB 2396, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2017: Your conference committee (Sens. Holmberg, Nalewaja, Tallackson and Reps. Martinson, R. Kelsch, Huether) recommends that the **HOUSE RECEDE** from the

House amendments on SJ pages 1003-1004, adopt amendments as follows, and place SB 2017 on the Seventh order:

That the House recede from its amendments as printed on pages 1003 and 1004 of the Senate Journal and pages 1128 and 1129 of the House Journal and that Senate Bill No. 2017 be amended as follows:

Page 1, line 2, after "Dakota" insert "; to provide that job service North Dakota and the workers compensation bureau conduct mutual auditing assistance; to create and enact a new section to chapter 44-04 and a new section to chapter 52-02 of the North Dakota Century Code, relating to records of the North Dakota occupational information coordinating committee and audits of job service North Dakota; and to declare an emergency"

Page 1, line 10, replace "8,391,544" with "8,246,905"

Page 1, line 14, replace "2,000,754" with "1,850,754"

Page 1, line 16, replace "51,208,194" with "50,913,555"

Page 1, line 17, replace "49,207,440" with "49,062,801"

Page 1, line 18, replace "2,000,754" with "1,850,754"

Page 1, line 23, replace "\$2,000,754" with "\$1,850,754"

Page 2, after line 2, insert:

"SECTION 4. WORKERS COMPENSATION BUREAU AND JOB SERVICE NORTH DAKOTA - MUTUAL AUDITING ASSISTANCE. The workers compensation bureau and job service North Dakota shall establish a cooperative program under which each agency, during the performance of employer audits, gathers employer audit information relevant to the other agency. The workers compensation bureau shall coordinate training of the auditors of both agencies on the technical aspects and needs of the audit processes. The training must include training on the use of the form developed under section 2 of chapter 523 of the 1995 Session Laws for reporting workers' compensation and job service information on a single form. Training must be completed by December 31, 1997. The auditing program must begin in January 1998. The program must operate within federal funding requirements and any other applicable federal statutes and regulations affecting job service North Dakota, as well as within titles 52 and 65. The program's agreement must identify the amount and method of reimbursement between the workers compensation bureau and job service North Dakota for the mutual auditing services. The agreement also must identify a means by which the agencies will identify the employers to be audited by each to avoid a duplication of efforts by the agencies and to reduce the administrative burden on employers subject to the audits.

SECTION 5. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Certain records of occupational information coordinating committee - Exempt. Records provided to the North Dakota occupational information coordinating committee by any person for use in the followup information on North Dakota education and training system for research or statistical purposes may only be used to prepare aggregate data compilations that do not identify any individual and may not be disclosed to the public by the occupational information coordinating committee. A request for disclosure of the records under section 44-04-18 or section 6 of article XI of the Constitution of North Dakota must be directed to the person or entity that has provided the records to the occupational information coordinating committee.

SECTION 6. A new section to chapter 52-02 of the North Dakota Century Code is created and enacted as follows:

Independent audit. The state auditor shall appoint on a biennial basis an independent audit firm, with extensive expertise in job service practices and standards, to complete a performance audit of the divisions of job service North Dakota. The audit must evaluate divisions of job service North Dakota, as determined necessary by the state auditor, to determine whether the divisions are providing quality service in an efficient and cost-effective manner. The audit report must contain recommendations for divisional improvement or an explanation of why no recommendations are being made.

The executive director of job service North Dakota and the auditor shall present the audit report and any action taken as a result of the audit to the legislative council's legislative audit and fiscal review committee and to the house and senate industry, business and labor standing committees during the next regular session of the legislative assembly following the audit. The executive director shall also provide a copy of the audit report to the state auditor.

SECTION 7. EMERGENCY. Section 5 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 380 - JOB SERVICE NORTH DAKOTA

CONFERENCE COMMITTEE - This amendment reduces the operating expenses line item by \$144,639 of other funds due to the removal of risk management premiums. The amendment also reduces the general fund appropriation for Work Force 2000 by \$150,000, from \$2,000,754 to \$1,850,754. The following table shows the general fund appropriation for Work Force 2000:

EXECUTIVE BUDGET	SENATE	HOUSE	CONFERENCE COMMITTEE
\$2,000,754	\$2,000,754	\$1,700,754	\$1,850,754

This amendment also adds new Sections 4, 5, 6, and 7 as follows:

Section 4 requires that Job Service North Dakota and the Workers Compensation Bureau begin a joint employer auditing program.

Section 5 creates a new section in North Dakota Century Code Chapter 44-04 relating to records provided to the North Dakota Occupational Information Coordinating Committee.

Section 6 creates a new section in North Dakota Century Code Chapter 52-02 relating to audits of Job Service North Dakota.

Section 7 makes Section 5 an emergency measure.

SB 2017 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. NALEWAJA MOVED that the conference committee report on SB 2017 be adopted, which motion prevailed on a voice vote.

SB 2017, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota; to provide that job service North Dakota and the workers compensation bureau conduct mutual auditing assistance; to create and enact a new section to chapter 44-04 and a new section to chapter 52-02 of the North Dakota Century Code, relating to records of the North Dakota occupational information coordinating committee and audits of job service North Dakota; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Grindberg; Nething; Redlin

SB 2017, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

HB 1003, as engrossed: Your conference committee (Sens. Naaden, Nalewaja, Tallackson and Reps. Gerntholz, Byerly, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1358-1362, adopt amendments as follows, and place HB 1003 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1358-1362 of the House Journal and pages 1213-1216 of the Senate Journal and that Engrossed House Bill No. 1003 be amended as follows:

Page 1, line 2, after "reenact" insert "subsection 1 of section 53-06.1-14 and"

Page 1, line 3, after "to" insert "license fees for pull tab and bingo card manufacturers and to"

Page 1, line 11, replace "12,618,076" with "12,887,894"

Page 1, line 12, replace "4,601,576" with "4,630,014"

Page 1, line 13, replace "1,014,600" with "1,044,900"

Page 1, line 22, replace "26,181,700" with "26,510,256"

Page 1, line 23, replace "13,495,641" with "13,786,432"

Page 1, line 24, replace "12,686,059" with "12,723,824"

Page 2, after line 20, insert:

"SECTION 6. AMENDMENT. Subsection 1 of section 53-06.1-14 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. A manufacturer of pull tabs, manufacturer of bingo cards, manufacturer of pull tab dispensing devices, manufacturer's distributor of pull tab dispensing devices, and distributor shall apply annually for a license upon a form prescribed by the attorney general before the first day of April in each year and shall submit the appropriate license fee. Each applicant shall provide such necessary and reasonable information as the attorney general may require. The license fee for a distributor is one thousand five hundred dollars. The license fee for a manufacturer's distributor is five hundred dollars. The license fee for a manufacturer of pull tab dispensing devices, manufacturer of pull tabs, bingo cards, or both a manufacturer of pull tabs and bingo cards, is ~~two~~ four thousand dollars."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

CONFERENCE COMMITTEE - This amendment makes the following changes:

