

## JOURNAL OF THE SENATE

## Fifty-sixth Legislative Assembly

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Bismarck, March 30, 1999

The Senate convened at 9:00 a.m., with President Myrdal presiding.

The prayer was offered by Pastor Gordon Stork, Century Baptist Church, Bismarck.

The roll was called and all members were present except Senators Bercier and Mutzenberger.

A quorum was declared by the President.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 29, 1999, I have signed the following: SB 2064, SB 2080, SB 2101, SB 2126, SB 2128, SB 2199, SB 2220, SB 2225, SB 2235, SB 2243, SB 2253, SB 2393, SB 2403, and SB 2421.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 30, 1999, I have signed the following: SB 2073 and SB 2152.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do not concur in the House amendments to SB 2254 as printed on SJ pages 876-877 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 2254: Sens. W. Stenehjem, Traynor, C. Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. WANZEK MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2153 as printed on SJ pages 796-797 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 2153: Sens. Klein, Sand, Kroeplin.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. FISCHER MOVED** that the conference committee report on Engrossed SB 2388 as printed on SJ pages 851-852 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2388, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2388:** A BILL for an Act to amend and reenact subsection 5 of section 14-15-11 of the North Dakota Century Code, relating to adoption investigations.

**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.; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Mutch; Mutzenberger

Engrossed SB 2388, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. WATNE MOVED** that the conference committee report on Engrossed SB 2185 as printed on SJ page 851 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2185, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2185:** A BILL for an Act to create and enact a new section to chapter 12-56 of the North Dakota Century Code, relating to the violation by parolees and probationers of the interstate compact for out-of-state supervision; 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.; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Mutch; Mutzenberger

Engrossed SB 2185, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. FREBORG MOVED** that the conference committee report on Engrossed SB 2066 as printed on SJ page 828 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2066, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2066:** A BILL for an Act to amend and reenact section 15-47-15 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-09-34 of the North Dakota Century Code, relating to school district bid requirements for used motor vehicles.

**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.; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Mutch; Mutzenberger

Engrossed SB 2066, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. TRAYNOR MOVED** that the conference committee report on Engrossed SB 2107 as printed on SJ pages 839-840 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2107, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2107:** A BILL for an Act to create and enact a new section to chapter 61-04 of the North Dakota Century Code, relating to water permit applications; and to amend and reenact subsection 4 of section 61-04-05 and section 61-04-06 of the North Dakota Century Code, relating to water permit applications.

**ROLL CALL**

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

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

**NAYS:** Christmann

**ABSENT AND NOT VOTING:** Bercier; Mutch; Mutzenberger

Engrossed SB 2107, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. WARDNER MOVED** that the conference committee report on Engrossed SB 2246 as printed on SJ page 731 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2246, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2246:** A BILL for an Act to amend and reenact sections 40-24-16, 57-20-07.1, 57-20-08, and subsection 2 of section 57-22-21 of the North Dakota Century Code, relating to property tax receipts; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAY, 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.; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Naaden

**ABSENT AND NOT VOTING:** Bercier; Mutch; Mutzenberger

Engrossed SB 2246, as amended, passed and the title was agreed to.

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**MOTION**

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

**THE SENATE RECONVENED** pursuant to recess taken, with President Myrdal presiding.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. W. STENEHJEM MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1026, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1026: Sens. W. Stenehjem, Watne, C. Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2004 as printed on SJ pages 790-791 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 2004: Sens. Nething, St. Aubyn, Robinson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2008 as printed on SJ pages 871-873 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 2008: Sens. Nething, Solberg, Tallackson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2010 as printed on SJ pages 814-815 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 2010: Sens. Holmberg, Bowman, Tallackson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2022 as printed on SJ pages 873-874 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 2022: Sens. Andrist, Grindberg, Lindaas.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2023 as printed on SJ pages 874-875 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 2023: Sens. Nething, Kringstad, Lindaas.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2026 as printed on SJ pages 877-878 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 2026: Sens. Grindberg, Andrist, Lindaas.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2125 as printed on SJ pages 908-909 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 2125: Sens. W. Stenehjem, Watne, C. Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. B. STENEHJEM MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2267 as printed on SJ page 909 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 2267: Sens. Schobinger, B. Stenehjem, Thompson.

**MOTION**

**SEN. W. STENEHJEM MOVED** that the Senate Conference Committee on Reengrossed SB 2299 be dissolved, which motion prevailed.

**MOTION**

**SEN. W. STENEHJEM MOVED** that the Senate reconsider the action whereby it did not concur with the House amendments to Reengrossed SB 2299, which motion prevailed.

**MOTION**

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to Reengrossed SB 2299 as printed on SJ pages 767-768, which motion prevailed on a voice vote.

Reengrossed SB 2299, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2299:** A BILL for an Act to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to the registration of offenders against children and sexual offenders; and to repeal section 27-20-52.1 of the North Dakota Century Code, relating to the law enforcement data base.

**ROLL CALL**

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

**YEAS:** Andrist; 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier

Reengrossed SB 2299 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1037, as engrossed: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 911-913 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1037:** A BILL for an Act to create and enact a new section to chapter 32-12 and a new section to chapter 44-04 of the North Dakota Century Code, relating to the liability of the state for a contract claim resulting from the failure of computers or computer equipment and to year 2000 information requests; and to amend and reenact subsection 3 of section 32-12.1-03 and subsection 3 of section 32-12.2-02 of the North Dakota Century Code, relating to the liability of political subdivisions and the state for a claim resulting from the failure of computers or computer equipment as a result of the year 2000 date change.

