

## JOURNAL OF THE SENATE

## Fifty-sixth Legislative Assembly

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Bismarck, March 26, 1999

The Senate convened at 12:35 p.m., with President Myrdal presiding.

The prayer was offered by Rev. Maury Millican, Bismarck Reformed Church, Bismarck.

The roll was called and all members were present except Senators Bercier, Redlin, and Tallackson.

A quorum was declared by the President.

## REPORT OF DELAYED BILLS COMMITTEE

**MADAM PRESIDENT:** Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of a concurrent resolution supporting the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia and recognizing their professionalism, dedication, patriotism, and courage.

The resolution will be SCR 4059.

## MOTION

**SEN. ST. AUBYN MOVED** that the Senate be on the Ninth order of business for the first reading of SCR 4059, which motion prevailed.

## FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Lyson introduced:

(Approved by the Delayed Bills Committee)

**SCR 4059:** A concurrent resolution supporting the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia and recognizing their professionalism, dedication, patriotism, and courage. Was read the first time.

## MOTION

**SEN. ST. AUBYN MOVED** that the rules be suspended, that SCR 4059 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and be placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sen. Lyson introduced:

(Approved by the Delayed Bills Committee)

## SENATE CONCURRENT RESOLUTION NO. 4059

A concurrent resolution supporting the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia and recognizing their professionalism, dedication, patriotism, and courage.

**WHEREAS**, the President has authorized United States' participation in NATO military operations against the Federal Republic of Yugoslavia; and

**WHEREAS**, up to 22,000 members, including members from North Dakota, of the Armed Forces are involved in operations in and around the Balkans region with the active participation of NATO and other coalition forces; and

**WHEREAS**, the Legislative Assembly of North Dakota and the people of North Dakota have the greatest pride in members of the Armed Forces and strongly support them;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the Fifty-sixth Legislative Assembly supports the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia and recognizes their professionalism, dedication, patriotism, and courage; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward a copy of this resolution to the United States Secretary of Defense.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4059:** A concurrent resolution supporting the members of the United States Armed Forces who are engaged in military operations against the Federal Republic of Yugoslavia and recognizing their professionalism, dedication, patriotism, and courage.

The question being on the final adoption of the resolution, which has been read.

SCR 4059 was declared adopted on a voice vote and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2441: SEN. FREBORG (Education Committee) MOVED** that the amendments on SJ page 848 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1177, as engrossed: SEN. MUTCH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 848-849 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Jay Graba.

**CONSIDERATION OF AMENDMENTS**

**HB 1451, as engrossed: SEN. HEITKAMP (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 849 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1490, as engrossed: SEN. WANZEK (Education Committee) MOVED** that the amendments on SJ pages 849-850 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1492, as engrossed: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 850-851 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4055:** A concurrent resolution urging Congress to provide for this state's concealed weapons permit to create an exemption from the national instant criminal background check system.

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

SCR 4055 was declared adopted on a voice vote and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1018:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings; and to authorize a loan from the Bank of North Dakota.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nothing; O'Connell; Robinson; Sand; Schobinger;

Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor;  
Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Engrossed HB 1018, as amended, passed and the title was agreed to.

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

**HB 1026:** A BILL for an Act to direct a legislative council study of the rulemaking authority of administrative 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

HB 1026, as amended, passed and the title was agreed to.

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#### **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, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

HB 1052, as amended, passed and the title was agreed to.

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

**HB 1067:** A BILL for an Act to amend and reenact section 32-28-02 of the North Dakota Century Code, relating to the name change of a minor.

#### **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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Engrossed HB 1067, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1167:** A BILL for an Act to create and enact a new section to chapter 11-33.2, a new subsection to section 61-16.2-02, and a new section to chapter 61-16.2 of the North Dakota Century Code, relating to identifying the floodplain on plats, definition of community, and state engineer review of uses in floodways; to amend and reenact subsection 2 of section 11-33-03, subsection 2 of section 40-47-03, subsection 11 of section 40-50.1-01, sections 58-03-12, 61-16.2-04, 61-16.2-08, and 61-16.2-13 of the North Dakota Century Code, relating to emergency management, identifying floodplain on plats, delineation of the floodway for lakes, elevation of structure in the floodway, and mandatory community participation in the flood insurance program; and to provide an effective 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

HB 1167, as amended, passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1383:** A BILL for an Act to provide for establishment and operation of the housing development fund and to provide a financial institutions tax credit for participation in the fund; to amend and reenact sections 57-35.3-09 and 57-35.3-10 of the North Dakota Century Code, relating to allocation of financial institutions' tax revenues; to provide a penalty; and to provide an effective date.

### MOTION

**SEN. GRINDBERG MOVED** that Reengrossed HB 1383, as amended, be further amended as follows, which motion prevailed on a voice vote.

In addition to the amendments to Reengrossed House Bill No. 1383 as printed on page 605 of the Senate Journal, Reengrossed House Bill No. 1383 is further amended as follows:

Page 2, line 11, replace "twenty" with "eight"

Renumber accordingly

### MOTION

**SEN. G. NELSON MOVED** that Reengrossed HB 1383, as amended, be moved to the bottom of the calendar pending an answer regarding amendments adopted in committee, which motion prevailed.

Reengrossed HB 1383, as amended, was placed at the bottom of the calendar.

### MOTION

**SEN. ST. AUBYN MOVED** that HB 1174, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1274:** A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code, relating to the interim reciprocal certification of teachers.

**MOTION**

**SEN. COOK MOVED** that Engrossed HB 1274 be amended as follows, which motion prevailed on a voice vote.

In lieu of the amendments adopted by the Senate as printed on page 822 of the Senate Journal, Engrossed House Bill No. 1274 is amended as follows:

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 2, replace "reciprocity" with "reciprocal" and after "teachers" insert "; and to declare an emergency"

Page 1, line 6, replace "**reciprocity**" with "**reciprocal**"

Page 1, line 7, replace "reciprocity" with "reciprocal"

Page 1, line 23, replace "reciprocity" with "reciprocal"

Page 2, line 2, replace "reciprocity" with "reciprocal"

Page 2, line 4, replace "reciprocity" with "reciprocal"

Page 2, after line 5, insert:

**"SECTION 2.** A new section to chapter 15-36 of the North Dakota Century Code is created and enacted as follows:

**Reciprocal acceptance of teaching certificates - Report.** On or before July 1, 2001, the education standards and practices board shall implement a program for the reciprocal acceptance of teaching certificates issued by the states of Minnesota, Montana, and South Dakota. The education standards and practices board shall present a progress report regarding implementation of the program to the legislative council or to a committee designated by the council before October 1, 2000.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**HB 1274:** A BILL for an Act to create and enact two new sections to chapter 15-36 of the North Dakota Century Code, relating to the interim reciprocal certification of teachers; 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 39 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Naaden; Nelson, G.; Nething; Sand; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** DeMers; Kilzer; Mutzenberger; Nelson, C.; O'Connell; Robinson; Schobinger

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Engrossed HB 1274, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1444:** A BILL for an Act to amend and reenact section 43-09-16 of the North Dakota Century Code, relating to persons exempt from electrician's licensure requirements; and to declare an emergency.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Engrossed HB 1444, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1135:** A BILL for an Act to amend and reenact sections 52-04-05, 52-04-06, and 52-04-09 of the North Dakota Century Code, relating to the required level of the unemployment compensation trust fund reserve and employer contribution rates.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Engrossed HB 1135, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1156:** A BILL for an Act to create and enact three new subsections to section 60-04-03.1 of the North Dakota Century Code, relating to warehousemen; to amend and reenact subsections 3 and 5 of section 60-02-01, subsection 1 of section 60-02-05, sections 60-02-07, 60-02-17, subsection 1 of section 60-02-24, sections 60-02-27, and 60-02-37 of the North Dakota Century Code, relating to warehouseman disputes, warehouse storage contracts, and hay buyers; and to repeal section 60-02-17.1 of the North Dakota Century Code, relating to warehouse charges for grain owned by the United States.