	HOUSE VERSION	RESTORES NFIS OPERATING COSTS	FEDERAL FUND POSITIONS	RESTORES SEX OFFENDER REGISTRATION PROGRAM	RESTORES DATA PROCESSING FUNDING	FUNDING SHIFTS	OTHER CHANGES	TOTAL CHANGES TO HOUSE VERSION	CONFERENCE COMMITTEE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
Salaries and wages	\$12,618,076		\$180,648 ²	\$27,848	\$182,500	\$101,108 ⁷	\$269,818	\$12,887,894	\$12,887,894	
Operating expenses	4,601,576	\$132,000	(180,648) ²	10,237	\$182,500	(128,437) ⁸	28,438	4,680,514	4,680,514	\$(50,500)
Equipment	1,014,600			3,300		27,000 ⁵	30,300	1,044,900	1,044,900	
Grants	5,790,003							5,790,003	5,790,003	
Arrest and return of fugitives controlled	18,795							18,795	18,795	
Substance	4,000							4,000	4,000	
Litigation fees	139,024							139,024	139,024	
Gaming Commission	19,400							19,400	19,400	
Racing Commission	219,744							219,744	219,744	
National Criminal History Improvement Project	1,135,781							1,135,781	1,135,781	
Law enforcement programs	620,701							620,701	620,701	
Total	\$26,181,700	\$132,000¹	\$ 0	\$41,385³	\$182,500⁴	\$ (27,329)	\$328,556	\$26,510,256	\$26,510,256	\$(50,500)
General fund	\$12,686,059	\$132,000		\$41,385	\$182,500	\$(118,120)	\$ 37,765	\$12,723,624	\$12,723,624	\$(50,500)
Special funds	<u>13,495,641</u>					<u>90,209</u>	<u>290,791</u>	<u>13,786,432</u>	<u>13,786,432</u>	
Total	\$26,181,700	\$132,000	\$ 0	\$41,385	\$182,500	\$(27,329)	\$328,556	\$26,510,256	\$26,510,256	\$(50,500)
FTE	145.00	0.00	8.00 ²	0.50	0.00	0.00	8.50	153.50	153.50	0.00

¹ Adds funding included in the executive budget for the operating costs associated with the automated fingerprint identification system (AFIS). The House removed the funding. The Senate restored the funding.

² Adds positions in the Bureau of Criminal Investigation associated with the following federal programs, the same as the Senate version (16 positions were included in the executive budget but removed by the House):

- National instant check system
- National criminal history improvement project
- Law enforcement programs

³ Adds funding included in the executive budget for the sex offender registration program. The House removed this funding and a .5 FTE. The Senate also added it.

⁴ Adds funding for rewriting outdated data processing programs. The House removed \$233,000. The Senate added \$233,000.

⁵ Reallocates the \$181,000 from the general fund added to salaries and wages in the House for two criminal investigators as follows:

Salaries and wages	\$143,214
Operating expenses	12,786
Equipment	<u>27,000</u>
Total	\$183,000

- ⁶ Reduces general fund support and increases estimated income for salaries and wages in the Legal Services Division of the Attorney General's office, the same as the Senate version.
- ⁷ Adds funding of \$77,798 of federal funds and \$23,310 of other funds for a narcotics prosecutor position. The Attorney General has an available FTE position that may be used for this purpose. The Senate also made this change.
- ⁸ Removes funding for risk management premiums, of which \$58,465 is from the general fund and \$10,317 is from other funds.
- ⁹ Reduces operating expenses by \$59,655 from the general fund for anticipated savings resulting from program efficiencies during the 1997-99 biennium. The Senate also made this change.

A section is added increasing the annual license fee for manufacturers of pull tabs, pull tab dispensing devices, and bingo cards by \$2,000, from \$2,000 to \$4,000. The increase is estimated to generate \$32,000 of additional general fund revenues for the 1997-99 biennium. The Senate increased the fee by \$3,000 per year which would have generated \$48,000 of additional general fund revenue for the 1997-99 biennium.

A comparison of funding for the Attorney General in the various budget versions is listed below.

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION	CONFERENCE COMMITTEE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
General fund	\$12,926,324	\$12,686,059	\$12,774,324	\$12,723,824	\$ 37,765	\$(50,500)
Special funds	<u>13,478,761</u>	<u>13,495,641</u>	<u>13,786,432</u>	<u>13,786,432</u>	<u>290,791</u>	-----
Total	\$26,405,085	\$26,181,700	\$26,560,756	\$26,510,256	\$328,556	\$(50,500)
FTE	145.00	145.00	153.50	153.50	8.50	0.00

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

REPORT OF CONFERENCE COMMITTEE

SEN. NAADEN MOVED that the conference committee report on Engrossed HB 1003 be adopted, which motion prevailed on a voice vote.

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

SECOND READING OF HOUSE BILL

HB 1003: A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; and to amend and reenact subsection 1 of section 53-06.1-14 and section 54-12-11 of the North Dakota Century Code, relating to license fees for pull tabs and bingo card manufacturers and to the salary of the attorney general.

ROLL CALL

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

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Stenehjem, B.

ABSENT AND NOT VOTING: Grindberg; Nething; Redlin

Engrossed HB 1003, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1004, as engrossed: Your conference committee (Sens. Nalewaja, Lips, Robinson and Reps. Soukup, Tollefson, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1212-1213, adopt amendments as follows, and place HB 1004 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1212 and 1213 of the House Journal and pages 1040-1042 of the Senate Journal and that Engrossed House Bill No. 1004 be amended as follows:

Page 1, line 10, replace "260,308" with "259,483"

Page 1, line 11, replace "1,133,560" with "1,130,139"

Page 1, line 12, replace "3,318,570" with "3,363,047"

Page 1, line 13, replace "684,494" with "682,420"

Page 1, line 14, replace "5,396,932" with "5,435,089"

Page 1, line 15, replace "1,818,054" with "1,812,559"

Page 1, line 16, replace "3,578,878" with "3,622,530"

Page 1, remove lines 17 through 20

Page 1, line 22, replace "\$1,133,560" with "\$1,130,139"

Page 2, line 1, replace "\$1,133,560" with "\$1,130,139"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 117 - STATE AUDITOR

CONFERENCE COMMITTEE - This amendment removes \$16,843 (\$11,348 general fund, \$5,495 other funds) for risk management premiums.

This amendment also adds general fund appropriation authority of \$55,000 to the division of state audits program for temporary salaries.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	ADD TEMPORARY SALARIES	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
Administration	\$ 260,308	\$ (825)		\$ (825)	\$ 259,483	\$ 259,483	
Division of local government audits	1,133,560	(3,421)		(3,421)	1,130,139	1,130,139	
Division of state audits	3,318,570	(10,523)	\$55,000	44,477	3,363,047	3,448,119	\$(85,072)
Mineral royalty auditing	684,494	(2,074)		(2,074)	682,420	682,420	
Total all funds	\$5,396,932	\$(16,843)	\$55,000	\$ 38,157	\$5,435,089	\$5,520,161	\$(85,072)
Less estimated income	1,818,054	(5,495)		(5,495)	1,812,559	1,812,559	
General fund	\$3,578,878	\$(11,348)	\$55,000	\$ 43,652	\$3,622,530	\$3,707,602	\$(85,072)
FTE	53.00				53.00	54.00	(1.0)
Salaries and wages	\$4,750,982		\$55,000	\$ 55,000	\$4,805,982	\$4,891,054	\$(85,072)
Operating expenses	580,950	\$(16,843)		(16,843)	564,107	564,107	
Equipment	65,000				65,000	65,000	
Total all funds	\$5,396,932	\$(16,843)	\$55,000	\$ 38,157	\$5,435,089	\$5,520,161	\$(85,072)
Less estimated income	1,818,054	(5,495)		(5,495)	1,812,559	1,812,559	
General fund	\$3,578,878	\$(11,348)	\$55,000	\$ 43,652	\$3,622,530	\$3,707,602	\$(85,072)

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

REPORT OF CONFERENCE COMMITTEE

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

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

SECOND READING OF HOUSE BILL

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

ROLL CALL

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

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Grindberg; Nothing; Redlin

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

REPORT OF CONFERENCE COMMITTEE

SEN. NAADEN MOVED that the conference committee report on Engrossed HB 1010 as printed on SJ pages 1294-1296 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1010, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1010: A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the salary of the insurance commissioner.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Grindberg; Nothing; Redlin

Engrossed HB 1010, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1013, as engrossed: Your conference committee (Sens. Holmberg, Solberg, Robinson and Reps. Hausauer, R. Kelsch, Wilkie) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1341-1352, adopt amendments as follows, and place HB 1013 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1341-1352 of the House Journal and pages 1173-1185 of the Senate Journal and that Engrossed House Bill No. 1013 be amended as follows:

