

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, March 30, 1999

The House convened at 9:00 a.m., with Speaker Wald presiding.

The prayer was offered by Pastor Curtis Dickoff, Director of Child Evangelism for Southwest North Dakota.

The roll was called and all members were present.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 29, 1999, I have signed the following: HB 1070, HB 1170, HB 1185, HB 1255, and HB 1341.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause failed: HB 1451.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1451**

Page 1, line 3, after "49-21-01" insert "and subdivision g of subsection 3 of section 49-23-04"

Page 1, line 4, after "definitions" insert "and time periods under the one-call excavation notice system"

Page 5, line 26, replace "Notwithstanding any other provision of law or home rule charter" with "Unless the governing body of a political subdivision has submitted to the qualified electors of that political subdivision the question of whether to impose a fee other than a fee for management costs and a majority of the voters approved the fee"

Page 5, line 27, replace "recover" with "impose after December 31, 1998," and after "fee" insert "to recover"

Page 5, line 29, after the underscored comma insert "in order to accomplish a necessary public improvement on the right of way,"

Page 5, line 30, replace "the company's" with "no cost to the political subdivision. Necessary public improvements are limited to construction and maintenance activities directly related to improved transportation and safety"

Page 5, line 31, remove "sole cost and expense"

Page 7, after line 26, insert:

**"SECTION 7. AMENDMENT.** Subdivision g of subsection 3 of section 49-23-04 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- g. An excavator may not use a location more than ~~seventy-two hours~~ ten days, or any extension of that period, after the planned excavation date unless the excavator has made previous arrangements with the operators affected."

Page 7, line 27, remove "**OF ACT**", replace "This" with "Sections 1 through 6 of this", and replace "applies" with "apply"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1281.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1281**

Page 1, line 1, after "enact" insert "sections 61-02-68.14, 61-02-68.15, 61-02-68.16, 61-02-68.17, 61-02-68.18, 61-02-68.19, and"

Page 1, line 2, after the first "to" insert "state water commission bonding authority, guarantees of evidences of indebtedness, and" and after the semicolon insert "to amend and reenact sections 61-02-68.1 and 61-02-68.12 of the North Dakota Century Code, relating to guarantees of evidences of indebtedness by the state water commission;"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 61-02-68.1 of the North Dakota Century Code is amended and reenacted as follows:

**61-02-68.1. Borrowing on interim notes - Expenses paid and loans made from proceeds - Issuance of notes.** The commission, pursuant to appropriate resolution, and in order to carry out the business of developing the water resources of this state as provided in this chapter, may borrow money and issue interim financing notes (the terms "interim notes" or "notes" ~~may~~, unless the context ~~demands~~ otherwise requires, may be used in sections 61-02-68.1 through ~~61-02-68.13~~ 61-02-68.19 in lieu of the term "interim financing notes") in evidence thereof in order to provide owners with ~~tax-exempt~~ construction period financing. ~~Such~~ The construction period financing may include the costs of construction of works or projects, funding of debt service reserves and capitalized interest, and the payment of the costs of issuance.

**SECTION 2. AMENDMENT.** Section 61-02-68.12 of the North Dakota Century Code is amended and reenacted as follows:

**61-02-68.12. Interim financing notes or guarantees not a state obligation - Payment restricted to revenues - Notes or guarantees not a lien.** Interim financing notes issued by the commission under this chapter ~~shall~~ or guarantees provided under sections 61-02-68.14, 61-02-68.15, 61-02-68.16, 61-02-68.17, 61-02-68.18, or 61-02-68.19 are not be in any way a debt or liability of this state and ~~shall~~ do not constitute a loan of the credit of this state or create any debt or debts, liability or liabilities on behalf of this state, or be or constitute a pledge of the faith and credit of this state, but all ~~such~~ notes ~~shall be~~ or guarantees are payable solely from funds pledged or available for their payment as authorized in this chapter. ~~Such~~ The notes ~~shall~~ or guarantees do not constitute a charge, lien, nor encumbrance, legal or equitable, upon any property of the commission, other than funds received pursuant to an interim financing agreement.

Each note issued under this chapter ~~shall~~ must recite in substance that the note, including interest thereon, is payable solely from a loan or grant to be made by an agency or instrumentality of the United States government, or North Dakota, and that the note does not constitute a debt of the commission within the meaning of any constitutional or statutory limit.

**SECTION 3.** Section 61-02-68.14 of the North Dakota Century Code is created and enacted as follows:

**61-02-68.14. Guarantee issued by commission.** The commission may guarantee evidences of indebtedness issued or other obligations undertaken by the owners of water projects eligible to receive municipal, rural, and industrial water supply funds pursuant to Pub. L. 99-294 [100 Stat. 418], or evidences of indebtedness issued or other obligations undertaken by a not-for-profit organization establishing a financing program for the owners of the water projects eligible to receive municipal, rural, and industrial water supply funds pursuant to Pub. L. 99-294 [100 Stat. 418] for the purpose of providing the owners with construction period financing. Construction period financing may include the cost of construction of works or projects, funding of debt service reserves and capitalized interest, and the payment of the costs of issuance. A commission guarantee of indebtedness or other obligations of an owner of a water project must be authorized by resolution of the commission and must be evidenced by a written agreement approved by the commission.

**SECTION 4.** Section 61-02-68.15 of the North Dakota Century Code is created and enacted as follows:

**61-02-68.15. Pledges.** The commission may pledge the municipal, rural, and industrial water supply funds authorized by Pub. L. 99-294 [100 Stat. 418] as security for a guarantee or note. A pledge is valid and binding whenever the pledge is made.

The revenues or other moneys pledged and thereafter received by the commission are immediately subject to the lien of the pledge without physical delivery or further act, and the lien of the pledge is valid and binding as against all parties having claims of any kind against the commission, regardless of whether the parties have notice. Neither the resolution nor any other instrument by which a pledge is created need be filed or recorded, except in the records of the commission.

**SECTION 5.** Section 61-02-68.16 of the North Dakota Century Code is created and enacted as follows:

**61-02-68.16. Reserve fund.**

1. The commission shall establish and maintain a reserve fund in which there must be deposited all moneys appropriated by the legislative assembly for the purpose of the fund, all proceeds of notes issued or guaranteed by the commission required to be deposited in the fund by terms of a contract or a resolution of the commission with respect to the proceeds of notes, any moneys or funds of the commission that it determines to deposit in the fund, any moneys made available to the commission for the purposes of the fund from any other source, and any contractual right to the receipt of moneys by the commission for the purpose of the fund, including a letter of credit or similar instrument. Moneys in the reserve fund must be held and applied solely to the payment of the interest on and the principal of notes and sinking fund payments as they become due and payable and for the retirement of notes, including payment of any redemption premium required to be paid when any notes are redeemed or retired before maturity, and for the payment of principal and interest on evidences of indebtedness or obligations guaranteed by the commission. Moneys in the reserve fund may not be withdrawn if the withdrawal would reduce the amount in the reserve fund to an amount less than the required debt service reserve, except for payment of the interest due and payable on notes and the principal of notes maturing and payable and sinking fund payments and for the retirement of notes in accordance with the terms of a contract between the commission and its noteholders, for the payment of principal and interest on evidences of indebtedness or obligations of an owner of water projects for which a guarantee has been issued by the commission, and for payment of interest or principal or sinking fund payments or retirement of notes or draws upon a guarantee, for which other moneys of the commission are not then available in accordance with the terms of the contract. The reserve fund may not be used for the payment of a guarantee by the commission unless the commission has determined that notes of the commission cannot be issued under acceptable terms for the payment of the guarantee or that the payment of the guarantee will not reduce the reserve fund to an amount less than the required debt service reserve. The required debt service reserve must be an aggregate amount equal to at least the largest amount of money required by the terms of all contracts between the commission and its noteholders to be raised in the current or any succeeding calendar year for the payment of interest on and maturing principal of outstanding notes and the payment required by the terms of any contract to a sinking fund established for the payment or redemption of the notes.
2. If the establishment of the reserve fund for an issue or the maintenance of an existing reserve fund at a required level under this section would necessitate the investment of all or any portion of a new reserve fund or all or any portion of an existing reserve fund at a restricted yield, because to not restrict the yield may cause the notes to be taxable under the Internal Revenue Code, then at the discretion of the commission a reserve fund does not need be established before the issuance of notes or the reserve fund need not be funded to the levels required by other subsections of this section or an existing reserve fund may be reduced.
3. Notes may not be issued by the commission unless there is in the reserve fund the required debt service reserve for all notes then issued and outstanding and the notes to be issued. This chapter does not prevent or preclude the commission from satisfying this requirement by depositing so much of the proceeds of the notes to be issued, upon their issuance, as is needed to achieve the required debt service reserve. The commission may issue its notes for the purpose of providing an amount necessary to increase the amount in the reserve fund to the required debt service

reserve, or to meet any higher or additional reserve as may be fixed by the commission with respect to the fund.