**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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Sand; Tallackson

Engrossed HB 1156, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1091:** A BILL for an Act to amend and reenact subsection 1 of section 52-06-04 of the North Dakota Century Code, relating to determination of weekly benefit amount for unemployment compensation purposes.

**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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Sand; Tallackson

Engrossed HB 1091 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1176:** A BILL for an Act to create and enact chapter 26.1-03.2 of the North Dakota Century Code, relating to risk-based capital for health organizations.

**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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Sand; Tallackson

Engrossed HB 1176 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1178:** A BILL for an Act to create and enact sections 26.1-01-07.6 and 26.1-26.4-04.2 of the North Dakota Century Code, relating to medicare provider-sponsored organizations and health care service utilization review; and to amend and reenact section 26.1-26.4-02, subdivision d of subsection 1 of section 26.1-36-04, subsection 22 of section 26.1-36.3-01, subdivision e of subsection 3 of section 26.1-36.3-06, subsection 6 of section 26.1-36.3-06, section 26.1-36.4-03, subsection 8 of section 26.1-47-01, and section 26.1-47-02 of the North Dakota Century Code, relating to health care service utilization review, accident and health insurance, small employer health insurance, and preferred provider organizations.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Engrossed HB 1178 passed and the title was agreed to.

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#### MOTION

**SEN. G. NELSON MOVED** that Reengrossed HB 1383 be moved to the top of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1383:** A BILL for an Act to provide for establishment and operation of the housing development fund and to provide a financial institutions tax credit for participation in the fund; to amend and reenact sections 57-35.3-09 and 57-35.3-10 of the North Dakota Century Code, relating to allocation of financial institutions' tax revenues; to provide a penalty; and to provide an effective date.

#### MOTION

**SEN. GRINDBERG MOVED** that Reengrossed HB 1383 be further amended as follows, which motion prevailed on a voice vote.

In addition to the amendments to Reengrossed House Bill No. 1383 as printed on page 605 of the Senate Journal, Reengrossed House Bill No. 1383 is further amended as follows:

Page 1, line 4, remove "and"

Page 1, line 5, after "date" insert "; and to provide an expiration date"

Page 5, line 29, after "**DATE**" insert "**- EXPIRATION DATE**" and after "for" insert "the first four"

Page 5, line 30, after "1998" insert ", and is thereafter ineffective"

Renumber accordingly

**HB 1383:** A BILL for an Act to provide for establishment and operation of the housing development fund and to provide a financial institutions tax credit for participation in the fund; to amend and reenact sections 57-35.3-09 and 57-35.3-10 of the North Dakota Century Code, relating to allocation of financial institutions' tax revenues; to provide a penalty; to provide an effective date; 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 32 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; Nelson, G.; Nething; Robinson; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thompson; Traynor; Urlacher; Wanzek; Wardner

**NAYS:** Christmann; Cook; DeMers; Freborg; Kilzer; Lindaas; Naaden; O'Connell; Sand; Schobinger; Solberg; Thane; Tomac; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Reengrossed HB 1383, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1465:** A BILL for an Act to amend and reenact section 4-34-01 of the North Dakota Century Code, relating to the purposes of the Beef Promotion Act.

#### MOTION

**SEN. KROEPLIN MOVED** that Engrossed HB 1465 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation for resolving certain beef industry trade issues; and to declare an emergency.

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

**SECTION 1. APPROPRIATION - AUTHORITY.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$100,000 to the attorney general for the purpose of supporting international trade commission investigations 701-TA-386 and 731-TA-812, for the biennium beginning July 1, 1999, and ending June 30, 2001. The attorney general may participate in pursuing remedies to halt dumping and in imposing countervailing duties on behalf of the cattle industry in this state.

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

Renumber accordingly

**MOTION**

**SEN. NETHING MOVED** that the proposed amendments be laid on the table.

**REQUEST**

**SEN. DEMERS REQUESTED** a recorded roll call vote on the motion to table the proposed amendments to Engrossed HB 1465, which request was granted.

**ROLL CALL**

The question being on the motion to table the proposed amendments to Engrossed HB 1465, the roll was called and there were 32 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Robinson; Thompson; Tomac

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

The proposed amendments to Engrossed HB 1465 were laid on the table.

**REQUEST**

**SEN. KROEPLIN REQUESTED** that the record show that he had intended to vote NAY and inadvertently pushed the wrong button when he voted on the motion to table the proposed amendments to Engrossed HB 1465, which request was granted.

Therefore, the final vote on the motion to table the proposed amendments to Engrossed HB 1465 was 31 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**REQUEST**

**SEN. T. MATHERN REQUESTED** a ruling from the President concerning whether the motion to lay the proposed amendments on the table meant that the bill was also laid on the table.

**RULING BY THE PRESIDENT**

**PRESIDENT MYRDAL RULED** that, according to Section 399 of Mason's Legislative Manual, the motion of laying an amendment on the table, if approved, has the effect of taking the principal motion and all adhering motion with it.

Therefore, Engrossed HB 1465 has also been laid on the table.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3051:** A concurrent resolution directing the Legislative Council to study the role and mission of the Milk Marketing Board.

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

HCR 3051 was declared adopted on a voice vote and the title was agreed to.

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. WANZEK MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1040, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1040: Sens. Wanzek, Urlacher, D. Mathern.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. LEE MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1093, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1093: Sens. Lyson, Watne, C. Nelson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. THANE MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1158, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1158: Sens. Kilzer, Thane, DeMers.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2002 as printed on SJ pages 813-814 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2002: Sens. Kringstad, Andrist, Tomac.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2074 as printed on SJ pages 847-848 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2074: Sens. Cook, Freborg, O'Connell.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do not concur in the House amendments to SB 2242 as printed on SJ pages 816-817 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2242: Sens. Krebsbach, Sand, Heitkamp.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2299 as printed on SJ pages 767-768 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Reengrossed SB 2299: Sens. Traynor, W. Stenehjem, C. Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do not concur in the House amendments to SB 2300 as printed on SJ pages 797-798 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2300: Sens. W. Stenehjem, Watne, C. Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2350 as printed on SJ page 797 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2350: Sens. Freborg, Fischer, Heitkamp.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do not concur in the House amendments to SB 2396 as printed on SJ page 772 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2396: Sens. Sand, Krebsbach, Thompson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do not concur in the House amendments to SCR 4033 as printed on SJ page 739 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SCR 4033: Sens. Klein, Krebsbach, Heitkamp.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. THANE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2288 as printed on SJ pages 768-769, which motion prevailed on a voice vote.