Page 1, line 2, replace the second "and" with "to create and enact two new sections to chapter 15-34.1 of the North Dakota Century Code, relating to home schooling for children with autism;"

Page 1, line 3, replace "section" with "sections" and after "15-21-02" insert ", 25-01-03, 54-24-01, and subsection 3 of section 54-44.3-20"

Page 1, line 4, after "instruction" insert "and to the classified status of the superintendent of the school for the blind, the superintendent of the school for the deaf, and the state librarian; to provide an expiration date; and to declare an emergency"

Page 1, line 16, replace "8,764,344" with "8,704,612"

Page 1, line 23, replace "122,915,847" with "123,940,847"

Page 1, after line 23, insert:

"Grants - technology reimbursement payments	5,000,000
Grants - SENDIT	876,000"

Page 1, line 24, replace "Geographic" with "Grants - geographic"

Page 2, line 1, replace "705,251,455" with "712,092,723"

Page 2, line 2, replace "187,038,203" with "187,229,971"

Page 2, line 3, replace "518,213,252" with "524,862,752"

Page 2, line 6, replace "1,876,280" with "1,958,201"

Page 2, line 7, replace "1,050,550" with "1,041,033"

Page 2, line 9, replace "1,260,521" with "1,135,521"

Page 2, line 10, replace "4,209,851" with "4,157,255"

Page 2, line 11, replace "1,273,641" with "1,355,562"

Page 2, line 12, replace "2,936,210" with "2,801,693"

Page 2, line 16, replace "930,822" with "913,958"

Page 2, line 19, replace "5,120,207" with "5,103,343"

Page 2, line 21, replace "4,588,329" with "4,571,465"

Page 2, line 25, replace "663,429" with "652,154"

Page 2, line 28, replace "3,317,260" with "3,305,985"

Page 2, line 30, replace "2,360,193" with "2,348,918"

Page 2, line 31, replace "528,097,984" with "534,584,828"

Page 3, line 1, replace "189,800,789" with "190,074,478"

Page 3, line 2, replace "717,898,773" with "724,659,306"

Page 3, line 3, after the first boldfaced period insert "**LEGISLATIVE**" and after "**INTENT**" insert "**- TUITION APPORTIONMENT**"

Page 3, line 10, after the first boldfaced period insert "**LEGISLATIVE**"

Page 3, line 15, after "**INTENT**" insert "**- DISTRIBUTION OF SPECIAL EDUCATION AID**"

Page 4, after line 8, insert:

"SECTION 5. LEGISLATIVE INTENT - GRANTS FOR SENDIT. It is the intent of the fifty-fifth legislative assembly that the funds appropriated in subdivision 1 of section 1 of this Act for grants to the SENDIT network be distributed by the educational

telecommunications council to support the electronic connectivity and networking of schools through the SENDIT network.

SECTION 6. LEGISLATIVE INTENT - TECHNOLOGY REIMBURSEMENT PAYMENTS. It is the intent of the fifty-fifth legislative assembly that the funds appropriated in subdivision 1 of section 1 of this Act for technology reimbursement payments be used for reimbursing school districts for technology-related expenditures. The educational telecommunications council shall determine the maximum amount to which each school district is entitled by dividing the number of elementary and secondary students in average daily membership in this state into the funds appropriated in subdivision 1 of section 1 of this Act for technology reimbursement payments and then multiplying the result by the number of students in average daily membership in each district. Upon receiving substantiating documentation from a school district indicating the expenditure of funds on or after July 1, 1996, for the acquisition of computer technology for student uses or instructional purposes, interactive television, or teacher inservice programs related to the use of computer technology in classroom instruction, the educational telecommunications council shall provide reimbursement to the school district in an amount equal to that expended but not exceeding that to which the school district is entitled.

SECTION 7. LEGISLATIVE INTENT - MEAT IN SCHOOL LUNCH PROGRAMS. It is the intent of the fifty-fifth legislative assembly that the superintendent of public instruction encourage school boards operating or providing for the operation of child nutrition and food distribution programs in schools to not offer yogurt as a substitute for meat in school lunches served to students.

SECTION 8. LEGISLATIVE INTENT - DIVISION OF INDEPENDENT STUDY TUITION RATES. It is the intent of the fifty-fifth legislative assembly that during the 1997-99 biennium, the division of independent study review the tuition rates charged for resident and nonresident students enrolled in independent study courses and consider increasing the tuition rate charged nonresident students.

SECTION 9. LEGISLATIVE INTENT - POSITION TRANSFERS. It is the intent of the fifty-fifth legislative assembly that for the 1997-99 biennium, the department of public instruction be authorized to have no more than 135.45 full-time equivalent positions and that no more than 39.2 of these positions be in the division of independent study. It is the intent of the fifty-fifth legislative assembly that if, during the 1997-99 biennium, the superintendent of public instruction transfers any positions to the division of independent study from other divisions of the department of public instruction, the transfers be reported to the budget section of the legislative council at its next meeting.

SECTION 10. LEGISLATIVE INTENT - GRANT TO LEADERSHIP IN EDUCATION ADMINISTRATION CONSORTIUM - REPORT TO LEGISLATIVE COUNCIL COMMITTEE. It is the intent of the fifty-fifth legislative assembly that \$25,000 of the amount appropriated in the grants - other grants line item in subdivision 1 of section 1 of this Act be used to provide a grant to the leadership in education administration consortium to develop training programs in cooperation with teacher learning centers. It is the intent of the fifty-fifth legislative assembly that the leadership in education administration consortium and the teacher learning centers work cooperatively to develop training programs for teachers and education administrators. The leadership in education administration consortium shall present, no later than September 30, 1998, a report to the legislative council or its designated committee on training programs for teachers and education administrators developed in cooperation with the teacher learning centers.

SECTION 11. PAYMENTS FOR LIMITED ENGLISH PROFICIENT STUDENTS. Notwithstanding section 2 of Senate Bill No. 2029 as passed by the fifty-fifth legislative assembly, payments to school districts educating limited English proficient students, as provided by that bill, must be paid from up to \$300,000 of the amount appropriated in subdivision 1 of section 1 of this Act for grants - foundation aid and transportation.

SECTION 12. CREDENTIALING PROCESS FOR SPECIAL EDUCATION TEACHERS. The superintendent of public instruction may not change the credentialing process for special education teachers as it is in effect on March 1, 1997, without first convening a meeting to include representatives of the council of educational leaders, the council for exceptional children, the North Dakota education association, and the North Dakota school boards association. The purpose of the meeting is to receive comments regarding the proposed changes, including the scheduling and manner of implementation, associated costs, the applicability of the proposed changes, and the

short-term and long-term effects of the proposed changes. If, within thirty days after the date of the meeting, any representative present at the meeting objects in writing to the proposed change, the superintendent may not implement the change prior to July 1, 1999.

SECTION 13. FEDERAL FUNDING FOR SPECIAL EDUCATION. The legislative assembly urges Congress to fund the education of children with disabilities at the level authorized in the Education for All Handicapped Children Act of 1975. In that legislation, now known as the Individuals with Disabilities Education Act, Congress included a graduated formula for determining state entitlement and provided that for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, the federal funding level was to be set at forty percent of the average per student expenditure in public elementary and secondary schools in the United States. Because the level of federal funding received by this state has never exceeded ten percent, this federal legislation constitutes an underfunded mandate. The secretary of state shall forward copies of this section to the secretary of the department of education, to the chairman of the senate labor and human resources committee, to the chairman of the house economic and educational opportunities committee, and to each member of the North Dakota congressional delegation."