4. In order to assure the maintenance of the required debt service reserve, there must be appropriated by the legislative assembly and paid to the commission for deposit in the reserve fund any sum certified by the commission as necessary to restore the reserve fund to an amount equal to the required debt service reserve or to maintain a reserve fund established by the commission under this chapter and required according to the terms of a guarantee issued by the commission. The commission may approve a resolution for the issuance of notes, as provided by this chapter, which states in substance that this subsection is not applicable to the required debt service reserve for notes issued under that resolution.
5. If the maturity of a series of notes of the commission is not more than three years from the date of issuance of the notes, the commission may determine that no reserve fund need be established for that respective series of notes or that the reserve fund may be in an amount less than the required debt service reserve. If the determination is made, holders of that respective series of notes do not have an interest in or claim on existing reserve funds established for the security of the holders of previously issued commission notes, and do not have an interest in or claim on reserve funds established for the holders of subsequent issues of notes of the commission.

**SECTION 6.** Section 61-02-68.17 of the North Dakota Century Code is created and enacted as follows:

**61-02-68.17. Additional reserves and funds.** The commission may establish additional and further reserves or other funds or accounts as may be necessary, desirable, or convenient to further the accomplishment of the purposes of the commission to comply with the provisions of an agreement made by or a resolution of the commission.

**SECTION 7.** Section 61-02-68.18 of the North Dakota Century Code is created and enacted as follows:

**61-02-68.18. Protection of service during term of guarantee or loan.**

1. The service provided or made available by owners of water projects through the construction or acquisition of an improvement, or the improvement revenues, financed in whole or in part with a guarantee or loan to the owners of water projects from the commission or any other state entity, may not be curtailed or limited by inclusion of all or any part of the area served by the owners of water projects within the boundaries of any other owners of water projects, or by the granting of any private franchise for similar service within the area served by the owners of water projects, during the term of the guarantee or loan. The owners of water projects providing the service may not be required to obtain or secure a franchise, license, or permit as a condition of continuing to serve the area if it is included within the boundaries of another owner of a water project during the term of the guarantee or loan.
2. Under the circumstances described in subsection 1, nothing prevents the two owners of water projects and the commission or other state entity from negotiating an agreement for the right or obligation to provide the service in question, provided that an agreement is invalid unless the commission or other state agency or enterprise is a party to the agreement and unless the agreement contains adequate safeguards to ensure the security and timely payment of any outstanding notes of the commission issued to fund the loan.

**SECTION 8.** Section 61-02-68.19 of the North Dakota Century Code is created and enacted as follows:

**61-02-68.19. Interim financing notes, guarantees, or bonds for municipal, rural, and industrial water supply projects - Public interest.** Guarantees made under section 61-02-68.14 or bonds or interim notes issued under chapter 61-02 for the purpose of providing construction period financing for owners of water projects eligible to receive municipal, rural, and industrial water supply funds pursuant to Pub. L. 99-294

[100 Stat. 418] are in the public interest and are not subject to the limitation contained in subsection 2 of section 61-02-46."

Page 1, underscore lines 7 through 23

Page 2, underscore line 1

Page 2, line 2, underscore "of or interest on municipal securities, investment income, revenues, appropriations," and after the fourth comma insert "liquidation of security,"

Page 2, underscore lines 3 through 27

Page 2, line 28, underscore "private bond markets", replace "with" with "without", and underscore "the guarantee of the program. The program may hold municipal"

Page 2, underscore lines 29 through 31

Page 3, line 1, underscore "obligations, and assist irrigation districts as provided in this chapter. Bonds", after "Bonds" insert "or guarantees", and underscore "of the program"

Page 3, underscore lines 2 through 11

Page 3, line 12, underscore "program to incur any indebtedness or liability on behalf of or payable by the state." and after the period insert "Guarantees or bonds issued under this chapter are in the public interest and are not subject to the limitation contained in subsection 2 of section 61-02-46."

Page 3, after line 12, insert:

**"How bonds or guarantees may be secured.** A bond or guarantee issued by the program may be secured by works or lands and the income derived from those works or lands."

Page 3, underscore lines 13 through 31

Page 4, underscore lines 1 through 31

Page 5, underscore lines 1 through 31

Page 6, underscore lines 1 through 31

Page 7, underscore lines 1 through 29

Page 8, underscore lines 1 through 31

Page 9, underscore lines 1 through 31

Page 10, underscore lines 1 through 17

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1490.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1490**

Page 1, line 20, overstrike "of instruction time"

Page 1, line 21, after "students" insert ", during which time the students are required to be in attendance for the purpose of receiving curricular instruction"

Page 1, line 22, overstrike "of instruction time" and after "students" insert ", during which time the students are required to be in attendance for the purpose of receiving curricular instruction"

Page 2, line 1, replace "Instruction time exceeding the minimum number of hours per day required for a full" with "Daily instruction time in excess of five hours and thirty minutes for elementary students and six hours for high school students may be aggregated, after a weather-related closure, to make up for up to six hours of instruction time lost during a school year because of a weather-related school closure, if the school's calendar provides for instruction time that exceeds the minimum required hours of

instruction by at least fifteen minutes during each of the one hundred seventy-three full days of instruction. If the school's calendar does not provide for instructional time that exceeds the minimum required hours of instruction by at least fifteen minutes during each of the one hundred seventy-three full days of instruction, any extension of a normal schoolday to make up for time lost as a result of a weather-related closure must have a duration of at least thirty minutes."

Page 2, remove lines 2 and 3

Page 2, line 20, overstrike "of instruction time" and after "students" insert ", during which time the students are required to be in attendance for the purpose of receiving curricular instruction"

Page 2, line 22, overstrike "of instruction time" and after "students" insert ", during which time the students are required to be in attendance for the purpose of receiving curricular instruction"

Page 2, line 23, replace "Instruction time exceeding the minimum number of hours per day required for a full" with "Daily instruction time in excess of five hours and thirty minutes for elementary students and six hours for high school students may be aggregated, after a weather-related closure, to make up for up to six hours of instruction time lost during a school year because of a weather-related school closure, if the school's calendar provides for instruction time that exceeds the minimum required hours of instruction by at least fifteen minutes during each of the one hundred seventy-three full days of instruction. If the school's calendar does not provide for instructional time that exceeds the minimum required hours of instruction by at least fifteen minutes during each of the one hundred seventy-three full days of instruction, any extension of a normal schoolday to make up for time lost as a result of a weather-related closure must have a duration of at least thirty minutes."

Page 2, remove lines 24 and 25

Renumber accordingly

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1047.

**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 1307:** Sens. B. Stenehjem; Urlacher; Kinnoin

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2410 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2410:** Sens. Wanzek; Cook; O'Connell

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HCR 3030.

**SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3030**

Page 1, line 2, after "possible" insert ", including post-harvest crop protectants"

Page 2, line 12, after "possible" insert ", including post-harvest crop protectants"

Renumber accordingly

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

**MR. SPEAKER:** The Senate has passed unchanged: HCR 3009, HCR 3037, HCR 3058, HCR 3063, HCR 3070.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2440.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2254 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2254:** Sens. W. Stenehjem; Traynor; C. Nelson

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2153 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2153:** Sens. Klein; Sand; Kroeplin

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BELTER MOVED** that the House do concur in the Senate amendments to HB 1052 as printed on HJ page 1011, which motion prevailed.