Engrossed SB 2288, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2288:** A BILL for an Act to amend and reenact subsection 1 of section 14-08.1-05 of the North Dakota Century Code, relating to treatment of child support arrears as judgments; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Reengrossed SB 2288 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to Engrossed SB 2030 as printed on SJ page 768, which motion prevailed on a voice vote.

Engrossed SB 2030, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2030:** A BILL for an Act to provide an appropriation for the construction of a building on the university of North Dakota campus; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Reengrossed SB 2030 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to Engrossed SB 2287 as printed on SJ page 767, which motion prevailed on a voice vote.

Engrossed SB 2287, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2287:** A BILL for an Act to create and enact a new section to chapter 28-20 of the North Dakota Century Code, relating to application of a partial payment on a judgment; to amend and reenact subsection 6 of section 14-09-25 of the North Dakota Century Code, relating to partial payments on child support arrears; and to provide for retroactive application.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Reengrossed SB 2287 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. THANE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2036 as printed on SJ page 767, which motion prevailed on a voice vote.

Engrossed SB 2036, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2036:** A BILL for an Act to amend and reenact sections 50-06-14.4 and 50-24.5-01 of the North Dakota Century Code, relating to assisted living facilities; to require the preparation of a recommendation by the department of human services and the state department of health; to provide an effective date; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg;

St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Nething; Redlin; Tallackson

Reengrossed SB 2036 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. KREBSBACH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2055 as printed on SJ page 767, which motion prevailed on a voice vote.

Engrossed SB 2055, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2055:** A BILL for an Act to amend and reenact subsection 1 of section 54-35-10 of the North Dakota Century Code, relating to compensation paid to members of the legislative assembly for attending sessions of the legislative council and its committees.

#### ROLL CALL

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

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Kinnoin; Klein; Mathern, D.; O'Connell

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Reengrossed SB 2055 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. THANE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2166 as printed on SJ page 770, which motion prevailed on a voice vote.

Engrossed SB 2166, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2166:** A BILL for an Act to create and enact chapter 23-01.3 and a new section to chapter 23-17.3 of the North Dakota Century Code, relating to confidential or protected health information in possession of a public health authority; and to provide a penalty.

#### ROLL CALL

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

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Naaden; Redlin; Tallackson

Reengrossed SB 2166 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to Engrossed SB 2186 as printed on SJ pages 727-728, which motion prevailed on a voice vote.

Engrossed SB 2186, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2186:** A BILL for an Act to create and enact a new section to chapter 12.1-17 and a new section to chapter 23-07 of the North Dakota Century Code, relating to contact by bodily fluids or excrement and the reporting of test results for certain diseases; and to provide a penalty.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson; Wardner

Reengrossed SB 2186 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to SB 2216 as printed on SJ page 816, which motion prevailed on a voice vote.

SB 2216, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2216:** A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to the shipment of alcoholic beverages; and to provide a penalty.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Engrossed SB 2216 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LEE MOVED** that the Senate do concur in the House amendments to SB 2290 as printed on SJ page 671, which motion prevailed on a voice vote.

SB 2290, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2290:** A BILL for an Act to amend and reenact section 40-47-01.1 of the North Dakota Century Code, relating to extraterritorial zoning.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Freborg; Redlin; Tallackson

Engrossed SB 2290 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KREBSBACH MOVED** that the Senate do concur in the Senate amendments to Engrossed SB 2294 as printed on SJ page 685, which motion prevailed on a voice vote.

Engrossed SB 2294, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2294:** A BILL for an Act to amend and reenact sections 54-40.2-01, 54-40.2-02, and 54-40.2-09 of the North Dakota Century Code, relating to agreements between Indian tribes and the state.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson; Tomac

Reengrossed SB 2294 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to Engrossed SB 2349 as printed on SJ page 768, which motion prevailed on a voice vote.

Engrossed SB 2349, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2349:** A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to limitations on exemplary damages.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Fischer; Redlin; Tallackson

Reengrossed SB 2349 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. TRAYNOR MOVED** that the Senate do concur in the House amendments to SB 2357 as printed on SJ page 685, which motion prevailed on a voice vote.

SB 2357, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2357:** A BILL for an Act to amend and reenact subdivision g of subsection 5 of section 39-24-09 of the North Dakota Century Code, relating to prohibited operation of snowmobiles.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** DeMers; Heitkamp; Lindaas; Nelson, C.; Thompson; Tomac

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Engrossed SB 2357 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. THANE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2362 as printed on SJ page 698, which motion prevailed on a voice vote.

Engrossed SB 2362, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2362:** A BILL for an Act to create and enact two new sections to chapter 12.1-16 of the North Dakota Century Code, relating to the prevention of assisted suicide.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** DeMers; Kinnoin; Nelson, C.

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Reengrossed SB 2362 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. TRAYNOR MOVED** that the Senate do concur in the House amendments to Engrossed SB 2373 as printed on SJ page 671, which motion prevailed on a voice vote.

Engrossed SB 2373, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2373:** A BILL for an Act to amend and reenact section 20.1-05-03 of the North Dakota Century Code, relating to the opening time for big game hunting seasons.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Christmann; Kinnoin

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Reengrossed SB 2373 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. THANE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2374 as printed on SJ page 698, which motion prevailed on a voice vote.

Engrossed SB 2374, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2374:** A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to insurance coverage of foods and food products for inherited metabolic diseases; and to amend and reenact section 26.1-36-09.7 of the North Dakota Century Code, relating to removal of the sunset provision of the foods and food products for inherited metabolic diseases insurance coverage law.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson; Tomac

Reengrossed SB 2374 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2390 as printed on SJ pages 817-818, which motion prevailed on a voice vote.

Engrossed SB 2390, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2390:** A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to the appointment of state's attorneys; to amend and reenact sections 11-08-05, 11-08-07, 11-08-08, 11-08-09, 11-08-10, 11-08-13, 11-08-15, 11-09-18, 11-09-19, subsection 3 of section 11-09.1-05, sections 11-10-02, 11-10-04, subsection 3 of section 11-10.2-01, and section 11-15-01.1 of the North Dakota Century Code, relating to the election of the county sheriff and county state's attorney; and to provide for application.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Lee; Mathern, D.

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson; Tomac

Reengrossed SB 2390 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to SB 2437 as printed on SJ page 640, which motion prevailed on a voice vote.

SB 2437, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2437:** A BILL for an Act to create and enact a new section to chapter 23-15 of the North Dakota Century Code, relating to fireworks sales for New Year's Eve 2000; and to amend and reenact section 23-15-01 of the North Dakota Century Code, relating to the sale of fireworks.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** DeMers; Lyson; Solberg

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Engrossed SB 2437 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KREBSBACH MOVED** that the Senate do concur in the House amendments to Engrossed SCR 4022 as printed on SJ page 836, which motion prevailed on a voice vote.