Page 4, line 14, after "district" insert ", in accordance with the district's locally developed goals 2000 educational improvement application plan"

Page 4, after line 16, insert:

"SECTION 15. School-to-work - Student participation voluntary. Before any elementary or secondary school student may participate in any course, program, or project offered under the auspices of the School-to-Work Opportunities Act of 1994, [Pub. L. 103-239; 108 Stat. 568; 20 U.S.C. 2394 et seq.], the student's school principal shall obtain the written consent of the student's parent or legal guardian. Participation by a student is voluntary and may not be deemed a condition of graduation. Neither school personnel, school district personnel, nor the superintendent of public instruction may impose any academic penalties or any other sanctions on a student for failure to participate. A student's participation in a course, program, or project offered under the auspices of the School-to-Work Opportunities Act of 1994 is subject to all state and federal child labor laws."

Page 5, after line 7, insert:

"SECTION 20. A new section to chapter 15-34.1 of the North Dakota Century Code is created and enacted as follows:

Children with autism - Home school. Notwithstanding any other law, a parent or legal guardian may provide home schooling to a developmentally disabled child with autism if:

1. The child has been determined to be autistic by a licensed psychologist;
2. The child's parent or legal guardian qualifies to provide home schooling under section 15-34.1-06;
3. The child's parent or legal guardian files with the superintendent of the child's school district of residence:
 - a. A notice that the child will be home schooled;
 - b. A copy of the child's diagnosis of autism prepared and attested to by a licensed psychologist; and
 - c. A description of the instructional plan to be followed during the school year, together with an attestation by a licensed psychologist and a North Dakota certified teacher that the instructional plan is appropriate for the child.

SECTION 21. A new section to chapter 15-34.1 of the North Dakota Century Code is created and enacted as follows:

Children with autism - Home school - Progress reports.

1. On or before November first, February first, and May first of each school year, a parent providing home schooling to an autistic child under section 20 of this Act shall file with the superintendent of the child's school district of residence progress reports prepared by a licensed psychologist, an occupational therapist, a speech pathologist, and a certified teacher. If at any time the licensed psychologist, the occupational therapist, the speech pathologist, and the certified teacher agree that adequate progress is not being made, they shall notify the superintendent of the child's school district of residence and request that the child be evaluated by a multidisciplinary team.
2. The superintendent of the child's school district of residence shall forward copies of all documentation required by this section to the superintendent of public instruction. The superintendent of public instruction shall provide a report and recommendations regarding the home schooling of developmentally disabled children with autism under this section and section 20 of this Act to the legislative council.

SECTION 22. AMENDMENT. Section 25-01-03 of the North Dakota Century Code is amended and reenacted as follows:

25-01-03. Supervising officer to appoint superintendent of institutions - Salaries - Removal.

1. The supervising officer shall appoint a superintendent for each of the institutions under its control, except for the state hospital, where the supervising officer shall appoint a superintendent and a medical director in consultation with a state hospital governing body.
2. The tenure of office of each superintendent is two years from the date of the superintendent's appointment, and the superintendent must possess qualifications required by this title. Any superintendent may be removed by the supervising officer for misconduct, neglect of duty, incompetency, or other proper cause showing the superintendent's inability or refusal properly to perform the duties of office, but a removal at a time other than a termination of the superintendent's two-year tenure may be had only after an opportunity is given to the person to be heard before a board consisting of the governor, attorney general, and supervising officer of the institution on preferred written charges. A removal when made, however, is final. This subsection does not apply to the superintendent of the school for the blind or the superintendent of the school for the deaf, whose positions are included in the classified service as provided in section 54-44.3-20.
3. The supervising officer shall fix the compensation of each superintendent within the limits prescribed in this title and within the appropriations made by the legislative assembly for compensation.

SECTION 23. AMENDMENT. Section 54-24-01 of the North Dakota Century Code is amended and reenacted as follows:

54-24-01. State library - State librarian appointed by the superintendent of public instruction. The superintendent of public instruction shall appoint an executive officer to be known as the state librarian, who shall report to the superintendent and must receive a salary within the amount appropriated for salaries by the legislative assembly. The state librarian shall control the work and is the director of the state library. The position of state librarian is included in the classified service, as provided in section 54-44.3-20. The state library is an autonomous agency and retains a budget and staff separate from that of the superintendent of public instruction.

SECTION 24. AMENDMENT. Subsection 3 of section 54-44.3-20 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. Administrative heads of departments required by law, other than the superintendent of the school for the blind, the superintendent of the school for the deaf, and the state librarian.

SECTION 25. EXPIRATION DATE. Sections 20 and 21 of this Act are effective through June 30, 1999, and after that date are ineffective.

SECTION 26. EMERGENCY. Sections 20 and 21 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 201 - PUBLIC INSTRUCTION

CONFERENCE COMMITTEE - This amendment reduces operating expenses by \$42,732 (\$17,500 general fund, \$25,232 other funds) for risk management premiums. This amendment also reduces operating expenses by \$29,000 to reflect an anticipated reduction in the estimated cost of leases the Division of Independent Study will enter into for copiers and other equipment during the 1997-99 biennium. The amount included in the executive recommendation was approximately \$249,000 and the department estimates the cost will be approximately \$220,000. This amendment also reduces general fund appropriation authority by \$21,000 and increases other funds authority by the same amount to encourage the Division of Independent Study to consider increasing nonresident tuition rates to generate additional tuition revenue. This amendment also increases operating expenses by \$12,000 from the state general fund for a portion of the costs the department anticipates will be incurred relating to reissuing certain rules, as required by Senate Bill No. 2336. The fiscal note for Senate Bill No. 2336 indicates an anticipated cost of \$100,000 for the 1997-99 biennium.

This amendment adds the following grants:

Technology reimbursement payments (Reengrossed House Bill No. 1034 included \$3.8 million for technology reimbursement payments)	\$5,000,000
Educational Telecommunications Council	1,000,000
SENDIT	876,000

This amendment adds legislative intent relating to grants for technology and the SENDIT network.

This amendment also adds legislative intent relating to school lunch programs, Division of Independent Study tuition rates, position transfers to the Division of Independent Study, and a grant to the Leadership in Education Administration (LEAD) Consortium to develop cooperative training programs with the teacher learning centers. This amendment also increases other grants by \$25,000 from the state general fund for a grant to the LEAD Consortium.

This amendment provides that up to \$300,000 of the amount appropriated for foundation aid is to be used for payments to school districts for limited English proficient students, as provided by Senate Bill No. 2029.

This amendment requires the Superintendent of Public Instruction to obtain, from certain educational related groups, prior approval of any proposed changes to the credentialing process for special education teachers.

This amendment provides statutory changes relating to the classified status of the superintendent of the School for the Deaf, the superintendent of the School for the Blind, and the State Librarian.

This amendment also allows home school instruction for autistic children, encourages the United States Congress to increase the level of funding for the education of children with disabilities, and provides that a student's participation in school-to-work programs is voluntary.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	REDUCE GENERAL FUND OPERATING AND INCREASE OTHER FUNDS FOR DIVISION OF INDEPENDENT STUDY	ADD GRANT TO LEAD FOR COORDINATING PROGRAMS WITH TEACHER CENTERS	ADD GRANTS INCLUDED BY THE HOUSE IN HB 1034	RESTORE FTE POSITION	RULEMAKING COSTS RELATING TO SB 2136	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION
Salaries and wages	\$ 10,872,941								\$ 10,872,941	\$ 10,872,941
Operating expenses	8,764,344	\$(42,732)	\$(29,000)				\$12,000	\$(59,732)	8,704,612	8,704,612
Equipment	768,920								768,920	768,920
Grants - Foundation aid and transportation	466,356,259								466,356,259	466,356,259
Grants - Revenue	3,100,000								3,100,000	3,100,000
Grants - Tuition	49,273,144								49,273,144	49,273,144
Grants - Special	40,550,000								40,550,000	40,550,000
Grants - Goals 2000	2,600,000								2,600,000	2,600,000
Grants - Other	122,915,847			\$25,000	\$1,000,000			1,025,000	123,940,847	123,940,847
Grants - Geographic	50,000								50,000	50,000
Grants - education					876,000			876,000	876,000	876,000
Grants - SBMDIT					5,000,000			5,000,000	5,000,000	5,000,000
Grants - Technology										
Grants - Reimbursement payments										
Total	\$705,251,455	\$(42,732)	\$(29,000)	\$25,000	\$6,876,000	\$ 0	\$12,000	\$6,841,268	\$712,092,723	\$712,092,723
General fund	\$518,213,252	\$(17,500)	\$(50,000)	\$25,000	\$6,680,000		\$12,000	\$6,649,500	\$524,862,752	\$524,862,752
Other funds	187,038,203	(25,232)	21,000		196,000			191,768	187,229,971	187,229,971
Total	\$705,251,455	\$(42,732)	\$(29,000)	\$25,000	\$6,876,000	\$ 0	\$12,000	\$6,841,268	\$712,092,723	\$712,092,723
FTE	134.45					1.00		1.00	135.45	135.45

Reengrossed House Bill No. 1034 included a general fund appropriation of \$3.8 million for technology reimbursement payments. Reengrossed Senate Bill No. 2138 included a general fund appropriation of \$5 million for technology reimbursement payments.