HB 1052, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1052:** A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to income limitations to qualify for the homestead credit for persons sixty-five years of age or older with limited income; 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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

Engrossed HB 1052 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. GROSZ MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1108 as printed on HJ pages 1035-1036 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1108: Reps. Grosz, Clark, Sandvig.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PRICE MOVED** that the House do concur in the Senate amendments to Engrossed HB 1152 as printed on HJ pages 915-917, which motion prevailed.

Engrossed HB 1152, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1152:** A BILL for an Act to amend and reenact section 43-32-30 of the North Dakota Century Code, relating to the practice of psychology.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

Reengrossed HB 1152 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. KEISER MOVED** that the House do concur in the Senate amendments to HB 1229 as printed on HJ page 1036, which motion prevailed.

HB 1229, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1229:** A BILL for an Act to amend and reenact section 39-12-05.3 of the North Dakota Century Code, relating to weight limitations for vehicles on highways that are not in the interstate system.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

Engrossed HB 1229 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to Engrossed HB 1243 as printed on HJ pages 1039-1041, which motion prevailed.

Engrossed HB 1243, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1243:** A BILL for an Act to amend and reenact sections 6-08-16 and 6-08-16.2 of the North Dakota Century Code, relating to issuing a check without sufficient funds, credit, or an account; to provide a penalty; 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 95 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Monson; Mueller;



Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Froelich; Lemieux; Meyer

Reengrossed HB 1243 passed, the title was agreed to, and the emergency clause was declared carried.

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

**REP. PRICE MOVED** that the House do concur in the Senate amendments to Engrossed HB 1403 as printed on HJ page 1038, which motion prevailed.

Engrossed HB 1403, as amended, was placed on the Eleventh order of business on the calendar.

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

**HB 1403:** A BILL for an Act to provide a licensed nurse may delegate medication administration; to create and enact a new subsection to section 43-12.1-04 of the North Dakota Century Code, relating to persons exempt from nurse licensure; to require the department of human services and the North Dakota board of nursing to report to the legislative council and to make recommendations regarding administration of medications; and to provide an expiration date.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Aarsvold; Ekstrom; Fairfield; Hoffner; Kelsh, S.; Lemieux; Lundgren; Niemeier; Rose; Sandvig

Reengrossed HB 1403 passed and the title was agreed to.

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

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2327: Reps. Devlin, Pollert, Niemeier.

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

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2154: Reps. L. Thoreson, Haas, Solberg.

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

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2074: Reps. Drovdal, R. Kelsch, Mueller.

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

**REP. KEISER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1291 as printed on HJ pages 1037-1038 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

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

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1291: Reps. R. Kelsch, Price, Mahoney.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. KEISER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1405 as printed on HJ pages 1038-1039 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1405: Reps. Sveen, Weisz, Grumbo.

**MOTION**

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

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

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. KLEIN MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1174 as printed on HJ page 1036 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1174: Reps. Grande, Haas, Winrich.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BELTER MOVED** that the House do concur in the Senate amendments to HB 1487 as printed on HJ pages 991-992, which motion prevailed.

HB 1487, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1487:** A BILL for an Act to amend and reenact subsection 2 of section 57-39.2-02.1 and subsection 2 of section 57-40.2-02.1 of the North Dakota Century Code, relating to the rate of sales and use tax for farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes; to provide an effective date; 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 94 YEAS, 4 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Ekstrom; Keiser; Lemieux; Wentz

Engrossed HB 1487 passed, the title was agreed to, and the emergency clause was declared carried.

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2254: Reps. Kliniski, Porter, Sandvig.

**REQUEST**

**REP. BOUCHER REQUESTED** that Engrossed SB 2043 and SB 2044, which are on the Sixth order be debated separately, which request was granted.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to Engrossed SB 2014, Engrossed SB 2019, and Engrossed SB 2025 be adopted, which motion prevailed.

Engrossed SB 2014, Engrossed SB 2019, and Engrossed SB 2025, as amended, were placed on the Fourteenth order of business on the calendar.

### SECOND READING OF SENATE BILL

**SB 2014:** A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Cleary; Lemieux

Engrossed SB 2014, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2019:** A BILL for an Act to make an appropriation for defraying the expenses of the state game and fish department; and to amend and reenact section 20.1-02-16.1 of the North Dakota Century Code, relating to the minimum balance of the game and fish fund.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 87 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Cleary; Devlin; Fairfield; Froelich; Hanson; Henegar; Kelsh, S.; Kerzman; Lemieux; Meyer; Weisz

Engrossed SB 2019, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2025:** A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud;

Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Cleary; Lemieux

Engrossed SB 2025, as amended, passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**SB 2043, as engrossed: REP. DALRYMPLE (Appropriations Committee) MOVED** that the amendments on HJ pages 1031-1033 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a verification vote.

#### SECOND READING OF SENATE BILL

**SB 2043:** A BILL for an Act to provide for the information technology department and transition of responsibilities to the department; to amend and reenact sections 15-65-02, 41-09-46, 54-16-11.1, 54-35-15, 54-44-11, 54-44.6-03, 54-44.8-01, 54-44.8-02, 54-44.8-03, 54-44.8-04, 54-44.8-05, 54-44.8-07, 54-44.8-08, 54-46-03, and 54-46.1-01 of the North Dakota Century Code, relating to references to the information services division, the information services operating fund, the legislative council, and the state records administrator; to repeal chapter 54-44.2 of the North Dakota Century Code, relating to the information services division; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 68 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kempenich; Klemm; Kliniske; Koppang; Koppelman; Lloyd; Mahoney; Martinson; Monson; Nelson; Nottestad; Nowatzki; Pollert; Poolman; Porter; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Warner; Weisz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Aarsvold; Cleary; Ekstrom; Froelich; Grumbo; Gulleson; Hoffner; Jensen; Keiser; Kerzman; Klein; Kroeber; Lemieux; Lundgren; Maragos; Metcalf; Meyer; Mickelson; Mueller; Nicholas; Nichols; Niemeier; Price; Rose; Solberg; Stefonowicz; Sveen; Thorpe; Tollefson; Wentz

Engrossed SB 2043, as amended, passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**SB 2044: REP. DALRYMPLE (Appropriations Committee) MOVED** that the amendments on HJ pages 1033-1034 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a verification vote.

#### SECOND READING OF SENATE BILL

**SB 2044:** A BILL for an Act to create and enact three new sections to chapter 54-35 of the North Dakota Century Code, relating to the legislative council information technology committee; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 69 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Galvin; Gorder; Grande; Grosz; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Martinson; Metcalf; Meyer; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Pollert; Poolman; Porter; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Warner; Weisz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Cleary; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Gulleeson; Hoffner; Jensen; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Mickelson; Niemeier; Nowatzki; Price; Rose; Solberg; Stefanowicz; Sveen; Thorpe; Tollefson; Wentz; Winrich

SB 2044, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2081:** A BILL for an Act to provide for the continuation of an agricultural pesticide and pesticide container disposal program; and to provide an expiration date.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Belter; DeKrey; Delzer; Grosz; Klein; Lemieux; Weisz

**ABSENT AND NOT VOTING:** Maragos

SB 2081 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2096:** A BILL for an Act to create and enact a new section to chapter 52-02.1 of the North Dakota Century Code, relating to cost reimbursement for new jobs training; and to amend and reenact subsection 2 of section 52-02.1-03 of the North Dakota Century Code, relating to cost reimbursement for new jobs training.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 62 YEAS, 36 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Boucher; Brekke; Clark; Cleary; Delmore; Devlin; Disrud; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Gorder; Grumbo; Gulleeson; Gunter; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Metcalf; Meyer; Mickelson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Poolman; Porter; Rose; Schmidt; Severson; Solberg; Stefanowicz; Sveen; Thoreson, B.; Thorpe; Warner; Winrich

**NAYS:** Belter; Bernstein; Boehm; Brandenburg; Brusegaard; Byerly; Carlisle; Carlson; Dalrymple; DeKrey; Delzer; Dorso; Drovdal; Eckre; Glassheim; Grande; Grosz; Haas; Jensen; Kempenich; Lloyd; Martinson; Monson; Pollert; Price; Renner; Rennerfeldt;

Sandvig; Svedjan; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser;  
Speaker Wald

Engrossed SB 2096 passed and the title was agreed to.