**ROLL CALL**

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

**YEAS:** Andrist; 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1037, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1005, as engrossed: SEN. NAADEN (Appropriations Committee) MOVED** that the amendments on SJ pages 910-911 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1005:** A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission; to provide for line item transfers; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1005, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HB 1276: SEN. KLEIN (Agriculture Committee) MOVED** that the amendments on SJ pages 916-917 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1276:** A BILL for an Act to create and enact a new section to chapter 36-05 and a new section to chapter 36-14 of the North Dakota Century Code, relating to livestock unfit for sale and animals imported into the state; to amend and reenact sections 36-01-05, 36-01-07, 36-01-08, 36-01-08.1, 36-01-08.3, 36-01-08.4, 36-01-13, 36-01-14, 36-01-28, 36-05-01, subsection 4 of section 36-05-13.2, sections 36-07-07, 36-14-10, 36-14-20, 36-14-21, 36-15-01, 36-15-02, 36-15-08.1, 36-15-09, 36-15-14, 36-15-19, 36-15-21, 36-15-22, and subsection 1 of section 36-21.1-06 of the North Dakota Century Code, relating to the board of animal health, livestock auction markets, rendering plants, contagious and infectious livestock diseases, tuberculosis and brucellosis eradication in animals, and humane treatment of animals; to repeal sections 36-14-04, 36-14-05, 36-14-06, 36-14-07, 36-15-08, and 36-15-12 of the North Dakota Century Code, relating to horses, cattle, sheep, and swine imported into the state, compensation for owners of animals infected with tuberculosis or paratuberculosis, and bovine tuberculosis and brucellosis funds; to provide a penalty; and to provide for a legislative council study.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier

HB 1276, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1304, as engrossed: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 918 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1304:** A BILL for an Act to amend and reenact sections 12-44.1-09, 12-44.1-18.2, and subsection 4 of section 39-08-01 of the North Dakota Century Code, relating to inmate placement and programs.

**ROLL CALL**

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

**YEAS:** Andrist; 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1304, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1024, as engrossed: SEN. WARDNER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 911 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1024:** A BILL for an Act to amend and reenact subsection 1 of section 4-18.1-20 and subsections 4 and 7 of section 28-32-02 of the North Dakota Century Code, relating to statutory references to administrative rulemaking provisions and administrative rulemaking procedures; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 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; Redlin; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Schobinger

**ABSENT AND NOT VOTING:** Bercier

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

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**CONSIDERATION OF AMENDMENTS**

**HB 1171, as engrossed: SEN. DEMERS (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 913-915 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1171:** A BILL for an Act to create and enact a new section to chapter 54-06 and a new section to chapter 54-11 of the North Dakota Century Code, relating to expenses to collect funds owed the state and the ability of the state treasurer to appoint agents for the receipt of public funds; to amend and reenact sections 15-39.1-26, 34-15-07, 39-12-20, 54-44-04.6, 54-44.3-03, 54-44.3-12.2, 54-44.3-15, and 54-44.3-16 of the North Dakota Century Code, relating to the disposition of public funds, membership and voting on the state personnel board, appeals from agency grievance procedures, and

certification of payroll by the central personnel division director and agency personnel officers; to provide a continuing appropriation; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1171, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### MOTION

**SEN. ST. AUBYN MOVED** that after action taken on the Sixth order, SCR 4054 and SCR 4057 not be placed on the Consent Calendar, but be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SCR 4057: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 910 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4057:** A concurrent resolution urging the Governor to declare October 9, 1999, through October 8, 2000, "Leif Ericson Year".

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

Engrossed SCR 4057 was declared adopted on a voice vote and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1335, as engrossed: SEN. WANZEK (Agriculture Committee) MOVED** that the amendments on SJ page 918 be adopted and then be placed on the Fourteenth order with **DO PASS**.

#### REQUEST

**SEN. THOMPSON REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1335, which request was granted.

#### MOTION

**SEN. G. NELSON MOVED** that the question be put at 2:17 p.m., which motion prevailed on a verification vote.

#### ROLL CALL

The question being on the motion to adopt the amendments to Engrossed HB 1335, the roll was called and there were 31 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Bowman; DeMers; Kelsh; Kinnoin; Kroeplin; Lindaas; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac; Watne

**ABSENT AND NOT VOTING:** Bercier



The motion to adopt the amendments to Engrossed HB 1335 prevailed. Engrossed HB 1335, as amended, was placed on the Fourteenth order on the calendar.

### SECOND READING OF HOUSE BILL

**HB 1335:** A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to the presence of chemicals in agricultural products and livestock; to provide a penalty; and to provide an effective date.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1335, as amended, passed and the title was agreed to.

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### MOTION

**SEN. ST. AUBYN MOVED** that HB 1252 be moved to the top of the Fourteenth order, which motion prevailed.

### CONSIDERATION OF AMENDMENTS

**HB 1252, as engrossed: SEN. WANZEK (Agriculture Committee) MOVED** that the amendments on SJ pages 915-916 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

### SECOND READING OF HOUSE BILL

**HB 1252:** A BILL for an Act relating to sale and use of crop protection products; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1252, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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### MOTION

**SEN. ST. AUBYN MOVED** that the Senate stand in recess until 4:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem W. Stenehjem presiding.