DEPARTMENT 250 - STATE LIBRARY

CONFERENCE COMMITTEE - This amendment increases salaries and wages by \$81,921 of other funds for a librarian III position.

This amendment reduces grants by \$125,000 from the state general fund for the Vision 2004 library and information services strategic plan. The \$125,000 appropriation is also included in Engrossed House Bill No. 1035.

This amendment also reduces operating expenses by \$9,517 from the state general fund for risk management premiums.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	ADD OTHER FUNDS AUTHORITY FOR LIBRARIAN III POSITION	REMOVE GRANTS FOR VISION 2004	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION
Salaries and wages	\$1,876,280		\$81,921		\$ 81,921	\$1,958,201	\$1,958,201
Operating expenses	1,050,550	\$(9,517)			(9,517)	1,041,033	1,041,033
Equipment	22,500					22,500	22,500
Grants	<u>1,260,521</u>			\$(125,000)	<u>(125,000)</u>	<u>1,135,521</u>	<u>1,135,521</u>
Total	\$4,209,851	\$(9,517)	\$81,921	\$(125,000)	\$(52,596)	\$4,157,255	\$4,157,255
General fund	\$2,936,210	\$(9,517)			\$(134,517)	\$2,801,693	\$2,801,693
Other funds	<u>1,273,641</u>		<u>\$81,921</u>		<u>81,921</u>	<u>1,355,562</u>	<u>1,355,562</u>
Total	\$4,209,851	\$(9,517)	\$81,921	\$(125,000)	\$(52,596)	\$4,157,255	\$4,157,255
FTE	28.00		1.00		1.00	29.00	29.00

DEPARTMENT 252 - SCHOOL FOR THE DEAF

CONFERENCE COMMITTEE - This amendment reduces operating expenses by \$16,864 from the state general fund for risk management premiums.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	CONFERENCE COMMITTEE VERSION	SENATE VERSION
Salaries and wages	\$4,064,385		\$4,064,385	\$4,064,385
Operating expenses	930,822	\$(16,864)	913,958	913,958
Equipment	100,000		100,000	100,000
Capital improvements	<u>25,000</u>		<u>25,000</u>	<u>25,000</u>
Total	\$5,120,207	\$(16,864)	\$5,103,343	\$5,103,343
General fund	\$4,588,329	\$(16,864)	\$4,571,465	\$4,571,465
Other funds	<u>531,878</u>		<u>531,878</u>	<u>531,878</u>
Total	\$5,120,207	\$(16,864)	\$5,103,343	\$5,103,343

DEPARTMENT 253 - SCHOOL FOR THE BLIND

CONFERENCE COMMITTEE - This amendment reduces operating expenses by \$11,275 from the state general fund for risk management premiums.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	CONFERENCE COMMITTEE VERSION	SENATE VERSION
Salaries and wages	\$2,177,856		\$2,177,856	\$2,177,856
Operating expenses	663,429	\$(11,275)	652,154	652,154
Equipment	81,900		81,900	81,900
Capital improvements	<u>394,075</u>		<u>394,075</u>	<u>394,075</u>
Total	\$3,317,260	\$(11,275)	\$3,305,985	\$3,305,985
General fund	\$2,360,193	\$(11,275)	\$2,348,918	\$2,348,918
Other funds	<u>957,067</u>		<u>957,067</u>	<u>957,067</u>
Total	\$3,317,260	\$(11,275)	\$3,305,985	\$3,305,985

Engrossed HB 1013 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. SOLBERG MOVED that the conference committee report on Engrossed HB 1013 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1013, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1013: A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, the school for the blind, and the state library; to create and enact two new sections to chapter 15-34.1 of the North Dakota Century Code, relating to home schooling for children with autism; to amend and reenact sections 15-21-02, 25-01-03, 54-24-01, and subsection 3 of section 54-44.3-20 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction and to the classified status of the superintendent of the school for the blind, the superintendent of the school for the deaf, and the state librarian; to provide an expiration date; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Grindberg; Nething; Redlin

Engrossed HB 1013, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. NALEWAJA MOVED that the conference committee report on Engrossed HB 1022 as printed on SJ pages 1296-1298 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1022, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1022: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society and the international peace garden.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Grindberg; Nething; Redlin

Engrossed HB 1022, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. NALEWAJA MOVED that the conference committee report on Engrossed HB 1023 as printed on SJ pages 1298-1301 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1023, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1023: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Grindberg; Nething; Redlin

Engrossed HB 1023, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. NALEWAJA MOVED that the conference committee report on Engrossed HB 1024 as printed on SJ page 1301 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1024, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1024: A BILL for an Act to provide an appropriation for defraying the expenses of the tourism department; and to provide for a legislative council study.

ROLL CALL

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

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Grindberg; Nething; Redlin

Engrossed HB 1024, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. GOETZ MOVED that the conference committee report on Engrossed HB 1025 as printed on SJ page 1301 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HB 1035, as reengrossed: Your conference committee (Sens. Andrist, Lee, Yockim and Reps. Poolman, Grande, Rose) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1316-1317, adopt amendments as follows, and place HB 1035 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1316 and 1317 of the House Journal and pages 1125 and 1126 of the Senate Journal and that Engrossed House Bill No. 1035 be amended as follows:

Page 13, line 5, remove "**Election -**"

Page 13, line 6, replace "twenty" with "ten"

Page 13, remove line 7

Page 13, line 8, remove "education or the commissioner's designee, the state librarian, and the"

Page 13, line 9, replace "are" with "is an", replace "members" with "member", and after the underscored period insert "The state librarian is an ex officio nonvoting member of the council."

Page 13, line 10, replace "four" with "eight", remove "a", and replace "or institutional" with "libraries, one of whom must represent public higher education institution libraries, one of whom must represent private higher education institution libraries, one of whom must represent school libraries, two of whom must represent public libraries"

Page 13, line 11, remove "library" and replace "individuals, one of whom must represent" with ", economically disadvantaged, and"

Page 13, line 12, replace "state librarian shall divide the state into four" with "governor shall take into account reasonable geographic considerations when appointing members of the council"

Page 13, remove lines 13 through 16

Page 13, line 17, remove "established North Dakota libraries are qualified voters for purposes of the election"

Page 13, line 18, replace "four" with "three" and remove "elected and two"

Page 13, line 19, remove the first "members", replace "four" with "three", and remove "elected and"

Page 13, line 20, remove "two members" and replace "four" with "two"

Page 13, line 21, replace "elected" with "appointed by the governor" and remove ", as designated by the state librarian"

Page 13, line 23, replace "council" with "governor"

Page 13, line 24, remove "elected or"

Page 14, line 18, replace "Advise the state librarian on" with "Approve"

Page 15, line 5, replace "\$95,000" with "\$55,000"

Page 15, line 11, replace "\$30,000" with "\$70,000"

Page 15, line 13, replace "and" with a comma and after "schools" insert ", or regional library cooperatives"

Page 15, line 14, replace the second "and" with a comma

Page 15, line 15, after "schools" insert ", or regional library cooperatives"

Page 15, line 17, replace "or" with a comma and after "school" insert ", or regional library cooperative"

Page 15, line 18, replace the first "and" with a comma and after "schools" insert ", and regional library cooperatives"

Renumber accordingly

Reengrossed HB 1035 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. ANDRIST MOVED that the conference committee report on Engrossed HB 1035 be adopted.