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#### POINT OF PERSONAL PRIVILEGE

**REP. GRUMBO:** Mr. Speaker: I rise on a point of personal privilege.

Dear North Dakota House of Representatives; I want to thank you for your passage of Senate Bill 2127. It was a memorable day for Amy's family and her friends. I really think that Amy's Law will go a long way towards saving young people's lives. Hopefully together we will get the State of North Dakota to become free of needless traffic deaths involving youths. There will always be those accidents that are going to be fatal regardless of what we do. I am looking forward to speaking with students about Amy's life and about buckling up. I have been contacted by one sheriff's office already about the safety belt law, and they want me to talk to the local high school about safety, responsibility and our experience of losing Amy. I have always believed that government can only go so far. It's the personal touch that will help make the ultimate difference and you can believe that I will make that happen.

So please feel free to contact me if I can help you make a difference in your community.  
Thanks and God Bless You! - John N. Fuistad and Family

#### MOTION

**REP. GULLESON MOVED** that the remarks of Representative Grumbo be printed in the Journal, which motion prevailed.

#### MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1052, HB 1152, HB 1229, HB 1243, HB 1403, HB 1487.

#### MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1108, HB 1174, HB 1291, and HB 1405 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1108:** Reps. Grosz; Clark; Sandvig  
**HB 1174:** Reps. Grande; Haas; Winrich  
**HB 1291:** Reps. R. Kelsch; Price; Mahoney  
**HB 1405:** Reps. Sveen; Weisz; Grumbo

#### MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

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

**SB 2074:** Reps. Drovdal; R. Kelsch; Mueller  
**SB 2154:** Reps. L. Thoreson; Haas; Solberg  
**SB 2254:** Reps. Kliniske; Porter; Sandvig  
**SB 2327:** Reps. Devlin; Pollert; Niemeier

#### MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2014, SB 2019, SB 2025, SB 2043, SB 2044.

#### MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

**MADAM PRESIDENT:** The House has passed unchanged: SB 2081, SB 2096.

#### MOTION

**REP. MONSON MOVED** that the House be on the Fifth, Seventh, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Wednesday, March 31, 1999, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2009, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2009 was placed on the Sixth order on the calendar.

Page 1, line 2, replace the first "and" with "to provide a statement of legislative intent; to provide for a transfer;"; replace "section" with "sections", and after "4-01-21" insert "and 19-18-04"

Page 1, line 3, after "commissioner" insert "and pesticide registration fees; and to declare an emergency"

Page 1, remove line 11

Page 1, line 14, replace "828,957" with "758,957"

Page 1, line 18, replace "851,681" with "676,681"

Page 1, line 24, replace "553,907" with "573,907"

Page 2, line 2, replace "8,599,579" with "8,374,579"

Page 2, line 3, replace "4,068,216" with "4,033,216"

Page 2, line 4, replace "4,531,363" with "4,341,363"

Page 2, after line 11, insert:

**"SECTION 3. AMENDMENT.** Section 19-18-04 of the North Dakota Century Code is amended and reenacted as follows:

**19-18-04. Registration - Fees.** Any person before selling or offering for sale any pesticide for use within this state shall file biennially with the commissioner an application for registration of the pesticide. The application must:

1. Give the name and address of each manufacturer or distributor.
2. Give the name and brand of each product registered.
3. Be accompanied by a current label of each product so registered.
4. Be accompanied by a registration fee of ~~three~~ four hundred dollars for each product registered. At the close of each calendar month, the commissioner shall transmit to the state treasurer all moneys received for the registrations. The state treasurer shall credit ~~fifty~~ sixty-seven dollars for each registered product to the general fund in the state treasury and the remainder of the registration fee for each registered product to the environment and rangeland protection fund.
5. Be accompanied by a material safety data sheet.

The commissioner may require an applicant or registrant to provide efficacy, toxicity, residue, and any other data necessary to determine if the pesticide will perform its intended function without unreasonable adverse effects on the environment. If the commissioner finds that the application conforms to law, the commissioner shall issue to the applicant a certificate of registration of the product. If after public hearing before the commissioner the application is denied, the product may not be offered for sale.

Each registration covers a two-year period beginning January first and expiring December thirty-first of the following year. A certificate of registration may not be issued for a term longer than two years, and is not transferable from one person to another, or from the ownership to whom issued to another ownership, or from one place to another place or location. A penalty of fifty percent of the license or registration fee must be imposed if the license or certificate of registration is not applied for on or before January thirty-first following the expiration date, or within the same month the pesticides are first manufactured or sold within this state. Each product must go through a two-year discontinuance period in order to clear all outstanding products in the channel of trade.

This section does not apply to a pesticide sold by a retail dealer if the registration fee has been paid by the manufacturer, jobber, or any other person, as required by this section."

Page 2, after line 21, insert:

**"SECTION 6. ESTIMATED INCOME - GAME AND FISH FUND.** The estimated income line item in section 1 of this Act includes the sum of \$200,000, or so much of the sum as may be necessary, from the game and fish department operating fund for the waterbank program for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 7. LEGISLATIVE INTENT - PROJECT SAFE SEND.** It is the intent of the legislative assembly that the agriculture commissioner not accept products under project safe send from wholesalers or manufacturers unless the full cost of disposal is recovered from the wholesaler or manufacturer. It is also the intent of the legislative assembly that products which are not a direct danger to the public should be disposed of by the owner in a proper manner. The agriculture commissioner may distribute educational materials on the proper and safe disposal of appropriate materials by the original purchaser for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 8. PROJECT SAFE SEND - FEES.** The agriculture commissioner may charge wholesalers and manufacturers a fee for the disposal of pesticides located in North Dakota. The fee may be no less than the cost of disposal. All fees collected under this section must be deposited in the environment and rangeland protection fund for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 9. TRANSFER.** The office of management and budget shall transfer \$85,000 from the environment and rangeland protection fund to the minor use pesticide fund for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 10. CONTINGENT APPROPRIATION - TRANSFER.** If dual labeling of agricultural pesticides is approved, there is hereby appropriated the sum of \$75,000, or so much of the sum as may be necessary, from the environment and rangeland protection fund to the agriculture commissioner for the purpose of assisting in the creation of pesticide labels for the period beginning with the effective date of this Act and ending December 31, 2000. On January 1, 2001, the office of management and budget shall transfer an amount equal to the unspent appropriation authority remaining pursuant to the appropriation provided for in this section from the environment and rangeland protection fund to the minor use pesticide fund.

**SECTION 11. APPROPRIATION - BOARD OF ANIMAL HEALTH - 1997-99 BIENNIUM.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$25,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of paying an indemnity and other expenses associated with destroying a herd of cattle infected with bovine tuberculosis for the period beginning with the effective date of this Act and ending June 30, 1999.