### CONSIDERATION OF AMENDMENTS

**HB 1389, as engrossed: SEN. B. STENEHJEM (Transportation Committee) MOVED** that the amendments on SJ page 918 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1389:** A BILL for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to release of motor vehicle operator records; to provide for retroactive application; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1389, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**SCR 4054: SEN. WARDNER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 910 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4054:** A concurrent resolution urging the President to award Theodore Roosevelt the congressional Medal of Honor.

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

Engrossed SCR 4054 was declared adopted on a voice vote and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2441:** A BILL for an Act to provide for school district reorganization bonuses.

**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 40 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Bowman; Kilzer; Krauter; Lyson; Nelson, C.; Tomac

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

Engrossed SB 2441 passed and the title was agreed to.

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**MOTION**

**SEN. ST. AUBYN MOVED** that HB 1492, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1380:** A BILL for an Act to amend and reenact sections 39-04.2-03 and 39-04.2-04 of the North Dakota Century Code, relating to the public transportation fund.

**ROLL CALL**

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

**YEAS:** Andrist; 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

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

HB 1380 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do concur in the House amendments to Reengrossed SB 2024 as printed on SJ pages 875-876, which motion prevailed on a voice vote.

Reengrossed SB 2024, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2024:** A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau and its divisions.

**ROLL CALL**

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

**YEAS:** Andrist; 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

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

Reengrossed SB 2024 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. WANZEK MOVED** that the Senate do concur in the House amendments to SB 2425 as printed on SJ page 819, which motion prevailed on a voice vote.

SB 2425, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2425:** A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to the establishment of a livestock production loan program and the issuance of revenue bonds or other evidences of indebtedness by the industrial commission of North Dakota.

**ROLL CALL**

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

**YEAS:** Andrist; 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

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

Engrossed SB 2425 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. THANE MOVED** that the conference committee report on SB 2266 as printed on SJ page 704 be adopted, which motion prevailed, on a voice vote.

SB 2266, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2266:** A BILL for an Act to amend and reenact section 25-01.3-02 of the North Dakota Century Code, relating to the membership of the committee on protection and advocacy.

#### ROLL CALL

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

**YEAS:** Andrist; 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; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

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

SB 2266, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. MUTCH MOVED** that the conference committee report on Engrossed SB 2275 as printed on SJ page 887 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2275, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2275:** A BILL for an Act to create and enact a new subsection to section 43-25-04 of the North Dakota Century Code, relating to the practice of massage; to amend and reenact subsection 3 of section 43-25-04 of the North Dakota Century Code, relating to physical therapist assistants; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

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

Engrossed SB 2275, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. B. STENEHJEM MOVED** that the conference committee report on Engrossed SB 2159 as printed on SJ page 919 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2159, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2159:** A BILL for an Act to create and enact a new section to title 39 of the North Dakota Century Code, relating to rest area vending machine permits from the department of transportation.

**ROLL CALL**

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

**YEAS:** Andrist; 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

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

Engrossed SB 2159, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. KLEIN MOVED** that the conference committee report on SB 2229 as printed on SJ pages 886-887 be adopted, which motion prevailed, on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. WATNE MOVED** that the conference committee report on Engrossed SB 2280 as printed on SJ page 731 be adopted, which motion prevailed, on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. WARDNER MOVED** that the conference committee report on SCR 4023 as printed on SJ page 852 be adopted, which motion prevailed, on a voice vote.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KREBSBACH MOVED** that the Senate do not concur in the House amendments to SB 2071 as printed on SJ page 876 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 2071: Sens. Wardner, Krebsbach, DeMers.

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

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

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

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

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

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

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

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

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

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

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

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

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

**SB 2004:** Sens. Nething; St. Aubyn; Robinson

**SB 2008:** Sens. Nething; Solberg; Tallackson

**SB 2010:** Sens. Holmberg; Bowman; Tallackson

**SB 2022:** Sens. Andrist; Grindberg; Lindaas

**SB 2023:** Sens. Nething; Kringstad; Lindaas

**SB 2026:** Sens. Grindberg; Andrist; Lindaas

**SB 2267:** Sens. Schobinger; B. Stenehjem; Thompson

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2071 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2071:** Sens. Wardner; Krebsbach; DeMers

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

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

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

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

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

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

**MR. SPEAKER:** The President has signed: 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 HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

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

**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 4057.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2441, SCR 4054.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1380.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1024, HB 1037, HB 1276, HB 1304, HB 1335.