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on HB 1035, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on HB 1035, the roll was called and there were 31 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

NAYS: Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Tallackson; Thompson; Wogsland; Yockim

ABSENT AND NOT VOTING: Grindberg; Nething; Redlin

The conference committee report on Engrossed HB 1035 was adopted.

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

SECOND READING OF HOUSE BILL

HB 1035: A BILL for an Act to create and enact chapter 54-24.4 of the North Dakota Century Code, relating to the North Dakota library coordinating council; to amend and reenact sections 54-24-02, 54-24-03, 54-24-09, 54-24.3-01, 54-24.3-03, 54-24.3-04, 54-24.3-05, 54-24.3-06, 54-24.3-07, 54-24.3-08, 54-24.3-09, 54-24.3-10, 54-24.3-11, 54-24.3-12, 54-24.3-13, 54-24.3-14, 54-24.3-15, and 54-24.3-16 of the North Dakota Century Code, relating to the state library and multitype library authorities; to repeal sections 54-24-07 and 54-24.3-02 of the North Dakota Century Code, relating to state library printing costs and the statewide library planning committee; and to provide appropriations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: DeMers; Kelsh; Nelson, C.; Yockim

ABSENT AND NOT VOTING: Grindberg; Nething; Redlin

Engrossed HB 1035, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1168, as engrossed: Your conference committee (Sens. Lee, Andrist, Mutzenberger and Reps. Berg, Skarphol, Coats) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1141-1142, adopt amendments as follows, and place HB 1168 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1141 and 1142 of the House Journal and pages 865 and 866 of the Senate Journal and that Engrossed House Bill No. 1168 be amended as follows:

Page 1, line 1, remove "and a new section to chapter"

Page 1, line 2, remove "26.1-36.4" and remove "and"

Page 1, line 3, remove "rulemaking authority"

Page 1, line 8, after "26.1-08-05" insert "of the North Dakota Century Code"

Page 1, line 9, after the first semicolon insert "to provide for application;"

Page 2, line 12, replace "prior" with "the most recent qualifying previous" and after "coverage" insert "described in paragraph 2"

Page 3, line 15, replace "implementing only the minimum" with "complying with"

Page 3, line 16, remove "compliance requirements of" and after "Portability" insert "and Accountability"

Page 26, line 8, remove the overstrike over "chapter and section 26.1-36-37.2" and remove "Act"

Page 28, line 21, replace "may not provide for coverage" with "must be consistent with"

Page 28, line 22, remove "greater than the minimum requirements of" and after "Portability" insert "and Accountability"

Page 28, line 23, replace "104-791" with "104-191"

Page 32, line 17, after "26.1-36.3-01" insert ", whether offered on a group or individual basis. The term does not include short-term major medical policies offered in the individual market."

3. "Short-term", except as required by the Health Insurance Portability and Accountability Act of 1996, means a policy or plan providing coverage for one hundred eighty-five days or less"

Page 33, remove lines 1 through 5

Page 36, line 25, after "offering" insert "coverage"

Page 37, after line 8, insert:

"SECTION 19. APPLICATION. Except as required by the Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.], this Act applies to:

1. Any health insurance coverage that is offered, sold, issued, or renewed in the individual market after June 30, 1997; and
2. Any group health benefit plan, and health insurance coverage offered in connection with a group health benefit plan, for any plan year beginning after June 30, 1997."

Renumber accordingly

Engrossed HB 1168 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. LEE MOVED that the conference committee report on Engrossed HB 1168 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1168, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1168: A BILL for an Act to create and enact section 26.1-36.4-03.1 of the North Dakota Century Code, relating to preexisting condition provisions; to amend and reenact sections 26.1-08-01, 26.1-08-04, 26.1-08-06, 26.1-08-06.1, 26.1-08-07, 26.1-08-12, subsection 3 of section 26.1-08-13, sections 26.1-36.3-01, 26.1-36.3-04, 26.1-36.3-05, 26.1-36.3-06, subsection 1 of section 26.1-36.3-11, sections 26.1-36.4-02, 26.1-36.4-03, 26.1-36.4-04, and 26.1-36.4-05 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota, small group health insurance, and individual health insurance; to repeal section 26.1-08-05 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota; to provide for application; to provide an effective date; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.;

Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Grindberg; Nething; Redlin

Engrossed HB 1168, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the conference committee report on HB 1359 as printed on SJ pages 1301-1302 be adopted, which motion prevailed on a voice vote.

HB 1359, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1359: A BILL for an Act to amend and reenact subsection 4 of section 19-03.1-23 of the North Dakota Century Code, relating to drug offenses.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Berg; DeMers; LaFountain; Mathern; Mutzenberger; O'Connell; Yockim

ABSENT AND NOT VOTING: Grindberg; Nething; Redlin

HB 1359, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1014, as engrossed: Your conference committee (Sens. St. Aubyn, Solberg, Krauter and Reps. Bernstein, Delzer, Nichols), having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

REPORT OF CONFERENCE COMMITTEE

SEN. GOETZ MOVED that the conference committee report on Engrossed HB 1014 be adopted, and that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on Engrossed HB 1014, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a new Conference Committee on Engrossed HB 1014: Sens. Solberg, Goetz, Tallackson.

MOTION

SEN. GOETZ MOVED that Sen. Watne replace Sen. W. Stenehjem on the Senate Conference Committee on HB 1297, thereby forming a new Conference Committee on HB 1297, which motion prevailed.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2396.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2017.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1013.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1168.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1003, HB 1004, HB 1010, HB 1022, HB 1023, HB 1024, HB 1035, HB 1359.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1025.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1014. The committee was unable to agree and the President has appointed as a new conference committee to act with a like committee from the House on:

HB 1014: Sens. Solberg; Goetz; Tallackson

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has appointed Sen. Watne to replace Sen. W. Stenehjem on the Conference Committee on HB 1297.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2004, SB 2018, SB 2047, SB 2194.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2064 and SB 2301.

MOTION

SEN. GOETZ MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the Senate be on the Seventh and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Thursday, April 10, 1997, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2002, as engrossed: Your conference committee (Sens. Goetz, Lips, Tallackson and Reps. Byerly, Gerntholz, Oban) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1004-1012, adopt amendments as follows, and place SB 2002 on the Seventh order:

That the House recede from its amendments as printed on pages 1004-1012 of the Senate Journal and pages 1109-1117 of the House Journal and that Engrossed Senate Bill No. 2002 be amended as follows:

Page 1, line 3, replace the first "and" with "to declare legislative intent;"; after "sections" insert "11-10-02, 11-17-04," replace the third "and" with a comma, and after "27-05-03" insert ", 27-11-17, 27-11-22, and 27-12-04"

Page 1, line 4, after "to" insert "the consolidation of the positions of register of deeds and clerk of district court, fees charged by the clerk of district court," and after "judges" insert ", and attorney license fees; and to provide an effective date"

Page 1, line 14, replace "4,721,870" with "4,644,087"

Page 1, line 15, replace "1,511,006" with "1,490,790"

Page 1, line 19, replace "6,722,981" with "6,624,982"

Page 1, line 21, replace "6,714,018" with "6,616,019"

Page 2, line 2, replace "8,132,820" with "7,906,299"

Page 2, after line 2, insert:

"Clerk of court consolidation funding

100,000"

Page 2, line 5, replace "31,265,142" with "31,138,621"

Page 2, line 7, replace "30,881,053" with "30,754,532"

Page 2, after line 7, insert:

"Subdivision 3."