Engrossed SCR 4022, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4022:** A concurrent resolution for the amendment of section 2 of article V, section 3 of article IX, and section 12 of article X of the Constitution of North Dakota, relating to the office of state treasurer; to repeal section 15 of article XII of the Constitution of North Dakota, relating to the duties of the state treasurer upon the issuance of legal tender by banks in the state; to provide for transition; and to provide an effective date.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 27 YEAS, 19 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Naaden; Nelson, G.; Nething; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; O'Connell; Robinson; Sand; Stenehjem, B.; Thane; Thompson; Tomac

**ABSENT AND NOT VOTING:** Bercier; Redlin; Tallackson

Reengrossed SCR 4022 was declared adopted and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do concur in the House amendments to Engrossed SCR 4027 as printed on SJ page 772, which motion prevailed on a voice vote.

Engrossed SCR 4027, as amended, was placed on the Eleventh order of business on the calendar.

#### **SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4027:** A concurrent resolution directing the Legislative Council to study issues related to the Missouri River in North Dakota.

The question being on the final adoption of the amended resolution, which has been read.

Reengrossed SCR 4027 was declared adopted on a voice vote and the title was agreed to.

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#### **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 1079, HB 1082, HB 1146, HB 1149, HB 1257, HB 1295, HB 1297, HB 1300, HB 1326, HB 1359, HB 1377, HB 1406, HB 1415, HB 1441, HB 1446, HB 1467, HCR 3001, HCR 3005, HCR 3013, HCR 3014, HCR 3029, HCR 3031, HCR 3033, HCR 3035, HCR 3052, HCR 3067, HCR 3071, HCR 3080.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2064, SB 2073, SB 2101, SB 2126, SB 2128, SB 2152, SB 2199, SB 2220, SB 2225, SB 2235, SB 2243, SB 2253, SB 2421, SCR 4051.

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

The following bills were delivered to the Governor for his approval on March 26, 1999: SB 2064, SB 2073, SB 2101, SB 2126, SB 2128, SB 2152, SB 2199, SB 2220, SB 2225, SB 2235, SB 2243, SB 2253, SB 2421.

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

The following resolution was delivered to the Secretary of State for his filing on March 26, 1999: SCR 4051.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2047, SB 2414, SCR 4003.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2008, SB 2017, SB 2022, SB 2023, SB 2024, SB 2071, SB 2254, SB 2419, SCR 4021.

#### **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2008**

Page 1, line 2, after "49-01-05" insert "and subsection 3 of section 49-21-01"

Page 1, line 3, after "commissioners" insert "and the definition of essential telecommunications service"

Page 1, line 11, replace "4,389,004" with "4,383,989"

Page 1, line 12, replace "1,067,294" with "1,054,694"

Page 1, line 16, replace "9,202,101" with "9,184,486"

Page 1, line 17, replace "5,633,045" with "5,663,045"

Page 1, line 18, replace "3,569,056" with "3,521,441"

Page 2, after line 3, insert:

**"SECTION 3. AMENDMENT.** Subsection 3 of section 49-21-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. "Essential telecommunications service" means service that is necessary for switched access to interexchange telecommunications companies and necessary for two-way switched communications for both residential and business service within a local exchange area. A charge based on measured service may not be required for residential and business local exchange service. Essential telecommunications services are limited to:
  - a. Switched access;
  - b. Any new product or service offered in North Dakota after July 1, 1989, deemed essential by the commission after notice and hearing in accordance with chapter 28-32;
  - c. Billing and collection of the billing company's own essential telecommunications services and billing and collection recording for interexchange carriers to which the local exchange carrier provides feature group C access service;
  - d. Primary directory listing, including nonlisted and nonpublished service, and ~~local exchange~~ access to directory assistance;
  - e. Emergency 911 services and emergency operator assistance in local exchange areas in which emergency 911 service is not available;
  - f. Except as provided in section 49-02-01.1, mandatory, flat-rate extended area service to designated nearby local exchange areas;
  - g. Installation of the service connection for essential services from the end user's premises to the local exchange network;
  - h. Transmission service necessary for the connection between the end user's premises and the local exchange central office switch including a trunk connection that has direct inward dialing and necessary signaling service such as touchtone used by end users for essential telecommunications services;
  - i. Single or multiparty flat-rate or measured residence and business service;
  - j. Single or multiparty flat-rate or measured combination business and residence service; and
  - k. The transmission service line for a coin or pay telephone."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$4,614,184	\$4,389,004	(\$5,015)	\$4,383,989
Operating expenses	1,074,694	1,067,294	(12,600)	1,054,694
Equipment	71,311	71,311		71,311
Grants	6,000	6,000		6,000
AML contractual services	<u>3,668,492</u>	<u>3,668,492</u>		<u>3,668,492</u>
Total all funds	\$9,434,681	\$9,202,101	(\$17,615)	\$9,184,486
Less special funds	<u>5,640,789</u>	<u>5,633,045</u>	<u>30,000</u>	<u>5,663,045</u>

General fund	\$3,793,892	\$3,569,056	(\$47,615)	\$3,521,441
FTE	43.00	42.00	1.00	43.00

Detail of House changes to the Senate version includes:

	RESTORE ATTORNEY POSITION 1	REDUCE SALARY FUNDING	REDUCE OPERATING EXPENSES	FUNDING SOURCE CHANGE	TOTAL HOUSE CHANGES
Salaries and wages	\$144,985	(\$150,000) <sup>2</sup>			(\$5,015)
Operating expenses	7,400		(\$20,000) <sup>3</sup>		(12,600)
Equipment					
Grants					
AML contractual services					
Total all funds	\$152,385	(\$150,000)	(\$20,000)	\$0	(\$17,615)
Less special funds				30,000 <sup>4</sup>	30,000
General fund	\$152,385	(\$150,000)	(\$20,000)	(\$30,000) <sup>4</sup>	(\$47,615)
FTE	1.00	0.00	0.00	0.00	1.00

House changes narrative:

<sup>1</sup> Restores 1 FTE attorney position removed by the Senate.

<sup>2</sup> Reduces salaries and wages funding. The Public Service Commission may designate the specific areas to reduce within the salaries and wages line item.

<sup>3</sup> Reduces operating expenses as follows:

Office supplies	(\$10,000)
Travel	(10,000)
Total	(\$20,000)

<sup>4</sup> Provides for a funding source change of \$117,027 rather than the \$147,027 approved in the executive budget and the Senate version relating to increasing the general fund support for the Public Service Commission as a result of an anticipated reduction in federal administrative cost reimbursements.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2017

Page 1, line 21, replace "18,254,815" with "18,354,815"

Page 1, line 22, replace "8,461,742" with "8,361,742"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### DEPARTMENT 540 - ADJUTANT GENERAL

HOUSE - This amendment reduces the general fund appropriation by \$100,000 and increases the other funds by \$100,000 for an unspecified funding source change.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2022

Page 1, line 10, replace "3,270,437" with "3,220,437"

Page 1, line 13, replace "48,995" with "248,995"

Page 1, line 14, replace "4,350,026" with "4,500,026"

Page 1, line 16, replace "3,987,026" with "4,137,026"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### DEPARTMENT 740 - TOURISM DEPARTMENT