**SECTION 12. EMERGENCY.** Sections 10 and 11 of this Act are declared to be an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 602 - AGRICULTURE DEPARTMENT

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$3,130,530	\$3,053,452	\$30,000	\$3,083,452
Operating expenses	828,957	828,957	(100,000)	728,957
Equipment	22,900	22,900		22,900
Grants	161,700	161,700		161,700
Board of Animal Health	506,818	502,922		502,922
Ag mediation	857,818	851,681	(175,000)	676,681
Ag in the classroom	96,000	96,000		96,000
Anhydrous ammonia storage	8,154	8,154		8,154
Waterbank program	414,000	414,000		414,000
Pride of Dakota	151,841	151,516		151,516
Wildlife services	779,694	779,694		779,694
Safe Send	554,363	553,907	20,000	573,907
Separate section - Dual labeling			75,000	75,000
Noxious weeds	<u>1,174,696</u>	<u>1,174,696</u>		<u>1,174,696</u>
Total all funds	\$8,687,471	\$8,599,579	(\$150,000)	\$8,449,579
Less special funds	<u>4,080,342</u>	<u>4,068,216</u>	<u>40,000</u>	<u>4,108,216</u>
General fund	\$4,607,129	\$4,531,363	(\$190,000)	\$4,341,363



FTE 46.00 47.00 (1.00) 46.00

Detail of House changes to the Senate version includes:

	RESTORE FUNDING FOR PLANT SERVICES PROGRAM	REDUCE OPERATING EXPENSES	REDUCE AGRICULTURE MEDIATION	ADD CONTINGENT FUNDING FOR DUAL LABELING	ADD FUNDING FOR COMPUTERS	REMOVE AG MEDIATION NEGOTIATOR
Salaries and wages	\$30,000 <sup>1</sup>					
Operating expenses		(\$100,000) <sup>2</sup>				
Equipment						
Grants						
Board of Animal Health						
Ag mediation			(\$100,000) <sup>3</sup>			(\$75,000) <sup>6</sup>
Ag in the classroom						
Anhydrous ammonia storage						
Waterbank program						
Pride of Dakota						
Wildlife services						
Safe Send					\$20,000 <sup>5</sup>	
Separate section - Dual labeling				\$75,000 <sup>4</sup>		
Noxious weeds						
Total all funds	\$30,000	(\$100,000)	(\$100,000)	\$75,000	\$20,000	(\$75,000)
Less special funds				<u>75,000</u>	<u>20,000</u>	<u>(\$55,000)</u>
General fund	\$30,000	(\$100,000)	(\$100,000)	\$0	\$0	(\$20,000)
FTE	0.00	0.00	0.00	0.00	0.00	(1.00)

TOTAL  
HOUSE  
CHANGES

Salaries and wages	\$30,000
Operating expenses	(100,000)
Equipment	
Grants	
Board of Animal Health	
Ag mediation	(175,000)
Ag in the classroom	
Anhydrous ammonia storage	
Waterbank program	
Pride of Dakota	
Wildlife services	
Safe Send	20,000
Separate section - Dual labeling	75,000
Noxious weeds	
Total all funds	(\$150,000)
Less special funds	<u>40,000</u>
General fund	(\$190,000)
FTE	(1.00)

House changes narrative:

- <sup>1</sup> Restores funding reduced by the Senate for temporary and overtime salaries in the plant services program.
- <sup>2</sup> Reduces operating expenses. The commissioner may determine the specific areas to reduce within this line item.
- <sup>3</sup> Reduces agriculture mediation. The commissioner may determine the specific areas to reduce within this program.
- <sup>4</sup> If dual labeling of pesticides is approved, an appropriation from the environment and rangeland protection fund is provided for creating the pesticide labels. Any of this funding that has not been spent by December 31, 2000, will be transferred to the minor use pesticide fund.
- <sup>5</sup> Adds funding from the environment and rangeland protection fund for purchasing computers and related costs for the Safe Send program.
- <sup>6</sup> Removes 1 FTE agriculture mediation negotiator position.

Sections are added providing that the Agricultural Commissioner may charge wholesalers and manufacturers for the actual costs of disposing of their products under project Safe Send and that products which are not a direct danger to the public should be disposed of by the owner in a proper manner rather than under project Safe Send.

A section is added providing for an \$85,000 transfer from the environment and rangeland protection fund to the minor use pesticide fund.

A section is added increasing the biennial pesticide registration fee from \$300 to \$400. Of the \$400, \$67 is deposited in the general fund and \$333 in the environment and rangeland protection fund.

A section is added appropriating \$25,000 from the general fund for the remainder of the 1997-99 biennium for indemnifying the owner and paying other expenses associated with destroying a herd of cattle infected with bovine tuberculosis.

#### REPORT OF STANDING COMMITTEE

**SB 2114, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO PASS** (19 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2114 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2188, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2188 was placed on the Sixth order on the calendar.

That the proposed amendments to Engrossed Senate Bill No. 2188 as printed on pages 929-933 of the House Journal be amended as follows:

Page 930 of the House Journal, remove lines 23 through 28

Page 931 of the House Journal, remove lines 10 and 11

Page 931 of the House Journal, remove line 17

Page 931 of the House Journal, remove line 31

Page 931 of the House Journal, line 32, remove "replace "9" with "8" and"

Page 931 of the House Journal, line 33, remove "replace "5" with "4", replace "7" with "6", and"

Page 931 of the House Journal, line 37, replace "9" with "10"

Page 931 of the House Journal, line 40, replace "10" with "11"

Page 931 of the House Journal, remove lines 44 through 48

Page 932 of the House Journal, remove line 2

Page 932 of the House Journal, line 3, remove "and replace "6" with "5"

Page 932 of the House Journal, line 4, remove "and replace "7" with "6"

Page 932 of the House Journal, remove lines 7 and 8

Page 932 of the House Journal, line 9, remove "replace "7" with "6" and"

Page 932 of the House Journal, remove line 33

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2202, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2202 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and" and after "date" insert "; and to provide an expiration date"

Page 1, line 24, replace ", twenty percent for collections in" with "and for the first two quarters of" and remove ", thirty percent for"

Page 2, remove line 1

Page 2, line 2, remove "and thereafter"

Page 2, after line 8, insert:

**"SECTION 3. EXPIRATION DATE.** This Act is effective through June 30, 2001, and after that date is ineffective."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

HOUSE - This amendment discontinues the mineral royalty payments to counties provided for in this bill on June 30, 2001, and reduces the county percentage allocation of collections during the first two quarters of the year 2000 from 20 percent to 10 percent.

**REPORT OF STANDING COMMITTEE**

**SB 2217, as engrossed: Finance and Taxation Committee (Rep. Belter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2217 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new subsection to section 57-39.2-04 of the North"

Page 1, remove lines 2 and 3

Page 1, line 4, remove "purposes;"; replace "3" with "2", remove "57-39.2-01, sections", and remove the second comma

Page 1, line 5, remove "57-39.2-08.2," and after "and" insert "subsection 2 of section"

Page 1, line 6, remove the first "new", after "machinery" insert ", farm machinery repair parts," and remove the second "new"

Page 1, line 7, remove "and" and after "date" insert "; to provide an expiration date; and to declare an emergency"

Page 1, remove lines 9 through 24

Page 2, remove lines 1 through 17

Page 2, line 18, replace "Section" with "Subsection 2 of section"

Page 2, remove lines 20 through 31

Page 3, remove lines 1 through 18

Page 3, line 25, after the period insert "There is imposed a tax of one and one-half percent upon the gross receipts of retailers from all sales at retail of used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes, including the leasing or renting of used farm machinery and used irrigation equipment used exclusively for agricultural purposes within this state to consumers or users. For purposes of this subsection, "used" means:

- a. Tax under this chapter has been paid on a previous sale;
- b. Originally purchased outside this state and previously owned by a farmer; or
- c. Has been under lease or rental for three years or more."

Page 3, remove lines 26 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 5

Page 5, line 6, replace "Section" with "Subsection 2 of section"

Page 5, remove lines 8 through 21

Page 6, line 5, after the period insert "An excise tax is imposed on the storage, use, or consumption in this state of used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes purchased at retail for storage, use, or consumption in this state at the rate of one and one-half percent of the purchase price thereof. Except as limited by section 57-40.2-11, an excise tax is imposed on the storage, use, or consumption in this state of used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes not originally purchased for storage, use, or consumption in this state at the rate of one and one-half percent of the fair market value of the used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes at the time it was brought into this state. For purposes of this subsection, "used" means:

- a. Tax under this chapter has been paid on a previous sale;
- b. Originally purchased outside this state and previously owned by a farmer; or
- c. Has been under lease or rental for three years or more."