Page 2, line 9, replace "Salaries and wages" with "Judicial conduct commission and disciplinary board" and replace "394,078" with "460,000"

Page 2, remove lines 10 and 11

Page 2, line 12, replace "523,629" with "460,000"

Page 2, line 13, replace "72,000" with "225,000"

Page 2, line 14, replace "451,629" with "235,000"

Page 2, line 15, replace "38,046,700" with "37,605,551"

Page 2, line 16, replace "465,052" with "618,052"

Page 2, line 17, replace "38,511,752" with "38,223,603"

Page 3, replace lines 1 through 3 with:

"SECTION 5. COURT AUTOMATION RESTRICTED. The supreme court and the district courts may not require any county to spend county funds on computer equipment relating to the automation of the court system.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the fifty-fifth legislative assembly that counties use the provisions of chapters 11-10.2, 11-10.3, and 54-40.3 to combine or share the services of clerks of district court and that the judicial branch budget for the 1999-2001 biennium and future bienniums include funding necessary to efficiently fund administration of the district courts.

SECTION 7. AMENDMENT. Section 11-10-02 of the North Dakota Century Code is amended and reenacted as follows:

11-10-02. Number and election of county officers. Each organized county, unless it has adopted one of the optional forms of county government provided by the code or has combined or separated the functions of county offices or redesignated offices as elective or appointive pursuant to chapter 11-10.2 or 11-10.3, must have the following officers:

1. One county auditor.
2. One register of deeds ~~in counties having a population of more than six thousand.~~
3. One clerk of the district court, except as otherwise provided by this section.
4. One state's attorney.
5. One sheriff.
6. One county treasurer.
7. One coroner.
8. ~~Repealed by S.L. 1989, ch. 137, § 10, effective January 1, 1993.~~
9. A board of county commissioners consisting of three or five members as provided in this title.

In counties having a population of six thousand or less, the register of deeds shall perform the functions of the clerk of the district court ~~must be the register of deeds,~~ unless the board of county commissioners adopts a resolution separating the offices no less than thirty days before petitions for nomination to county offices may first be filed

for the primary election. In a county having a population of more than six thousand, the offices of clerk of district court and register of deeds may be combined into an office of register of deeds if the board of county commissioners, following consultation with the supreme court, adopts a resolution combining the offices no less than thirty days before petitions for nominations to county offices may first be filed for the primary election. For a county which that has properly initiated the option and it is funded by the legislative assembly pursuant to section 11-17-11, and the office of the clerk of court is funded by the legislative assembly, the board of county commissioners may provide for the functions of the register of deeds' services in any appropriate manner deeds, which may include functions of the clerk of district court and other functions as determined by the board of county commissioners. Counties having a population of six thousand or less and exercising the option provided in section 11-17-11 may contract with the state court administrator for the provision of shared funding for register of deeds' services. The required officers must be chosen by the qualified electors of the respective counties at the general election in each even-numbered year, except the register of deeds, county auditor, treasurer, sheriff, state's attorney, and clerk of the district court, who must be chosen in 1966 and every four years thereafter, the members of the board of county commissioners, who must be chosen in the manner prescribed in section 11-11-02, and the county coroner, who must be chosen in the manner prescribed in section 11-19.1-03. The clerk of district court elected pursuant to this section is not subject to election in any future general election that occurs after the start of the state biennium after the county has properly initiated the option and the legislative assembly has provided appropriations pursuant to section 11-17-11.

SECTION 8. AMENDMENT. Section 11-17-04 of the North Dakota Century Code is amended and reenacted as follows:

11-17-04. Fees to be charged by the clerk of the district court.

1. The clerk of the district court shall charge and collect the following fees in civil cases:
 - a. For filing a case for decision that is not a small claims action, eighty dollars.
 - (1) ~~Fee~~ Fifteen dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund. Any fees collected under this paragraph which exceed \$400,000 in any biennium must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
 - (2) For the filing of a petition for dissolution of marriage, annulment, or separation from bed and board, fifty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account created by section 14-06.1-14.
 - (3) For all other filings, ~~fifty~~ forty-five dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
 - b. For filing an answer to a case that is not a small claims action, fifty dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund in the state treasury.
 - c. For filing a small claims action in district court, ten dollars.
 - d. For filing any matter authorized to be filed in the office of the clerk of court other than under subdivision a, b, or c, five dollars.
 - e. For preparing, certifying, issuing, or transmitting any document, five dollars; or such lesser fee as may be set by a schedule to be promulgated by the state court administrator.
 - f. For filing a motion or an answer to a motion to modify an order for alimony, property division, child support, or child custody, thirty dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund of the state treasury.

2. Section 27-01-07 applies to fees charged under this section. The clerk of court may not charge or collect any fee, prescribed by this or any other section, from the state or an agency thereof or from a political subdivision or agency thereof.

SECTION 9. AMENDMENT. Section 11-17-04 of the North Dakota Century Code as amended by section 8 of this Act is amended and reenacted as follows:

11-17-04. Fees to be charged by the clerk of the district court.

1. The clerk of the district court shall charge and collect the following fees in civil cases:
 - a. For filing a case for decision that is not a small claims action, eighty dollars.
 - (1) Fifteen dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund. Any fees collected under this paragraph which exceed \$400,000 in any biennium must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
 - (2) For the filing of a petition for dissolution of marriage, annulment, or separation from bed and board, fifty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account created by section 14-06.1-14 and fifteen dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
 - (3) For all other filings, ~~forty-five~~ sixty-five dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
 - b. For filing an answer to a case that is not a small claims action, fifty dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund in the state treasury.
 - c. For filing a small claims action in district court, ten dollars.
 - d. For filing any matter authorized to be filed in the office of the clerk of court other than under subdivision a, b, or c, five dollars.
 - e. For preparing, certifying, issuing, or transmitting any document, five dollars; or such lesser fee as may be set by a schedule to be promulgated by the state court administrator.
 - f. For filing a motion or an answer to a motion to modify an order for alimony, property division, child support, or child custody, thirty dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund of the state treasury.
2. Section 27-01-07 applies to fees charged under this section. The clerk of court may not charge or collect any fee, prescribed by this or any other section, from the state or an agency thereof or from a political subdivision or agency thereof."

Page 3, after line 24, insert:

"SECTION 12. AMENDMENT. Section 27-11-17 of the North Dakota Century Code is amended and reenacted as follows:

27-11-17. Fee payable by all applicants for admission to bar - Disposition of fees. The state bar board ~~shall be entitled to~~ receive a fee to be determined ~~from time to time~~ by the state bar board with the approval of the supreme court of an amount not to exceed one hundred fifty dollars from each applicant for admission to the bar of this state who submits to examination by the state bar board and ~~shall receive~~ a fee to be determined ~~from time to time~~ by the state bar board with the approval of the supreme court of an amount not to exceed ~~two~~ four hundred dollars from each applicant for admission to the bar of this state who seeks admission upon motion in accordance with

state law or supreme court rule. All such fees received must be deposited and disbursed in accordance with section 54-44-12.

SECTION 13. AMENDMENT. Section 27-11-22 of the North Dakota Century Code is amended and reenacted as follows:

27-11-22. Annual licenses to practice law and to serve on certain courts - Requirement - Issuance - Fees. Every person who has an unrevoked certificate of admission to the bar of this state and who desires to engage in the practice of law, or who is to serve as a judge of a court of record, shall secure an annual license from the state bar board on or before January first of each year. The secretary-treasurer of the board shall issue the license upon compliance with the rules adopted or approved by the supreme court to assure the professional competence of attorneys, and upon payment of a fee established by the state bar association at its annual meeting, by a majority vote of its members in attendance at the meeting, not to exceed ~~two~~ four hundred ~~fifty~~ dollars. The license is valid for the calendar year for which it is issued. Issuance of an annual license to practice law may not be conditioned upon payment of any surcharge, assessment, or fee in excess of the maximum fee established by this section. This section does not prohibit imposition of a reasonable fee for filing and processing reports of compliance with continuing education requirements.