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$1,005,933	\$985,216		\$985,216
Operating expenses	3,350,437	3,270,437	(\$50,000)	3,220,437
Equipment	15,378	15,378		15,378

Grants	30,000	30,000		30,000
Lewis and Clark bicentennial	<u>698,502</u>	<u>48,995</u>	<u>200,000</u>	<u>248,995</u>
Total all funds	\$5,100,250	\$4,350,026	\$150,000	\$4,500,026
Less special funds	<u>363,000</u>	<u>363,000</u>		<u>363,000</u>
General fund	\$4,737,250	\$3,987,026	\$150,000	\$4,137,026
FTE	12.00	11.00	0.00	11.00

Detail of House changes to the Senate version includes:

	REDUCE OPERATING EXPENSES	ADD LEWIS AND CLARK FUNDING	TOTAL HOUSE CHANGES
Salaries and wages			
Operating expenses	(\$50,000) <sup>1</sup>		(\$50,000)
Equipment			
Grants			
Lewis and Clark bicentennial		<u>\$200,000</u> <sup>2</sup>	<u>200,000</u>
Total all funds	(\$50,000)	\$200,000	\$150,000
Less special funds			
General fund	(\$50,000)	\$200,000	\$150,000
FTE	0.00	0.00	0.00

House changes narrative:

<sup>1</sup> The operating expenses line item is reduced by \$50,000 from the general fund. The Tourism Department may determine the specific areas to reduce.

<sup>2</sup> The Lewis and Clark bicentennial line item is increased by \$200,000 from the general fund for promoting and marketing the Lewis and Clark bicentennial event. The Senate removed the \$500,000 of general fund moneys included in the executive recommendation for marketing the Lewis and Clark bicentennial.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2023

Page 1, line 2, replace the first "and" with "to provide an appropriation to the public service commission;"

Page 1, line 3, after "watershed" insert "; and to declare an emergency"

Page 1, line 11, replace "8,048,657" with "7,973,109"

Page 1, line 12, replace "6,050,687" with "5,983,487"

Page 1, line 13, replace "160,656" with "152,556"

Page 1, line 17, replace "54,719,269" with "54,568,421"

Page 1, line 19, replace "9,283,348" with "9,132,500"

Page 1, after line 19, insert:

**"SECTION 2. APPROPRIATION - PUBLIC SERVICE COMMISSION.** There is hereby appropriated from federal funds, the sum of \$25,000, or so much of the sum as may be necessary, to the public service commission for the purpose of promoting the "one-call" call-before-you-dig program for the period beginning with the effective date of this Act and ending June 30, 1999."

Page 2, after line 23, insert:

**"SECTION 8. EMERGENCY.** Section 2 of this Act is declared an emergency measure."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 770 - STATE WATER COMMISSION

HOUSE - This amendment makes the following changes:

EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
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Salaries and wages	\$8,128,141	\$8,048,657	(\$75,548)	\$7,973,109
Operating expenses	6,050,687	6,050,687	(67,200)	5,983,487
Equipment	160,656	160,656	(8,100)	152,556
Capital improvements	23,624,024	23,624,024		23,624,024
Grants	13,785,245	13,785,245		13,785,245
Cooperative research	<u>3,050,000</u>	<u>3,050,000</u>		<u>3,050,000</u>
Total all funds	\$54,798,753	\$54,719,269	(\$150,848)	\$54,568,421
Less special funds	<u>45,446,368</u>	<u>45,435,921</u>		<u>45,435,921</u>
General fund	\$9,352,385	\$9,283,348	(\$150,848)	\$9,132,500
FTE	82.00	82.00	(1.00)	81.00

Detail of House changes to the Senate version includes:

	REMOVE 1 FTE INFORMATION TECHNOLOGY POSITION	REDUCE EQUIPMENT	REDUCE OPERATING * EXPENSES	TOTAL HOUSE CHANGES
Salaries and wages	(\$75,548)			(\$75,548)
Operating expenses			(\$67,200)	(67,200)
Equipment		(\$8,100)		(8,100)
Capital improvements				
Grants				
Cooperative research				
Total all funds	(\$75,548)	(\$8,100)	(\$67,200)	(\$150,848)
Less special funds				
General fund	(\$75,548)	(\$8,100)	(\$67,200)	(\$150,848)
FTE	(1.00)	0.00	0.00	(1.00)

House changes narrative:

\* Includes \$35,000 for travel, \$21,500 for the intern pilot program, \$7,000 for professional development, and \$3,700 for computer software.

#### DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

HOUSE - This amendment adds a \$25,000 federal funds appropriation to the Public Service Commission for promoting the "One-Call" call-before-you-dig program for the remainder of the 1997-99 biennium.

#### HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2024

Page 1, line 9, replace "15,518,850" with "15,098,851"

Page 1, line 10, replace "7,380,549" with "7,508,962"

Page 1, line 11, replace "1,206,840" with "1,206,840"

Page 1, remove line 12

Page 1, line 13, replace "24,234,652" with "23,814,653"

Page 1, after line 13, insert:

**"SECTION 2. INTERNET WEB APPLICATION.** The appropriation in section 1 of this Act includes funding for the bureau to develop an internet web application with electronic commerce capability, including the ability for employers to file payroll reports for workers' compensation coverage electronically through the internet. It is the intent of the fifty-sixth legislative assembly that in developing this internet web application, the bureau communicate with job service North Dakota and investigate ways in which the application can accommodate combined or streamlined reporting of common payroll and employment data to the bureau and to job service North Dakota."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 485 - WORKERS COMPENSATION BUREAU

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$15,129,163	\$15,518,850	(\$419,999)	\$15,098,851
Operating expenses	7,280,549	7,380,549	128,413	7,508,962

Equipment	1,206,840	1,206,840		1,206,840
Managed care/TPA	<u>128,413</u>	<u>128,413</u>	<u>(128,413)</u>	
Total all funds	\$23,744,965	\$24,234,652	(\$419,999)	\$23,814,653
Less special funds	<u>23,744,965</u>	<u>24,234,652</u>	<u>(419,999)</u>	<u>23,814,653</u>
General fund	\$0	\$0	\$0	\$0
FTE	179.00	179.00	0.00	179.00

Detail of House changes to the Senate version includes:

	REDUCE PAY FOR PERFORMANCE FUNDING	MOVE MANAGED CARE/ TPA LINE ITEM INTO OPERATING EXPENSES	TOTAL HOUSE CHANGES
Salaries and wages	(\$419,999)		(\$419,999)
Operating expenses		\$128,413	128,413
Equipment			
Managed care/TPA		<u>(128,413)</u>	<u>(128,413)</u>
Total all funds	(\$419,999)	\$0	(\$419,999)
Less special funds	<u>(419,999)</u>		<u>(419,999)</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

House changes narrative:

The amendment reduces the pay for performance system funding by \$419,999, from \$919,999 to \$500,000. The amendment also moves the managed care/TPA funding into the operating expenses line item because the costs are primarily administrative costs for contracting for the services. The amendment also adds a section directing the bureau to develop an Internet application which is to allow employers to file payroll reports electronically through the Internet.