Page 6, remove lines 6 through 18

Page 6, line 19, after "**DATE**" insert "**- EXPIRATION DATE**"

Page 6, line 20, replace "June" with "April" and after "1999" insert ", and before July 1, 2001, and is thereafter ineffective"

Page 6, after line 20, insert:

**"SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2307, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO PASS** (14 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2307 was placed on the Fourteenth order on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1307, as engrossed:** Your conference committee (Sens. B. Stenehjem, Urlacher, Kinnoin and Reps. Mickelson, Herbel, Winrich) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 967 and place HB 1307 on the Seventh order.

Engrossed HB 1307 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1447, as engrossed:** Your conference committee (Sens. Christmann, Traynor, Heitkamp and Reps. DeKrey, Koppelman, Meyer) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 810, adopt further amendments as follows, and place HB 1447 on the Seventh order:

That the House accede to the Senate amendments as printed on page 810 of the House Journal and page 664 of the Senate Journal and that Engrossed House Bill No. 1447 be further amended as follows:

Page 1, line 1, after "to" insert "create and enact a new subdivision to subsection 1 of section 62.1-04-03 of the North Dakota Century Code, relating to who may have a concealed weapons permit; to"

Page 2, after line 20, insert:

**"SECTION 2.** A new subdivision to subsection 1 of section 62.1-04-03 is created and enacted as follows:

The applicant is not prohibited under federal law from owning, possessing, or having a firearm under that person's control."

Renumber accordingly

Engrossed HB 1447 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2066, as engrossed:** Your conference committee (Sens. Freborg, Cook, O'Connell and Reps. L. Thoreson, Haas, Grumbo) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 660, adopt amendments as follows, and place SB 2066 on the Seventh order:

That the House recede from its amendments as printed on page 660 of the Senate Journal and page 722 of the House Journal and that Engrossed Senate Bill No. 2066 be amended as follows:

Page 1, line 11, replace "twelve" with "twenty-five"

Page 2, line 12, replace "ten" with "eighteen" and replace "16090" with "28967"

Page 2, line 21, replace "twelve" with "twenty-five"

Page 3, line 9, replace "ten" with "eighteen" and replace "16090" with "28967"

Renumber accordingly

Engrossed SB 2066 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2107, as engrossed:** Your conference committee (Sens. Traynor, Fischer, Heitkamp and Reps. Grosz, Clark, Solberg) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 671, adopt amendments as follows, and place SB 2107 on the Seventh order:

That the House recede from its amendments as printed on page 671 of the Senate Journal and page 741 of the House Journal and that Engrossed Senate Bill No. 2107 be amended as follows:

Page 3, line 15, after "proceedings" insert "unless a request for a hearing is made."

Page 3, remove line 16

Page 3, line 17, remove "accorded due process."

Renumber accordingly

Engrossed SB 2107 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2185, as engrossed:** Your conference committee (Sens. Watne, Traynor, C. Nelson and Reps. Sveen, Klemin, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 697, adopt amendments as follows, and place SB 2185 on the Seventh order:

That the House recede from its amendments as printed on page 697 of the Senate Journal and pages 785 and 786 of the House Journal and that Engrossed Senate Bill No. 2185 be amended as follows:

Page 1, line 8, after the first "state" insert a comma

Page 1, line 9, after "12-56-01" insert a comma

Page 1, line 10, after "notified" insert "in writing"

Page 1, line 11, replace "such" with "the", replace the comma with "of the designated officer", and replace "twenty four" with "twenty-four"

Page 1, line 18, after the second "the" insert "written"

Renumber accordingly

Engrossed SB 2185 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2246, as engrossed:** Your conference committee (Sens. Wardner, Urlacher, Kinnoin and Reps. Mickelson, Clark, Winrich) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 661 and place SB 2246 on the Seventh order.

Engrossed SB 2246 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2388, as engrossed:** Your conference committee (Sens. Fischer, Kilzer, DeMers and Reps. Kliniske, Porter, Niemeier) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 626, adopt amendments as follows, and place SB 2388 on the Seventh order:

That the House recede from its amendments as printed on page 626 of the Senate Journal and page 701 of the House Journal and that Engrossed Senate Bill No. 2388 be amended as follows:

Page 1, line 10, replace "two years" with "nine months"

Page 1, line 11, after "filed" insert "against the petitioner or any member of the petitioner's household"

Renumber accordingly

Engrossed SB 2388 was placed on the Seventh order of business on the calendar.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2006, SB 2018, SB 2058, SB 2365, SB 2400, SB 2409, SB 2411.

**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 2066, SB 2107, SB 2185, SB 2246, SB 2388.

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

**MR. SPEAKER:** The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2299 and wishes to inform you that the Senate does now concur with the House amendments to SB 2299 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2299.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2004, SB 2008, SB 2010, SB 2022, SB 2023, SB 2026, and SB 2267 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2004:** Sens. Nething; St. Aubyn; Robinson  
**SB 2008:** Sens. Nething; Solberg; Tallackson  
**SB 2010:** Sens. Holmberg; Bowman; Tallackson  
**SB 2022:** Sens. Andrist; Grindberg; Lindaas  
**SB 2023:** Sens. Nething; Kringstad; Lindaas  
**SB 2026:** Sens. Grindberg; Andrist; Lindaas  
**SB 2267:** Sens. Schobinger; B. Stenehjem; Thompson

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2125 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2125:** Sens. W. Stenehjem; Watne; C. Nelson

**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 1026:** Sens. W. Stenehjem; Watne; C. Nelson

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1005, HB 1171, HB 1252.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1005**

Page 1, line 2, after "commission" insert "; to provide for line item transfers; and to declare an emergency"

Page 1, line 14, replace "19,575" with "16,300"

Page 1, line 15, replace "309,507" with "312,782"

Page 1, after line 23, insert:

**"SECTION 4. LINE ITEM TRANSFERS - 1997-99 BIENNIUM.** Notwithstanding section 54-16-04, the director of the office of management and budget and the state treasurer, at the request of the director of the Indian affairs commission, shall transfer \$4,500 from the salaries and wages line item contained in section 1 of chapter 34 of the 1997 Session Laws to the operating expenses line item contained in section 1 of chapter 34 of the 1997 Session Laws. The authority to make this transfer begins with the effective date of this Act and ends on June 30, 1999.

**SECTION 5. EMERGENCY.** Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****DEPARTMENT 316 - INDIAN AFFAIRS COMMISSION**

SENATE - This amendment reverses the House's operating expense funding source charge of \$3,275 by decreasing other funds by \$3,275 and increasing the general fund by \$3,275. The amendment also adds a section to amend Section 1 of Chapter 34 of the 1997 Session Laws. The amendment also provides for a transfer of \$4,500 from the salaries and wages line item to the operating expenses line item for printing costs for a 50-year history report on the North Dakota Indian Affairs Commission.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1171**

Page 1, line 1, after "to" insert "create and enact a new section to chapter 54-06 and a new section to chapter 54-11 of the North Dakota Century Code, relating to expenses to collect funds owed the state and the ability of the state treasurer to appoint agents for the receipt of public funds; to", after "sections" insert "15-39.1-26, 34-15-07, 39-12-20, 54-44-04.6," and after the first comma insert "54-44.3-12.2,"

Page 1, line 2, after "to" insert "the disposition of public funds," and after "board" insert ", appeals from agency grievance procedures,"

Page 1, line 4, after "officers" insert "; to provide a continuing appropriation; and to declare an emergency"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Section 15-39.1-26 of the North Dakota Century Code is amended and reenacted as follows:

**15-39.1-26. Investment of moneys in fund - Interest and earnings attributable to fund.** Investment of the fund ~~shall be~~ is under the supervision of the state investment board in accordance with chapter 21-10. ~~Such~~ The moneys must be placed for investment only with a firm or firms whose endeavor is money management, and only after a trust agreement or contract has been executed. Investment costs may be paid directly from the fund, and are hereby appropriated for that purpose, in accordance with section 21-10-06.2. All interest and earnings on funds administered by the board must be credited to the fund.