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

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

**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 1389.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2066, SB 2107, SB 2185, SB 2246, SB 2388.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2159, SB 2266, SB 2275.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report on: SB 2229, SB 2280, SCR 4023.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1052, HB 1152, HB 1229, HB 1243, HB 1403, HB 1487.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2014, SB 2019, SB 2025, SB 2043, SB 2044.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2014

Page 1, line 10, replace "2,255,977" with "2,227,636"

Page 1, line 11, replace "1,471,792" with "1,507,492"

Page 1, line 12, replace "784,185" with "720,144"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Total all funds	\$2,282,345	\$2,255,977	(\$28,341)	\$2,227,636
Less special funds	<u>1,471,792</u>	<u>1,471,792</u>	<u>35,700</u>	<u>1,507,492</u>
General fund	\$810,553	\$784,185	(\$64,041)	\$720,144
FTE	22.00	22.00	(0.50)	21.50

Detail of House changes to the Senate version includes:

	REMOVE FUNDING FOR COMPUTERS	REMOVE FUNDING FOR INTERNET HOME PAGE	CHANGE FUNDING FOR AUTOMATED CASE MANAGEMENT SYSTEM	REMOVE FUNDING FOR .5 FTE SUPPORT POSITION	ADD FUNDING FOR TEMPORARY SALARIES IN LIEU OF .5 FTE POSITION	REPLACE GENERAL FUND WITH SAVINGS FROM .5 FTE REMOVED
Total all funds	(\$7,200)	(\$6,360)	\$0	(\$25,781)	\$11,000	\$0
Less special funds			<u>35,700</u>	<u>(24,127)</u>	<u>11,000</u>	<u>13,127</u>
General fund	(\$7,200)	(\$6,360)	(\$35,700)	(\$1,654)	\$0	(\$13,127)
FTE	0.00	0.00	0.00	(0.50)	0.00	0.00
	TOTAL HOUSE CHANGES					
Total all funds	(\$28,341)					
Less special funds	<u>35,700</u>					
General fund	(\$64,041)					
FTE	(0.50)					

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2019

Page 1, line 2, after "department" insert "; and to amend and reenact section 20.1-02-16.1 of the North Dakota Century Code, relating to the minimum balance of the game and fish fund"

Page 1, line 16, replace "2,703,224" with "2,903,224"

Page 1, after line 19, insert:  
 "Wildlife services

100,000"

Page 1, line 21, replace "30,406,036" with "30,706,036"

Page 2, line 13, remove "Priority must be given to contracts to"

Page 2, line 14, remove "increase upper basin storage and enhance wildlife habitat in the Devils Lake basin."

Page 2, after line 16, insert:

**"SECTION 5. WILDLIFE SERVICES.** The amount of \$100,000, or such lesser amount as may be available, for the line item entitled wildlife services in section 1 of this Act, is from the game and fish fund and must be used to provide grants to the wildlife services agency for projects to alleviate wildlife depredation and damage. Projects funded may include projects to alleviate waterfowl depredation and damage and must be approved by the director of the game and fish department.

**SECTION 6. PUBLIC ACCESS TO FLOODED AGRICULTURAL LAND - PAYMENTS TO LANDOWNERS.** The amount of \$200,000, or such lesser amount as may be available, for the line item entitled land habitat and deer depredation in section 1 of this Act is from the game and fish fund and must be used for providing payments to landowners with flooded agricultural land, as provided in this section. Payments shall be at the rate of two dollars per year per acre of flooded agricultural land which is taxable as agricultural land and is not normally inundated by water. Payments may be made on a one-time basis for a period not to exceed five years. The conditions under which land qualifies for payments under this section shall be determined by the director of the game and fish department and shall include public access to the flooded agricultural land.

**SECTION 7. AMENDMENT.** Section 20.1-02-16.1 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-02-16.1. ~~Use of game~~ Game and fish fund - Use - Required balance - Budget section approval.** All income of the state game and fish department, deposited by the director with the state treasurer must be credited to the state game and fish fund and the fund may be used only by the department. All money derived from the investment of the fund or portions ~~thereof~~ of the fund must be credited to the game and fish department private land habitat and access improvement fund. The department shall spend moneys in the game and fish fund within the limits of legislative appropriations, only to the extent the balance of the fund is not reduced below ten million dollars, unless otherwise authorized by the budget section."

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 720 - GAME AND FISH DEPARTMENT

HOUSE - This amendment make the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$12,333,733	\$12,218,261		\$12,218,261
Operating expenses	7,779,014	7,779,014		7,779,014
Equipment	771,505	771,505		771,505
Capital improvements	1,602,122	1,602,122		1,602,122
Grants	3,397,050	3,397,050		3,397,050
Noxious weed control	200,000	200,000		200,000
Land habitat and deer depredation	2,703,973	2,703,224	\$200,000	2,903,224
Grants, gifts, and donations	100,000	100,000		100,000
Nongame wildlife conservation	120,000	120,000		120,000
Waterbank program	200,000	200,000		200,000
Wildlife services			100,000	100,000
Lonetree Reservoir	1,317,969	1,314,860		1,314,860
Total all funds	\$30,525,366	\$30,406,036	\$300,000	\$30,706,036
Less special funds	30,525,366	30,406,036	300,000	30,706,036
General fund	\$0	\$0	\$0	\$0
FTE	131.00	131.00	0.00	131.00

Detail of House changes to the Senate version:

	ADD FUNDING FOR WILDLIFE SERVICES GRANTS	ADD FUNDING FOR PAYMENTS FOR FLOODED AGRICULTURAL LAND	TOTAL HOUSE CHANGES
Salaries and wages			
Operating expenses			



Equipment			
Capital improvements			
Grants			
Noxious weed control			
Land habitat and deer depredation		\$200,000	\$200,000
Grants, gifts, and donations			
Nongame wildlife conservation			
Waterbank program			
Wildlife services	\$100,000		100,000
Lonetree Reservoir			
Total all funds	\$100,000	\$200,000	\$300,000
Less special funds	<u>100,000</u>	<u>200,000</u>	<u>300,000</u>
General fund	\$0	\$0	\$0

House changes narrative:

This amendment makes the following changes:

Adds \$100,000 from the game and fish fund for grants to wildlife services for projects to alleviate waterfowl and other wildlife depredation and damage, as provided in Section 5 of the bill. In addition, the executive budget includes \$80,000 from the private land habitat and access improvement fund (land habitat and deer depredation line item) for grants to wildlife services, which in the House version will be used for private land habitat and access improvement initiatives determined by the department.