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2071

Page 1, line 10, remove "to provide an appropriation;"

Page 5, remove lines 23 through 28

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

HOUSE - This amendment removes Section 10 of the bill, which provided a special fund appropriation of \$250,000 and authorization for three FTE positions to the Public Employees Retirement System.

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2254

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to the performance of partial-birth abortions; and to provide a penalty."

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

##### SECTION 1. Definitions. As used in this Act:

1. "Living child" means any member of the human species, born or unborn, who has a heartbeat or discernible spontaneous movement.
2. "Partially born" means the child's intact body, with the entire head attached, is delivered so that any of the following has occurred:
  - a. The child's entire head, in the case of a cephalic presentation, or any portion of the child's torso above the navel, in the case of a breech presentation, is delivered past the mother's vaginal opening; or
  - b. The child's entire head, in the case of a cephalic presentation, or any portion of the child's torso above the navel, in the case of a breech presentation, is delivered outside the mother's abdominal wall.

3. "Sharp curettage or suction curettage abortion" means an abortion in which the developing child and products of conception are evacuated from the uterus with a sharp curettage or through a suction cannula with an attached vacuum apparatus.

## **SECTION 2. Prohibition - Penalty - Exception.**

1. Any person who intentionally or knowingly causes the death of a child while that child is partially born is guilty of a class AA felony. A mother whose living child dies while partially born may not be prosecuted for a violation of this Act or for conspiracy to violate this Act.
2. This Act does not apply to a sharp curettage or suction curettage abortion or to any offense committed under chapter 12.1-17.1 or chapter 14-02.1.

**SECTION 3. Hearing.** Section 2 does not prohibit a physician from taking measures to save the life of a mother whose life is endangered by a physical disorder, illness, or injury, if every reasonable precaution is also taken, in this case, to save the child's life. A physician charged with an offense under section 2 may seek a hearing before the state board of medical examiners on whether the physician's conduct was necessary to save the life of a mother whose life was endangered by a physical disorder, illness, or injury, and whether the physician took every reasonable precaution to save the child's life. The findings of the board are admissible at the trial of the defendant. Upon the motion of the defendant, the court shall delay the beginning of the trial for not more than thirty days to permit the hearing to be conducted."

Renumber accordingly

## **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2419**

Page 1, line 8, replace "Except when a specific fund is otherwise" with "All"

Page 1, line 9, remove "designated by law, all"

Page 1, line 10, replace "general fund" with "state treasury"

Page 1, line 11, after "assembly" insert ", except when:

1. A specific fund or special account is otherwise designated by law; or
2. The options open to the attorney general leave no choice as to the disposition of the proceeds if the state is to recover funds in a multistate settlement"

Renumber accordingly

## **HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4021**

Page 1, line 3, remove the first "and" and after "procedures" insert ", methods to encourage American businesses to keep their production operations in the United States, and methods to encourage the location of low-environmental impact and local, culturally friendly production facilities on or near American Indian reservations to access and develop tribal work forces and increase employment opportunities for tribal members"

Page 1, line 21, after "procedures" insert ", methods to encourage American businesses to keep their production operations in the United States, and methods to encourage the location of low-environmental impact and local, culturally friendly production facilities on or near American Indian reservations to access and develop tribal work forces and increase employment opportunities for tribal members"

Renumber accordingly

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2026.

## **HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2026**

Page 1, line 23, replace "13,500,000" with "15,100,000"

Page 1, line 24, replace "13,500,000" with "15,100,000"

Page 2, line 15, replace "19,842,334" with "21,442,334"

Page 2, line 17, replace "20,092,334" with "21,692,334"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 512 - DIVISION OF EMERGENCY MANAGEMENT

HOUSE - This amendment increases the deficiency appropriation to the Division of Emergency Management by \$1,600,000 from the general fund, from \$13,500,000 to \$15,100,000 for the estimated amount needed for disaster claims to be closed by June 30, 1999.

**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 1025, HB 1039, HB 1399, HCR 3043, HCR 3074.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1307 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1307:** Reps. Mickelson; Herbel; Winrich

**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 2098:** Reps. Keiser; Martinson; Stefonowicz

**SCR 4029:** Reps. Rennerfeldt; Clark; Froelich

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4055, SCR 4059.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1091, HB 1176, HB 1178, HCR 3051.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1383.

**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 1274.

**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 1444.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1018, HB 1026, HB 1052, HB 1067, HB 1135, HB 1156, HB 1167.

**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 1040:** Sens. Wanzek; Urlacher; D. Mathern

**HB 1093:** Sens. Lyson; Watne; C. Nelson

**HB 1158:** Sens. Kilzer; Thane; DeMers

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2002, SB 2074, SB 2242, SB 2299, SB 2300, SB 2350, and SB 2396 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2002:** Sens. Kringstad; Andrist; Tomac

**SB 2074:** Sens. Cook; Freborg; O'Connell

**SB 2242:** Sens. Krebsbach; Sand; Heitkamp

**SB 2299:** Sens. Traynor; W. Stenehjem; C. Nelson

**SB 2300:** Sens. W. Stenehjem; Watne; C. Nelson

**SB 2350:** Sens. Freborg; Fischer; Heitkamp

**SB 2396:** Sens. Sand; Krebsbach; Thompson

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SCR 4033 and the President has appointed as a conference committee to act with a like committee from the House on:

**SCR 4033:** Sens. Klein; Krebsbach; Heitkamp

**MOTION**

**SEN. ST. AUBYN MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**SEN. ST. AUBYN MOVED** that the Senate be on the Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Monday, March 29, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2440: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2440 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "provide for a study of the licensing of used motor vehicle dealers; and to"

Page 1, line 7, after "proves" insert "for the preceding year"

Page 1, line 8, replace "fifty" with "twenty-five" and replace "for the preceding year" with "and the sale of at least ten motor vehicles"

Page 1, after line 8, insert:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY OF USED MOTOR VEHICLE DEALERS.** During the 1999-2000 interim, the legislative council shall consider studying the licensing of used motor vehicle dealers including fees, dealer plates, and insurance coverage. If the study is conducted, the legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the fifty-seventh legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1047: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1047 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1108, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1108 was placed on the Sixth order on the calendar.

Page 4, line 5, after the second period insert "The definitions in this section may not be construed to subject a telecommunications carrier or telecommunications service to the provisions of title 49."

Page 5, line 7, overstrike "d."

Page 5, line 9, remove "Internet access service or similar service" and overstrike the semicolon

Page 5, line 10, overstrike "e." and insert immediately thereafter "d."

Page 6, line 3, replace "4" with "3"

Page 6, line 10, replace "4" with "3"

Page 6, remove lines 11 through 16

Page 6, line 17, replace "4" with "3"

Page 7, line 4, replace "4" with "3"

Page 10, line 2, replace "through 3" with "and 2"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1153, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1153 was placed on the Sixth order on the calendar.

In lieu of the amendments printed on page 799 of the Senate Journal, Engrossed House Bill No. 1153 is amended as follows:

Page 2, line 5, after the first comma insert "which means" and replace "which" with "that"

Page 2, line 8, replace "2.55" with "2.556"

Page 2, line 11, remove "into"

Page 2, line 15, replace "if" with "where"

Page 2, line 16, replace "fund's" with "funds"

Page 2, line 18, replace "fund's" with "funds"

Page 2, line 19, replace "paragraphs" with "subdivision" and remove "and c"

Page 2, line 29, replace the comma with an opening parenthesis and replace "if" with "where"

Page 3, line 4, replace the second "the" with "such"

Page 3, line 5, after "States" insert a closing parenthesis

Page 3, line 11, replace "the definition of tobacco" with "subdivision a, b, or c."