**SECTION 2. AMENDMENT.** Section 34-15-07 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**34-15-07. Disposition of civil money penalties.** A civil money penalty collected under this chapter must be paid into the state treasury for deposit in the general fund ~~after the costs of recovering the civil money penalty are deducted therefrom.~~

**SECTION 3. AMENDMENT.** Section 39-12-20 of the North Dakota Century Code is amended and reenacted as follows:

**39-12-20. Proceeds of sale - Continuing appropriation.** ~~The proceeds of sale must be applied first to the payment of~~ deposited with the state treasurer. ~~The state treasurer shall deposit in the highway fund an amount equal to the amount of the charges assessed pursuant to 39-12-17 after paying the costs to the county. An amount equal to the costs of the proceedings, including attorneys and witness fees and costs, and next to the payment of the charges assessed. Such charges must be remitted to the state treasurer to be credited to the highways fund~~ is appropriated on a continuing basis out of the funds collected to the county in which the prosecution took place for the purpose of defraying the costs of prosecution. The balance of the proceeds of any sale after the payment of costs and charges ~~must be~~ is appropriated on a continuing basis out of the funds collected to be paid ~~over by the sheriff~~ to the person entitled thereto as determined by the court or must be deposited with the clerk of court for such payment.

**SECTION 4.** A new section to chapter 54-06 of the North Dakota Century Code is created and enacted as follows:

**Expenses incurred to collect funds owed the state - Continuing appropriation.** If a state agency enters a contract with a collection or credit agency to collect money due the state, the fees for services, reimbursement, or other remuneration to the collection or credit agency must be based on the amount of money actually collected. All funds collected on behalf of a state agency by a collection or credit agency must be deposited with the state treasurer. An amount equal to the amount of fees for services, reimbursement, or any other remuneration to the collection or credit agency as set forth in the contract is appropriated from the fund into which the money collected was deposited to the state agency for which the funds were collected for the payment of fees due under the contract.

**SECTION 5.** A new section to chapter 54-11 of the North Dakota Century Code is created and enacted as follows:

**Appointment of agents.** The treasurer may appoint agents for the purpose of receiving public funds as required by section 12 of article X of the Constitution of North Dakota. If appointed by the state treasurer, the Bank of North Dakota shall serve as an agent of the state treasurer for the purpose of receiving public funds.

**SECTION 6. AMENDMENT.** Section 54-44-04.6 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-44-04.6. State surplus property - Department heads to inform director - Disposition of property - Proceeds - Exchange of property.**

1. The person in charge of any department, agency, or institution of the state shall inform the director of the office of management and budget or the director's designee whenever that department, agency, or institution possesses property surplus to its needs, whether originally obtained with state or other funds.
2. State surplus property must be transferred at fair market value to state agencies, political subdivisions, and nonprofit organizations eligible to receive federal surplus property under the Federal Property Administrative Services Act of 1949, as amended. Eligible organizations must be notified of the availability of property on a regular basis.
3. If not disposed of under subsection 2, then by sale on sealed bids or at public auction to the highest and best bidder for property valued at more than three thousand dollars, with no money deposit required prior to sale, or by sealed bids, public auction, or negotiation at fair value for property valued at less than three thousand dollars.
4. All proceeds received from the transfer or sale of state surplus property must be deposited ~~into the fund from which the property was originally purchased, less administrative expenses~~ with the state treasurer for deposit in the surplus property operating fund. For each piece of property, the office of management and budget shall transfer to the agency from which the property was received an amount equal to the proceeds of the sale less the administrative expenses of the sale. The agency shall deposit



the proceeds into the fund from which the property was originally purchased.

5. No department, agency, or institution may exchange items as part of a purchase price of new items until a detailed statement of the value of the items to be exchanged and request for approval have been submitted to the director of the office of management and budget. The director shall approve the exchange only if the director has determined that the item has been valued at fair value."

Page 1, line 14, replace "in either public or private employment nominated by" with "appointed by the governor"

Page 1, line 15, remove "board members and confirmed by majority vote of the other board members"

Page 1, line 23, overstrike "However, if a board"

Page 1, line 24, overstrike "member voluntarily withdraws from deliberation and voting on an" and remove "issue"

Page 2, line 1, overstrike "where there may be a possible conflict of interest, the vacancy", remove "may", and overstrike "be filled"

Page 2, line 2, overstrike "temporarily"

Page 2, line 7, remove "by a"

Page 2, remove line 8

Page 2, line 9, remove "members" and overstrike the period

Page 2, after line 19, insert:

**"SECTION 8. AMENDMENT.** Section 54-44.3-12.2 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-44.3-12.2. Employee complaints - Cooperation in development and implementation of basic agency grievance procedures and a statewide appeal mechanism - Appeals.** It is the intent of the state of North Dakota to assure fair and equitable treatment and promote harmony between and among all classified employees. To ensure this the state desires to resolve bona fide employee complaints as quickly as possible. The division shall cooperate with and assist the various departments, agencies, and institutions of the state in the development and implementation of basic agency grievance procedures and a statewide appeal mechanism. The division shall certify appeals from nonprobationary employees in the classified service which are related to discrimination, merit system qualification, reprisals, reduction in force, forced relocation, demotion with loss of pay, suspension without pay, and dismissal, and from applicants for positions in the classified service related to discrimination. Upon receipt of an appeal, the division shall submit a written request to the director of the office of administrative hearings to designate an administrative hearing officer for the division to conduct the hearing and related proceedings, including receiving evidence and preparing findings of fact, conclusions of law, and issuing a final decision. The moving party in the initial action bears the burden of proof in the appeal. An appeal to the district court from the determination of the ~~office of administrative hearings~~ hearing officer must be filed according to chapter 28-32, but neither the division nor the office of administrative hearings may be named as a party to the appeal under chapter 23-32 unless an employee of one of those two agencies is involved in the grievance."

Page 3, after line 12, insert:

**"SECTION 11. EMERGENCY.** Sections 1 through 6 of this Act are declared to be an emergency measure."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1252**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to sale and use of crop protection products; and to declare an emergency."

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

**SECTION 1. Crop protection products - Canadian labels.** The agriculture commissioner, with the advice and consent of the appropriate agricultural commodity group, may authorize the sale and use in this state of a crop protection product that has a Canadian label, if the commissioner determines that a crop protection product having an American label contains substantially similar active ingredients and that the authorization does not violate federal law. The commissioner shall require an applicator to possess the American label and apply the product in accordance with the American label provisions.

**SECTION 2. Special local needs exemption - Tolerances.** The agriculture commissioner, in cooperation with the environmental protection agency, shall use tolerance data established or obtained in North America in pursuing special local needs exemptions for crop protection products under the federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.].

**SECTION 3. Crop protection products - Registration process - Joint labeling.** The governor and the agriculture commissioner shall work with all appropriate public and private entities to foster the development of a single, uniform process for the joint North American labeling of crop protection products not available for sale and use in this state as of the effective date of this Act.

**SECTION 4. Crop protection products - Joint labeling - Report to legislative council.** During the 1999-2000 interim, the agriculture commissioner shall report at least twice to the legislative council regarding the efforts to develop a single, uniform process for the joint North American labeling of crop protection products.