SECTION 14. AMENDMENT. Section 27-12-04 of the North Dakota Century Code is amended and reenacted as follows:

27-12-04. Moneys payable from state bar fund to state bar association. The state bar association of North Dakota, out of the state bar fund, ~~annually shall~~ must receive ~~eighty~~, for operation of the lawyer discipline system, fifty dollars of each license fee beginning January 1, 1998, and seventy-five dollars of each license fee beginning January 1, 1999. Eighty percent of the remaining amount of the annual license fees paid by licensed members; must be paid to the state bar association for the purpose of ~~paying for the printing administering and distribution of the annual report and proceedings of said operating the association and for the payment of other necessary expenses of the association. Such sum~~ These sums must be paid quarterly to the association by the state bar board upon vouchers drawn in accordance with section 54-44-12.

SECTION 15. EFFECTIVE DATE. Section 9 of this Act becomes effective on April 1, 1999."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 180 - JUDICIAL BRANCH

CONFERENCE COMMITTEE - This amendment makes the following changes:

Supreme Court changes:

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	REMOVE NEW .5 FTE COMPUTER PROGRAMMER	REMOVE EXISTING .5 FTE COMPUTER PROGRAMMER	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Salaries and wages	\$4,721,870		\$(35,260)	\$(42,523)	\$(77,783)	\$4,644,087	\$4,644,087	
Operating expenses	1,511,006	\$(20,216)			(20,216)	1,490,790	1,490,790	
Equipment	132,700					132,700	132,700	
Judges retirement	337,405					337,405	337,405	
Dispute resolution options	<u>20,000</u>					<u>20,000</u>	<u>20,000</u>	
Total all funds	\$6,722,981	\$(20,216)	\$(35,260)	\$(42,523)	\$(97,999)	\$6,624,982	\$6,624,982	\$ 0
Less estimated income	<u>8,963</u>					<u>8,963</u>	<u>8,963</u>	
General fund	\$6,714,018	\$(20,216)	\$(35,260)	\$(42,523)	\$(97,999)	\$6,616,019	\$6,616,019	\$ 0
FTE	45.50		(0.50)	(0.50)	(1.00)	44.50	44.50	0.00

District court changes:

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	DECREASE INDIGENT DEFENSE COSTS	ADD FUNDING FOR CLERK OF COURT CONSOLIDATION	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE (DECREASE) TO HOUSE VERSION
Salaries and wages	\$21,518,136					\$21,518,136	\$21,518,136	
Operating expenses	8,132,820	\$(81,734)	\$(144,787)	\$100,000	\$(226,521)	7,906,299	7,851,086	\$ 55,213
Clerk of court consolidation funding					100,000	100,000		100,000
Equipment	654,954					654,954	654,954	
Judges retirement	959,232					959,232	959,232	
Total all funds	\$31,265,142	\$(81,734)	\$(144,787)	\$100,000	\$(126,521)	\$31,138,621	\$30,983,408	\$155,213
Less estimated income	384,089					384,089	384,089	
General fund	\$30,881,053	\$(81,734)	\$(144,787)	\$100,000	\$(126,521)	\$30,754,532	\$30,599,319	\$155,213
FTE	190.50				0.00	190.50	190.50	0.00

Judicial Conduct Commission changes:

	CHANGE FUNDING FOR THE JUDICIAL CONDUCT COMMISSION AND DISCIPLINARY BOARD TO A SINGLE LINE ITEM AND INCREASE OTHER FUNDS	REMOVE RISK MANAGEMENT PREMIUMS	ENGROSSED BILL	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Salaries and wages	\$394,078		\$394,078	\$(394,078)			
Operating expenses	119,551	\$(2,151)	(117,400)	(119,551)			
Equipment	10,000		(10,000)	(10,000)			
Judicial Conduct Commission and Disciplinary Board			460,000	460,000	\$460,000	\$460,000	
Total all funds	\$523,629	\$(2,151)	\$(61,478)	\$(63,629)	\$460,000	\$460,000	\$ (135,000)
Less estimated income	72,000		153,000	153,000	225,000	360,000	
General fund	\$451,629	\$(2,151)	\$(214,478)	\$(216,629)	\$235,000	\$100,000	\$ 135,000
FTE	4.00			0.00	4.00	4.00	0.00

This amendment also:

- Adds a new Section 5 providing that neither the Supreme Court nor the district courts can require counties to purchase, with county funds, computer equipment relating to court automation.
- Removes the existing Section 5 which provided for maximum authorized FTE levels.
- Adds a new Section 6 providing legislative intent relating to counties combining or sharing the services of clerks of district court.
- Adds a new Section 7 which amends North Dakota Century Code Section 11-10-02 relating to the consolidation of the positions of register of deeds and clerk of district court.
- Adds new Sections 8 and 9 which amend North Dakota Century Code Section 11-17-04 relating to filing fees charged by the clerk of district court.
- Adds new Sections 12, 13, and 14 which amend North Dakota Century Code Sections 27-11-17, 27-11-22, and 27-12-04, relating to attorney license fees.

The amendment provides for the following filing fee changes:

	CURRENT DISTRIBUTION		PROPOSED DISTRIBUTION UNTIL 4-1-99		PROPOSED DISTRIBUTION AFTER 3-31-99	
	DIVORCE FILINGS	ALL OTHER FILINGS	DIVORCE FILINGS	ALL OTHER FILINGS	DIVORCE FILINGS	ALL OTHER FILINGS
Civil legal services fund	\$10	\$10	\$15 ¹	\$15 ¹	\$15 ¹	\$15 ¹
Displaced homemaker fund	50		50		50	
State general fund	<u>20</u>	<u>20</u>	<u>15</u>	<u>45</u>	<u>15</u>	<u>65</u>
Counties				<u>20</u>		
Total filing fee	\$80	\$80	\$80	\$80	\$80	\$80

¹ The filing fee revenues to be deposited in the civil legal services fund are limited to \$400,000 per biennium. Any fee revenues received after the \$400,000 limit is reached are to be deposited in the state general fund. It is anticipated that the additional \$5 will generate an additional \$131,805 during the 1997-99 biennium, bringing the total collections for the fund to \$395,415 for the 1997-99 biennium. Therefore, it is not anticipated that the \$400,000 limit will be exceeded during the 1997-99 biennium.

The proposed filing fee changes are projected to have the following revenue impacts:

	HOUSE VERSION	CONFERENCE COMMITTEE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Civil legal services fund	\$131,805	\$131,805	
Displaced homemaker fund			
State general fund	395,415	(46,875)	\$(442,290)
County revenues	<u>(527,220)</u>	<u>(84,930)</u>	<u>442,290</u>
Total	\$0	\$0	\$0

Engrossed SB 2002 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2043, as engrossed: Your conference committee (Sens. Thane, DeMers, B. Stenehjem and Reps. Christopherson, Devlin, Kerzman) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 862, adopt further amendments as follows, and place SB 2043 on the Seventh order:

That the Senate accede to the House amendments as printed on page 862 of the Senate Journal and pages 985 and 986 of the House Journal and that Engrossed Senate Bill No. 2043 be further amended as follows:

Page 2, line 27, replace "a" with "any" and remove "care"

Renumber accordingly

Engrossed SB 2043 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2214, as engrossed: Your conference committee (Sens. Goetz, Naaden, Krauter and Reps. Gerntholz, Byerly, Oban) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1028 and place SB 2214 on the Seventh order.

Engrossed SB 2214 was placed on the Seventh order of business on the calendar.

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

William C. Parker, Secretary