Page 3, remove line 12

Page 3, line 16, remove the comma

Page 3, line 22, after "must" insert "do one of the following"

Page 3, line 31, replace "year" with "of"

Page 4, line 1, replace "year" with "of"

Page 4, line 2, after "For" insert "each of"

Page 4, line 4, replace "subsection 1 is entitled to" with "subdivision a shall receive the"

Page 4, line 5, replace "themselves must" with "may"

Page 4, line 10, replace "subdivision" with "paragraph"

Page 4, line 17, replace the comma with an opening parenthesis

Page 4, line 20, replace the comma with a closing parenthesis

Page 4, line 23, replace "subdivision" with "paragraph"

Page 4, line 30, replace "all instances" with "every instance"

Page 5, line 3, replace "shall" with "must"

Page 5, line 6, replace "subsection" with "subdivision"

Page 5, line 14, replace "subsection" with "subdivision"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1229: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1229 was placed on the Sixth order on the calendar.

Page 2, line 10, after the period insert "Local authorities are encouraged to assess all roads under their jurisdiction and designate the roads for the appropriate weight limits allowed under this subsection."

Page 2, line 31, after the underscored period insert "The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1243, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1243 was placed on the Sixth order on the calendar.

Page 1, line 18, overstrike "a class B misdemeanor if the amount of insufficient funds or credit is"

Page 1, line 19, overstrike "not more than five hundred dollars, and a class A"

Page 1, overstrike line 20

Page 1, line 21, overstrike "dollars" and insert immediately thereafter ":

- a. An infraction if the amount of insufficient funds or credit is not more than fifty dollars;
- b. A class B misdemeanor if the amount of insufficient funds or credit is more than fifty dollars but not more than two hundred fifty dollars, or if the individual has pled guilty or been found guilty of a violation of this section within three years of issuing an insufficient funds check, draft, or order;
- c. A class A misdemeanor if the amount of insufficient funds or credit is more than two hundred fifty dollars but not more than five hundred dollars, or if the individual has pled guilty or been found guilty of two violations of this section within three years of issuing an insufficient funds check, draft, or order; or
- d. A class C felony if the amount of insufficient funds or credit is more than five hundred dollars, or an individual has pled guilty or been found guilty of three or more violations of this section within five years of willfully issuing an insufficient fund check, draft, or order"

Page 1, line 22, after the period insert "The grade of an offense under this section may be determined by individual or aggregate totals of insufficient fund checks, drafts, or orders."

Page 1, line 24, remove "or if criminal action is initiated, the court"

Page 2, remove line 1

Page 2, line 2, remove "county in which the charge is prosecuted"

Page 2, line 9, after the period insert "The court may order an individual convicted under this section to undergo an evaluation by a licensed gaming, alcohol, or drug addiction counselor."

Page 3, line 10, remove "A complaint may not be"

Page 3, remove lines 11 and 12

Page 3, line 13, remove "paid the amount owed under the check, draft, or order within those ten days."

Page 3, line 18, overstrike "**or with insufficient funds**"

Page 3, line 29, overstrike "or without sufficient funds in a bank or"

Page 3, line 30, overstrike "depository pursuant to section 6-08-16" and overstrike the colon

Page 4, line 1, overstrike "a. At" and insert immediately thereafter "at"

Page 4, line 2, overstrike "; or"

Page 4, overstrike lines 3 through 6

Page 4, line 7, overstrike "presentation"

Page 4, line 13, overstrike "ten thousand" and insert immediately thereafter "five hundred", after "dollars" insert "or that person, agent, or representative of another, issues more than one instrument wherein the aggregate total of all instruments issued exceeds five hundred dollars", and overstrike the colon

Page 4, line 14, overstrike "a. At" and insert immediately thereafter "at"

Page 4, line 15, overstrike "; or"

Page 4, overstrike lines 16 through 20

Page 4, overstrike lines 24 through 30

Page 5, overstrike lines 1 through 4

Page 5, line 5, overstrike "instrument in full upon its presentation"

Page 5, line 6, replace "5" with "4", replace the first underscored comma with "or", and remove ", or 4"

Page 5, line 9, remove "or if criminal action is initiated, the court may assess costs of five"

Page 5, remove line 10

Page 5, line 11, remove "is prosecuted"

Page 5, line 16, overstrike "6." and insert immediately thereafter "5."

Page 5, line 18, replace "7" with "6" and overstrike "A"

Page 5, overstrike lines 19 through 24

Page 5, line 25, overstrike "subdivision b of subsection 4 for a violation of subsection 4." and remove "A complaint may not"

Page 5, remove lines 26 and 27

Page 5, line 28, remove "paid the amount owed under the instrument within those ten days." and overstrike "Failure to"

Page 5, overstrike lines 29 and 30

Page 5, line 31, overstrike "subdivision b of subsection 4" and insert immediately thereafter "A criminal complaint for violating this section must be executed within ninety days after the drawer receives notice from the holder, or its agent or representative, of a no-account or closed account instrument"

Page 6, line 1, overstrike "7." and insert immediately thereafter "6."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1256, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1256 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 63-01.1-12.2 of the North Dakota Century Code, relating to noxious weed certification.

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

**SECTION 1. AMENDMENT.** Section 63-01.1-12.2 of the North Dakota Century Code is amended and reenacted as follows:

##### **63-01.1-12.2. Noxious weed certification - Gravel and sand pits and hay land.**

1. The commissioner, after consultation with the North Dakota state university extension service, may adopt rules for certifying that gravel, scoria, or sand surface mining operations and land producing hay for sale or for resale are not contaminated with noxious weeds. The rules must identify the extent noxious weeds are allowed with certification.
2. The county weed board, after consultation with the North Dakota state university extension service, may certify gravel, scoria, or sand surface mining operations and land producing hay for sale or for resale as not contaminated with noxious weeds.
3. The commissioner shall adopt a schedule of fees that county weed boards and the North Dakota state university extension service may charge for inspecting, testing, analyzing, and certifying gravel, scoria, or sand surface mining operations and hay land.
4. Certification of gravel, scoria, or sand surface mining operations or hay land is not a warranty of any kind as to the quality of the gravel, sand, or hay produced from an inspected and certified location. The only representation made is that land from which sand and gravel is surface mined or land producing hay for sale or resale has been inspected for contamination by noxious weeds under rules adopted by the commissioner."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1281, as amended: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1281, as amended, was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1291, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1291 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to an operator's license for a person under eighteen years of age; and to amend and reenact section 39-06-04 of the North Dakota Century Code, relating to instructional permits.