**SECTION 5. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1024, HB 1037, HB 1276, HB 1304, HB 1335.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1024**

Page 1, line 1, remove "to create and enact section 28-32-03.4 of the North Dakota Century Code,"

Page 1, remove line 2

Page 1, line 3, remove "for review;" and replace the comma with "and"

Page 1, line 4, remove ", subsection 1 of section 28-32-03.3, and section 28-32-04"

Page 1, line 5, replace the second comma with "and"

Page 1, line 6, remove ", authority of the administrative rules committee to void or"

Page 1, line 7, remove "object to administrative rules, and petitions for reconsideration of administrative rules"

Page 3, remove lines 8 through 29

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 20

Page 5, remove lines 23 through 28

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1037**

Page 1, line 1, remove "chapter 28-01.3 and a new section to"

Page 1, line 2, after "32-12" insert "and a new section to chapter 44-04"

Page 1, line 3, replace "the liability" with "year 2000 information requests"

Page 1, line 4, remove "of a manufacturer for a year 2000 claim" and remove "sections 28-01.3-04,"

Page 1, line 5, remove "28-01.3-06," and remove the second comma

Page 1, line 8, replace "and to the liability of a nonmanufacturing seller for a year 2000 claim and the" with a period

Page 1, remove line 9

Page 1, remove lines 11 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 20

Page 4, line 2, replace "all of the following conditions are met;" with "it has attempted compliance through independent testing or assurances sought or assurances received from manufacturers or suppliers. For the purposes of this section, computer hardware or software, telecommunications networks or devices containing a computer processor are compliant with the year 2000 date change if:

1. All stored dates or programs contain century recognition, including dates stored in data bases and hardware or internal system dates in devices;
2. The program logic accommodates same century and multcentury formulas and date values; and
3. The year 2000 or any other leap year is correctly treated as a leap year within all program logic."

Page 4, remove lines 3 through 13

Page 5, line 19, replace "all of the following" with "it has attempted compliance through independent testing or assurances sought or assurances received from manufacturers or suppliers. For the purposes of this section, computer hardware or software, telecommunications networks or devices containing a computer processor are compliant with the year 2000 date change if:

- (1) All stored dates or programs contain century recognition, including dates stored in data bases and hardware or internal system dates in devices;
- (2) The program logic accommodates same century and multcentury formulas and date values; and
- (3) The year 2000 or any other leap year is correctly treated as a leap year within all program logic."

Page 5, remove lines 20 through 31

Page 8, line 1, replace "all of the following" with "it has attempted compliance through independent testing or assurances sought or assurances received from manufacturers or suppliers. For the purposes of this section, computer hardware or software, telecommunications networks or devices containing a computer processor are compliant with the year 2000 date change if:

- (1) All stored dates or programs contain century recognition, including dates stored in data bases and hardware or internal system dates in devices;
- (2) The program logic accommodates same century and multcentury formulas and date values; and
- (3) The year 2000 or any other leap year is correctly treated as a leap year within all program logic."

Page 8, replace lines 2 through 13 with:

"**SECTION 4.** A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

**Year 2000 information requests - Use - Exceptions.**

1. Any public entity may gather year 2000 processing information from any person which relates to computer hardware or software, telecommunications networks, or devices containing a computer processor. An information request under this section may specify the person to gather responses to the request. Any year 2000 processing response made to an information gathering request from a public entity is not a public record under section 44-04-18 or section 6 of article XI of the Constitution of North Dakota and the response may not be directly or indirectly used, offered in evidence, or be subject to discovery in any civil action for damages in tort, contract, or for any other form of relief against the public entity or person.
2. This section does not preclude the public entity from using its requests for year 2000 information or responses to year 2000 information requests as evidence of a good-faith effort to determine year 2000 compliance of its computer hardware or software, telecommunications networks, or devices containing a computer processor.
3. In this section, year 2000 processing includes the calculating, comparing, sequencing, displaying, or storing; transmitting; or receiving data from, into, and between the twentieth and twenty-first centuries, and during the years 1999 and 2000, and any leap year.
4. This section does not preclude any party from separately obtaining the information submitted in response to a year 2000 information request made under this section through other independent legal authority and using the separately obtained information in any action.
5. This section does not apply to any information disclosed to the public with the express written consent of the party responding to a year 2000 information request under this section or disclosed by that party separately from a response to a year 2000 information request under this section.
6. This section applies to all responses to any year 2000 information requests received by a public entity whether the response was received before or after the effective date of this Act."

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1276**

Page 1, line 1, remove "a new section to chapter 36-01,"

Page 1, line 2, remove the first comma and remove the second "the"

Page 1, line 3, remove "confiscation of nontraditional livestock," and remove the second comma

Page 1, line 7, replace "35-15-21" with "36-15-21"

Page 1, line 14, remove "and" and after "penalty" insert "; and to provide for a legislative council study"

Page 3, line 13, remove the overstrike over "~~five~~" and remove "~~ten~~"

Page 3, line 15, remove the overstrike over "~~twenty-five~~" and remove "~~fifty~~"

Page 3, line 16, remove the overstrike over "~~ten~~" and remove "~~twenty~~"

Page 3, line 18, remove the overstrike over "~~seventy-five~~" and remove "one hundred twenty-five"

Page 4, remove lines 9 through 31

Page 5, remove lines 1 through 31

Page 6, line 7, overstrike the colon

Page 6, line 8, remove "a." and overstrike "The" and insert immediately thereafter "the"

Page 6, line 9, overstrike "; or"

Page 6, line 10, remove "b." and overstrike "Any law enforcement officer of the county or city in which the animal is"

Page 6, overstrike lines 11 through 13

Page 6, line 14, overstrike "chapter"

Page 6, line 26, overstrike ", or a law enforcement officer,"

Page 7, line 23, overstrike "a class B misdemeanor" and insert immediately thereafter "an infraction"

Page 9, line 27, replace "All" with "Except as otherwise provided by this chapter or by rule, all"

Page 9, line 29, after "diseases" insert ", and that the animals meet disease testing and vaccination requirements prescribed by rule. Animals originating in other countries must be tested for diseases, as determined by the board, until a risk assessment is completed for the disease. If the board determines that an unacceptable risk exists, the board may deny entry, require additional testing, or require a vaccination"

Page 9, line 30, replace "A" with "The requirement for a" and replace "not required" with "waived"

Page 9, line 31, after "if" insert "the waiver is approved by the state veterinarian and"

Page 10, after line 2, insert:

"3. The board may require certification indicating that animals entering this state from a foreign country and intended for human consumption have not been treated with drugs that are disallowed under federal law for use in animals intended for human consumption.

4. The board may adopt rules to implement this section."

Page 11, line 12, overstrike "a class A misdemeanor" and insert immediately thereafter "an infraction"

Page 13, line 29, overstrike "refuses to assist in or"

Page 13, line 31, overstrike "a class B misdemeanor" and insert immediately thereafter "an infraction"

Page 15, line 9, overstrike "It is a responsibility"

Page 15, line 10, overstrike "of such" and insert immediately thereafter "A" and overstrike "to" and insert immediately thereafter "may"

Page 15, line 11, overstrike "same" and insert immediately thereafter "animal"

Page 15, after line 20, insert:

**"SECTION 28. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying the state board of animal health, including its membership, its representation, and the nature and scope of its regulatory authority over nontraditional livestock. The legislative council shall report any findings, and recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly."

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1304**

Page 1, line 11, replace "the classification system required in" with "subsections 3, 4, and 5 of"

Page 2, line 9, after "facility" insert ", residential halfway house, or similar alternative facility"

Page 2, line 10, after "amount" insert "to be paid by the inmate while confined in a correctional facility", after "~~ten~~" insert "fifteen", remove the overstrike over "~~dollars~~", and remove "the actual cost"

Page 2, line 11, after the period insert "The amount to be paid by the inmate while placed in a residential halfway house or similar alternative facility may not exceed the actual cost per day or the funds earned by the inmate, whichever is less."

Renumber accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1335**

Page 1, line 2, remove "and"

Page 1, line 3, after penalty insert "; and to provide an effective date"

Page 1, after line 23, insert:

**"SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 2001."

Renumber accordingly

#### **FIRST READING OF SENATE BILL**

**SB 2440:** A BILL for an Act to provide for a study of the licensing of used motor vehicle dealers; and to create and enact a new section to chapter 39-22 of the North Dakota Century Code, relating to sales requirements for used motor vehicle dealers.

Was read the first time and referred to the **Transportation Committee**.

#### **SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bill: HB 1275.

#### **MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1275.

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

**MR. SPEAKER:** The President has signed: HB 1275.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for his approval on March 30, 1999: HB 1275.

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

**LANCE HAGEN, Chief Clerk**