Adds \$200,000 from the game and fish fund for payments to landowners with flooded agricultural land, as provided in Section 6 of the bill.

Amends North Dakota Century Code Section 20.1-02-16.1 to provide that the balance of the game and fish fund must be at least \$10 million.

Removes the requirement in Section 4 of the bill that priority be given to waterbank contracts in the Devils Lake Basin.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2025

Page 1, line 18, replace "1,811,667" with "1,818,176"

Page 1, line 19, replace "1,208,468" with "1,222,052"

Page 1, line 20, replace "7,000" with "7,500"

Page 1, line 22, replace "3,052,135" with "3,072,728"

Page 1, line 23, replace "5,574,064" with "5,594,657"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$1,823,047	\$1,811,667	\$6,509	\$1,818,176
Operating expenses	1,208,468	1,208,468	13,584	1,222,052
Equipment	7,000	7,000	500	7,500
Contingency	<u>25,000</u>	<u>25,000</u>		<u>25,000</u>
Total all funds	\$3,063,515	\$3,052,135	\$20,593	\$3,072,728
Less special funds	<u>3,063,515</u>	<u>3,052,135</u>	<u>20,593</u>	<u>3,072,728</u>
General fund	\$0	\$0	\$0	\$0
FTE	24.00	24.00	0.00	24.00

Detail of House changes to the Senate version:

	REMOVE NEW ADMIN. CLERK POSITION AND RELATED COSTS	ADD NEW POSITION AND RELATED COSTS FOR SB 2071	TOTAL HOUSE CHANGES
Salaries and wages	(\$44,291)	\$50,800	\$6,509
Operating expenses	(8,116)	21,700	13,584
Equipment	(2,000)	2,500	500
Contingency			

Total all funds	(\$54,407)	\$75,000	\$20,593
Less special funds	<u>(54,407)</u>	<u>75,000</u>	<u>20,593</u>
General fund	\$0	\$0	\$0
FTE	(1.00)	1.00	0.00

House changes narrative:

This amendment makes the following changes:

Removes one FTE administrative clerk position and related costs included in the executive budget.

Adds one FTE member services representative and related costs for implementing Senate Bill No. 2071.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2043

Page 1, line 3, after the third comma insert "54-44.6-03,"

Page 1, line 7, replace "effective" with "expiration"

Page 1, line 10, replace "19" with "15"

Page 1, line 13, remove "Board" means the information technology board."

Page 1, line 14, remove "3."

Page 1, line 15, replace "4" with "3"

Page 1, line 18, replace "5" with "4"

Page 1, line 20, remove "The information"

Page 1, remove lines 21 through 24

Page 2, line 1, remove "necessary to transmit voice, data, or video outside the county, city, or school district."

Page 2, remove line 20

Page 3, line 6, replace "19" with "15"

Page 3, line 15, remove "The department shall inform the board of any"

Page 3, remove line 16

Page 3, line 26, remove ", and report and make recommendations to the board"

Page 3, line 27, remove "regarding information technology in state government"

Page 4, line 3, replace "15" with "12"

Page 4, line 4, replace "19" with "15"

Page 4, line 7, remove "Before final adoption, the chief information officer shall submit the business plan to the"

Page 4, line 8, remove "board for its review, and the plan is subject to the review of the board."

Page 4, line 12, remove ", as"

Page 4, line 13, remove "defined by the board"

Page 4, remove lines 28 through 31

Page 5, remove lines 1 through 22

Page 5, line 24, remove "and each county, city, and school"

Page 5, remove line 25

Page 5, line 26, remove "outside that county, city, or school district" and remove "The"

Page 5, remove lines 27 through 30

Page 6, line 2, remove "and in consultation with the board,"

Page 6, line 19, remove "in consultation with the"

Page 6, line 20, remove "board"

Page 6, line 29, after the underscored period insert "The agency's budget request and the governor's budget recommendation must include supporting information describing in detail how the information technology plan relates to the budget request and recommendation. Any budget adjustment by the budget office must include the corresponding change to the plan."

Page 7, remove lines 19 through 28

Page 8, line 8, replace "board" with "legislative council"

Page 8, remove lines 9 through 14

Page 8, line 26, remove "information technology development account or"

Page 8, line 27, remove ", as appropriate,"

Page 9, line 1, replace "19" with "15"

Page 9, after line 9, insert:

**"SECTION 16. STATEWIDE WIDE AREA NETWORK SERVICES PLAN - EXPIRATION DATE.** By December 1, 2002, the information technology department shall develop a plan for use of statewide wide area network services by the counties, cities, and school districts in this state. The department shall prepare and recommend any proposed legislation to implement the plan to the fifty-eighth legislative assembly."

Page 9, line 12, replace "July 1, 2000" with "August 1, 1999"

Page 9, line 15, replace "the relevant" with "this Act."