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

**SECTION 1. AMENDMENT.** Section 39-06-04 of the North Dakota Century Code is amended and reenacted as follows:

**39-06-04. Instruction permit.** Any person who is at least fourteen years of age may apply to the director for an instruction permit. The director may issue to the applicant an instruction permit ~~which that~~ entitles the applicant while having such permit in the permittee's immediate possession to drive a motor vehicle upon the public highways for a period of one year when accompanied by a licensed operator who holds a license corresponding to the vehicle the permittee operates ~~and, who~~ has had at least ~~one year~~ three years of driving experience, and who is occupying a seat beside the driver. Persons holding an instruction permit for the operation of a motorcycle shall operate the motorcycle only during hours when the use of headlights is not required pursuant to section 39-21-01, and may not carry or transport any passenger. Any instruction permit may be renewed or a new permit issued for an additional period. A person who is not yet eighteen years of age is not eligible for a license until that person has had an instruction permit issued for at least three months. The director may recognize an instruction permit issued by another jurisdiction in computing the three-month instructional period.

**SECTION 2.** A new section to chapter 39-06 of the North Dakota Century Code is created and enacted as follows:

**Special provisions for minor operators.**

1. The director shall cancel the permit or license to operate a motor vehicle of an individual who has committed acts resulting in an accumulated point total in excess of five points as provided for a violation under section 39-06.1-10 or has committed an alcohol-related offense while operating a motor vehicle, if:
  - a. The acts or offenses were committed while the individual was a minor; and
  - b. The individual admitted the violation, was found to have committed the violation by the official having jurisdiction, or pled guilty to, was found guilty of, or adjudicated to have committed the offense.
2. If an individual has had that individual's license or permit canceled under subsection 1, the director shall deem that individual to have never have had any license or permit to operate a motor vehicle and may not issue any license or permit to drive other than an instruction permit or a restricted instruction permit after the completion of any period of suspension or revocation. After the issuance of an instruction permit or restricted instruction permit, the director may not issue any other license or permit to that individual until, while using the permit issued under this section, that individual:
  - a. (1) Completes a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or  
 (2) Successfully completes a course at an approved commercial driver training school; and
  - b. Satisfies all other requirements that apply to that individual for that license or permit."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1336, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1336 was placed on the Sixth order on the calendar.

Page 1, line 1, after "39-06.1-06" insert "and subdivision h of subsection 1 of section 39-09-02"

Page 1, line 2, after "limit" insert "and to the speed limit on interstate highways"

Page 2, after line 23, insert:

**"SECTION 2. AMENDMENT.** Subdivision h of subsection 1 of section 39-09-02 of the North Dakota Century Code is amended and reenacted as follows:

- h. ~~Seventy~~ Seventy-five miles [~~112.65~~ 120.69 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1344, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1344 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "provide an" with "amend and reenact section 39-04-11 and subsection 4 of section 39-04-19 of the North Dakota Century Code, relating to the display of number plates and tabs"

Page 1, line 3, remove "expiration date"

Page 1, underscore lines 7 and 8

Page 1, line 9, underscore "plate upon application and payment of an additional fee of", replace "twenty-five" with "ten", and underscore "dollars per registration"

Page 1, line 10, underscore "period." and remove "The plate may not be displayed on a vehicle after December 31, 2006."

Page 1, replace lines 11 and 12 with:

**"SECTION 2. AMENDMENT.** Section 39-04-11 of the North Dakota Century Code is amended and reenacted as follows:

**39-04-11. Display of number plates and tabs.** Except as otherwise specifically provided, ~~no~~ a person may not operate or drive a vehicle on the public highways of this state unless the vehicle has a distinctive number assigned to it by the department, and two number plates, bearing the distinctive number conspicuously displayed, horizontally and in an upright position, one on the front and one on the rear of the vehicle, each securely fastened, except number plates assigned to a motorcycle, trailer, or house trailer must be attached to the rear thereof. When only one number plate is furnished for an apportioned vehicle licensed under the international registration plan as authorized in section 39-19-04, truck tractor, or semitrailer, the plate must be attached to the front of the apportioned vehicle or truck tractor and the rear of the semitrailer. The bottom of each number plate must be at a height of not less than twelve inches [30.48 centimeters] above the level surface upon which the vehicle stands. Each plate must be mounted in a manner that does not cover any words, letter, or number on the plate. As far as is reasonably possible, the plates must at all times be kept free and clear of mud, ice, or snow so as to be clearly visible and all number plates, markers, or evidence of registration or licensing except for the current year must be removed from the vehicle. All vehicle license plates issued by the department continue to be the property of the state of North Dakota for the period for which the plates are valid. An annual registration tab or sticker for the current registration year must be displayed on each number plate, in the area designated by the department for the tab or sticker, in those years for which tabs or stickers are issued in lieu of number plates.

**SECTION 3. AMENDMENT.** Subsection 4 of section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars. Upon the request of a person with a trailer or farm trailer to whom a registration or identification plate is provided under this subsection, the department shall provide a plate of the same size as provided for a motorcycle. The department shall provide notification of this option to the person before the replacement or issuance of the plate.

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1403, as engrossed: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1403 was placed on the Sixth order on the calendar.

Page 1, line 1, after the first "to" insert "provide a licensed nurse may delegate medication administration; to"

Page 1, line 2, after "licensure" insert "; 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"

Page 1, after line 10, insert:

**"SECTION 2. Delegation of medication administration.** A licensed nurse may delegate medication administration to a person exempt under section 1 of this Act.

**SECTION 3. DEPARTMENT OF HUMAN SERVICES AND NORTH DAKOTA BOARD OF NURSING - RECOMMENDATION - REPORT TO LEGISLATIVE COUNCIL.** The department of human services and the North Dakota board of nursing, after consultation with appropriate individuals and entities, shall prepare a joint recommendation for consideration by the fifty-seventh legislative assembly regarding the administration of medication according to section 1 of this Act. During the 1999-2000 interim, the department of human services and the North Dakota board of nursing shall report annually to the legislative council regarding the progress in preparing a joint recommendation under this section. By December 10, 2000, the department of human services shall certify to the governor and the legislative council regarding satisfaction of the reporting and recommendation requirements under this section.

**SECTION 4. EXPIRATION DATE.** This Act is effective through July 31, 2001, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1405, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1405 was placed on the Sixth order on the calendar.

Page 2, line 2, after "codes" insert "and all applicable electrical wiring and equipment, plumbing, and fire standards. The state is not liable to any person for issuing a permit in violation of this subsection"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3026: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3026 was placed on the Sixth order on the calendar.

Page 1, line 2, replace the first "providing" with "that provides", after "credit" insert ", a scholarshare program," and remove "providing for"

Page 1, line 15, replace the first "providing" with "that provides", after "credit" insert ", a scholarshare program," and remove "providing for"

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

**SB 2229:** Your conference committee (Sens. Klein, Sand, D. Mathern and Reps. Klein, N. Johnson, Glassheim) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 604 and place SB 2229 on the Seventh order.

SB 2229 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2275, as engrossed:** Your conference committee (Sens. Mutch, Sand, D. Mathern and Reps. Jensen, B. Thoreson, Rose) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 627 and place SB 2275 on the Seventh order.

Engrossed SB 2275 was placed on the Seventh order of business on the calendar.

The Senate stood adjourned pursuant to Senator St. Aubyn's motion.

**WILLIAM C. PARKER, Secretary**