Page 9, remove lines 16 through 18

Page 9, line 19, replace "division, and before" with "Before" and remove "and the state"

Page 9, line 20, remove "information technology board shall approve"

Page 15, after line 10, insert:

**"SECTION 23. AMENDMENT.** Section 54-44.6-03 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-44.6-03. State forms manager.** ~~The director of the office of management and budget or an individual designated by the director~~ chief information officer of the state shall serve as the state forms manager. The manager shall administer in the executive branch of state government the forms management program established by this chapter. The program must apply efficient and economical management methods to the creation and utilization of state forms."

Page 21, replace lines 12 through 17 with:

**"SECTION 34. EXPIRATION DATE.** Section 16 of this Act expires March 31, 2003, and after that date is ineffective."

Renumber accordingly

#### **HOUSE AMENDMENTS TO SENATE BILL NO. 2044**

Page 1, line 1, replace "two" with "three"

Page 1, line 2, after "committee" insert "; and to provide an expiration date"

Page 1, line 8, after the period insert "The council shall appoint three members of the house of representatives and three members of the senate to the committee. The governor shall appoint one member who is a certified public accountant whose experience includes responsibility for financial audits, one member who is a certified public accountant whose experience includes responsibility related to information systems, and one member who has education, experience, and other qualifications in information technology communications. The members appointed by the governor serve three-year terms, with one term expiring each year. Each initial appointee of the governor shall serve either a one-year, two-year, or three-year term as determined by the governor to provide for the staggered terms. The chief information officer of the state is an ex officio, nonvoting member of the committee. The appointees of the governor are entitled to be compensated for time spent in attendance at meetings of the committee and for other travel as approved by the chairman of the committee at the rate of two hundred dollars per day and are entitled to reimbursement for their actual and necessary expenses incurred in the same manner as other state officials as appropriate."

Page 1, replace lines 16 through 21 with:

- "1. Meet at least once each calendar quarter.
2. Receive a report from the chief information officer of the state at each meeting.
3. Approve the business plan of the information technology department.
4. Address macro-level operational questions relating to the information technology department.
5. Review the activities of the information technology department.
6. Establish goals and policy regarding information systems and technology, including telecommunications, used by state agencies, including institutions under the control of the board of higher education.
7. Review and approve statewide information technology standards.
8. Review and approve the statewide information technology plan.
9. Conduct studies of information technology efficiency and security.
10. Make recommendations regarding established or proposed information technology programs and information technology acquisition by the executive and judicial branches.
11. Review and approve the cost-benefit analysis of any major information technology project of an executive or judicial branch agency. A major project is a project with a cost of two hundred fifty thousand dollars or more in one biennium or a total cost of five hundred thousand dollars or more. An agency must obtain approval of the cost-benefit analysis before the information technology project can be initiated or proceed beyond the development of the cost-benefit analysis.
12. Perform periodic reviews to ensure that a major information technology project is on its projected schedule and within its cost projections.

**SECTION 3.** A new section to chapter 54-35 of the North Dakota Century Code is created and enacted as follows:

**Information technology project quality assurance - Information technology committee review - Budget section approval - Suspension of funds.** The information technology committee may review any information technology project or information technology plan and redirect an agency's project or plan if the committee determines that the project or plan is at risk of failing to achieve its intended results, the moneys appropriated for the project or plan are not adequate to complete the project or plan, or the project or plan does not comply with standards approved by the committee. If the committee recommends suspension of the expenditure of moneys appropriated for a project or plan, the committee shall submit its recommendation to the budget section of the legislative council for review and approval of the recommended suspension. The budget section shall review and approve or reject the

recommendation of the committee. If the budget section approves the recommendation, the budget section shall notify the office of management and budget with respect to its recommended suspension of expenditure authority. The office of management and budget shall suspend the expenditure authority until otherwise requested by the information technology committee.

**SECTION 4. EXPIRATION DATE.** This Act is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

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

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

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

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

**SB 2074:** Reps. Drovdal; R. Kelsch; Mueller

**SB 2154:** Reps. L. Thoreson; Haas; Solberg

**SB 2254:** Reps. Kliniske; Porter; Sandvig

**SB 2327:** Reps. Devlin; Pollert; Niemeier

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

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

**HB 1108:** Reps. Grosz; Clark; Sandvig

**HB 1174:** Reps. Grande; Haas; Winrich

**HB 1291:** Reps. R. Kelsch; Price; Mahoney

**HB 1405:** Reps. Sveen; Weisz; Grumbo

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

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

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

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

**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., Wednesday, March 31, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1001, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1001 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1020, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1020 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "445,760" with "545,760"

Page 1, line 16, replace "27,907,410" with "28,007,410"

Page 1, line 18, replace "12,174,391" with "12,274,391"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 270 - STATE BOARD FOR VOCATIONAL AND TECHNICAL EDUCATION

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,718,940	\$2,688,484		\$2,688,484
Operating expenses	567,192	567,192		567,192
Equipment	60,000	60,000		60,000
Grants	25,188,522	23,788,522		23,788,522
Adult farm management	445,760	445,760	\$100,000	545,760
Postsecondary education grant	357,452	357,452		357,452
Total all funds	\$29,337,866	\$27,907,410	\$100,000	\$28,007,410
Less special funds	<u>15,745,712</u>	<u>15,733,019</u>		<u>15,733,019</u>
General fund	\$13,592,154	\$12,174,391	\$100,000	\$12,274,391
FTE	28.50	28.50	0.00	28.50

Detail of Senate changes to the House version:

	INCREASE ADULT FARM MANAGEMENT GRANTS	ADD FUNDING FOR GRANTS FOR MARKETING CLUBS	TOTAL SENATE CHANGES
Salaries and wages			
Operating expenses			
Equipment			
Grants			
Adult farm management	\$50,000	\$50,000	\$100,000
Postsecondary education grants			
Total all funds	\$50,000	\$50,000	\$100,000
Less special funds			
General fund	\$50,000	\$50,000	\$100,000

Senate changes narrative:

This amendment makes the following changes:

Increases grants for the adult farm management program by \$50,000.

Adds \$50,000 to the adult farm management line item for grants to create and expand marketing clubs as adjuncts to farm management programs, as provided in House Bill No. 1434.

#### REPORT OF STANDING COMMITTEE

**HB 1022, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1022 was placed on the Sixth order on the calendar.

Page 1, line 1, after "for" insert "a" and replace "projects of various state departments" with "project at North Dakota state university"

Page 1, line 2, remove "and institutions" and after "for" insert "a"

Page 1, line 3, replace "projects" with "project"

Page 1, line 6, replace "projects" with "project"

Page 1, line 11, replace "projects" with "project"

Page 1, remove lines 12 and 13

Page 1, remove lines 16 and 17

Page 2, remove lines 4 through 7

Page 2, line 8, replace "10,915,000" with "4,415,000"

Page 2, remove lines 9 through 19

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

## DEPARTMENT 405 - INDUSTRIAL COMMISSION

SENATE - This amendment removes the following projects:

UND-Williston	Health and wellness center addition	\$4,500,000
State College of Science	Electrical distribution, steamline distribution, and roof replacement	<u>2,000,000</u>
Total projects removed		\$6,500,000

**REPORT OF STANDING COMMITTEE**

**HB 1038, as engrossed and amended: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1038, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1046, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1046 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "other" with "debt"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

SENATE - This amendment clarifies that the budget document disclosure requirement is for debt arrangements. The requirement would not apply to regular service contracts that are paid as a fee for service, such as copier repairs, pest control, elevator maintenance, or other similar contracted services.

**REPORT OF STANDING COMMITTEE**

**HB 1089, as reengrossed and amended: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1089, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1115, as amended: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1115, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1131: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1131 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to alcoholic beverage sales; to"

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

Page 1, after line 4, insert:

**"SECTION 1.** A new section to chapter 5-02 of the North Dakota Century Code is created and enacted as follows:

**Prohibition on roving sales.** An on-sale licensee shall keep, display, and store containers of distilled spirits in an area from which the public is excluded and, before a request to purchase a particular distilled spirit by a customer, may not move a distilled spirit into an area in which the public is allowed, unless the movement is neither part of nor intended to promote the sale of the distilled spirit."

Page 1, after line 24, insert:

**"SECTION 4. EMERGENCY.** Section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1165, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1165 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1183, as reengrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1183 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 57-40.3 of the North Dakota Century Code, relating to collection of motor vehicle excise taxes by licensed motor vehicle dealers; to amend and reenact sections 57-40.3-02 and 57-40.3-10 of the North Dakota Century Code, relating to the rate of the motor vehicle excise tax and allocation of a portion of motor vehicle excise tax revenues to the state highway fund; to provide an effective date; and to provide an expiration date.

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

**SECTION 1. AMENDMENT.** Section 57-40.3-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-40.3-02. Tax imposed.** There is hereby imposed an excise tax at the rate of five and one-half percent on the purchase price of any motor vehicle purchased or acquired either in or outside of the state of North Dakota for use on the streets and highways of this state and required to be registered under the laws of this state.

**SECTION 2.** A new section to chapter 57-40.3 of the North Dakota Century Code is created and enacted as follows:

**Tax collected by licensed motor vehicle dealer.** On every motor vehicle sale by a licensed motor vehicle dealer which is taxable under this chapter, the dealer shall collect the tax due under this chapter from the purchaser at the time of purchase and remit the tax collected to the director of the department of transportation.

**SECTION 3. AMENDMENT.** Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

**57-40.3-10. Transfer of revenue.** All moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited to the general fund, except that the net receipts from one-half of one percentage point of the tax imposed by section 57-40.3-02 must be transmitted monthly by the director of the department of transportation to the state treasurer to be credited to the state highway fund to be appropriated for use of the highway patrol.

**SECTION 4. EFFECTIVE DATE - EXPIRATION DATE.** This Act is effective for taxable sales occurring after June 30, 1999. Sections 1 and 3 of this Act are effective for taxable sales occurring through June 30, 2001, and are thereafter ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1184: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1184 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "provide for questions on an application for a position as a law enforcement officer; and to"



Page 1, line 9, replace "knowing the information or report to be false" with "which that person knows to be false, and the information or report may interfere with an investigation or may materially mislead a law enforcement officer"

Page 1, after line 14, insert:

**"SECTION 2. Law enforcement officer job application.** Every applicant for a position as a law enforcement officer for any state or political subdivision agency must be asked in any written application for that position whether that applicant has ever pled or been found guilty of a felony including a felony charge that was later dismissed under a deferred imposition of sentence."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1329, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1329 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 30.1-21-03.1 of the North Dakota Century Code, relating to closing an estate and attorney's fees; and to provide for retroactive application.

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

**SECTION 1. AMENDMENT.** Section 30.1-21-03.1 of the North Dakota Century Code is amended and reenacted as follows:

##### **30.1-21-03.1. Estate closing - Procedures.**

1. If the personal representative has not filed with the court a verified statement to close the estate, or as part of the supervised administration proceedings in accordance with this chapter, within three years from the date of death of the decedent, any devisee, heir, distributee, or claimant may petition the court, formally or by any informal request, or the court on its own motion may order, that the personal representative and the attorney employed by the personal representative be required to show cause to the court why the estate has not been closed, ~~and the~~. The court shall order the personal representative and the attorney employed by the personal representative to show cause to the court at a hearing scheduled within ninety days why the estate has not been closed, ~~and~~. The court shall serve notice upon all heirs, devisees, claimants, distributees, and beneficiaries of the estate of ~~such the~~ order to show cause ~~and~~, the date of the hearing, and ~~invite such respondents of their right to participate in the hearing proceedings, after which the court shall issue its order establishing a timetable for the closing of the estate based upon the showing made at such proceeding. The court may award attorneys' fees and costs in favor of a petitioner if the court finds at such hearing that the personal representative has failed to show cause why the estate has not been closed within three years from the date of death of the decedent.~~
2. Within twenty days of receipt of the order to show cause, the personal representative or the attorney employed by the personal representative shall provide the court with a report containing a timeframe for the anticipated closure of the estate; a detailed explanation as to why the estate has not been closed; and a detailed accounting of all disbursements made by the estate, including specific information as to all fees and other disbursements made to the personal representative, and to any attorney, auditor, investment advisor, or other specialized agent or assistant employed to do work for the estate.
3. After the order to show cause hearing, the court shall issue an order establishing a timetable for the closing of the estate based upon the information provided in the report and the evidence provided during the hearing. The court may award attorney's fees and costs in favor of a petitioner if the court finds that the personal representative or the attorney

employed by the personal representative has failed to show cause why the estate has not been closed within three years from the date of death of the decedent unless extended by the court. The court may file a complaint with the disciplinary board against the attorney.

**SECTION 2. RETROACTIVE APPLICATION.** This Act applies retroactively to an estate proceeding initiated before August 1, 1999."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1398, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1398 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1404, as engrossed and amended: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1404, as amended, was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1428, as engrossed and amended: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1428, as amended, was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the Senate as printed on page 575 of the Senate Journal, Engrossed House Bill No. 1428 is further amended as follows:

Page 1, line 15, replace "The" with "Except for employees of the agricultural experiment station or the North Dakota state university extension service involved in research and extension related activities, the"

Page 2, line 13, after the underscored period insert "The commissioner shall establish a fee that must be paid by each licensee to provide sufficient funds to pay costs associated with monitoring and testing industrial hemp in the state. Collections from this fee must be deposited in the attorney general's operating fund."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

SENATE - This amendment exempts employees of the Agricultural Experiment Station and the NDSU Extension Service that may be involved in conducting hemp research from the requirement of a criminal background check.

This amendment also requires the Agriculture Commissioner to charge a fee to each licensed industrial hemp grower in the state that will generate sufficient funding to provide for the costs of the Attorney General's office associated with monitoring and testing industrial hemp being grown in the state. Collections from the fee will be deposited in the Attorney General's operating fund.

#### REPORT OF STANDING COMMITTEE

**HCR 3065: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3065 was placed on the Fourteenth order on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2170, as engrossed:** Your conference committee (Sens. Fischer, Thane, Mutzenberger and Reps. Devlin, Porter, Rose) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 798 and place SB 2170 on the Seventh order.

Engrossed SB 2170 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2189, as engrossed:** Your conference committee (Sens. W. Stenehjem, Traynor, C. Nelson and Reps. Klemm, Gunter, Cleary) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 767, adopt further amendments as follows, and place SB 2189 on the Seventh order:

That the Senate accede to the House amendments as printed on page 767 of the Senate Journal and page 844 of the House Journal and that Senate Bill No. 2189 further be amended as follows:

Page 1, line 7, remove "for the prosecution"

Page 1, line 10, replace "arraignment" with "date the party elects this right" and after "prosecution" insert "and the defendant"

Renumber accordingly

Engrossed SB 2189 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2212, as engrossed:** Your conference committee (Sens. B. Stenehjem, Cook, O'Connell and Reps. DeKrey, Disrud, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 697, adopt amendments as follows, and place SB 2212 on the Seventh order:

That the House recede from its amendments as printed on page 697 of the Senate Journal and page 786 of the House Journal and that Engrossed Senate Bill No. 2212 be amended as follows:

Page 1, line 16, remove the overstrike over "~~class A misdemeanor for a~~"

Page 1, line 17, remove the overstrike over "~~first~~", remove the overstrike over "~~offense and a~~", and remove the overstrike over "~~for a subsequent offense~~" and insert immediately thereafter "within three years"

Renumber accordingly

Engrossed SB 2212 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2350, as engrossed:** Your conference committee (Sens. Freborg, Fischer, Heitkamp and Reps. Drovdal, DeKrey, Hanson) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 797 and place SB 2350 on the Seventh order.

Engrossed SB 2350 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**