

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, April 5, 1999

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

The prayer was offered by Senator Redlin.

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

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

HB 1007, as engrossed: SEN. ANDRIST (Appropriations Committee) MOVED that the amendments on SJ pages 1061-1063 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and department of veterans' affairs; to provide for line item transfers for the 1997-99 biennium; 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson; Urlacher

Engrossed HB 1007, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1002, as engrossed: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ pages 1059-1061 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to provide for a legislative council study; and to amend and reenact sections 27-02-02, 27-05-01, subdivision c of subsection 3 of section 27-05-02.1, and section 27-05-03 of the North Dakota Century Code, relating to salaries of supreme and district court judges and the number of district court judges.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 10 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Wanzek; Wardner; Watne

NAYS: Bowman; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Naaden; O'Connell; Thompson; Tomac

ABSENT AND NOT VOTING: Bercier; Tallackson; Urlacher

Engrossed HB 1002, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1011, as engrossed: SEN. KRINGSTAD (Appropriations Committee) MOVED that the amendments on SJ pages 1063-1064 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1011: A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; and to create and enact a new section to chapter 39-03 of the North Dakota Century Code, relating to the highway patrol operating fund.

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.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson; Urlacher

Engrossed HB 1011, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1019, as engrossed: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ pages 1067-1070 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. GRINDBERG REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1019, which request was granted.

REQUEST

SEN. SOLBERG REQUESTED that the proposed amendments be divided.

MOTION

SEN. G. NELSON MOVED that Engrossed HB 1019 be moved to the bottom of the Sixth order pending clarification of the requested division, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1012, as engrossed: SEN. NOTHING (Appropriations Committee) MOVED that the amendments on SJ pages 1064-1067 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. T. MATHERN REQUESTED that the Senate divide the proposed amendments to Engrossed HB 1012 as follows, which request was granted.

DIVISION A: Section 3 and Section 4.

DIVISION B: The remainder of the proposed amendments.

REQUEST

SEN. T. MATHERN REQUESTED a recorded roll call vote on Division A of the proposed amendments to Engrossed HB 1012, which request was granted.

ROLL CALL

The question being on the adoption of Division A of the proposed amendments to Engrossed HB 1012, the roll was called and there were 27 YEAS, 19 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Krebsbach; Kringstad; Lee; Lyson; Naaden; Nelson, G.; Nething; Robinson; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Traynor; Wanzek; Wardner

NAYS: Christmann; DeMers; Heitkamp; Kelsh; Klein; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; O'Connell; Redlin; Sand; Solberg; Thompson; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson; Urlacher

Division A of the proposed amendments to Engrossed HB 1012 was adopted.

The question being on the adoption of Division B of the proposed amendments to Engrossed HB 1012, Division B was adopted on a voice vote.

Therefore, the proposed amendments consist of Division A and Division B.

The question being on the motion to adopt the proposed amendments to Engrossed HB 1012, the proposed amendments were adopted on a voice vote.

Engrossed HB 1012, as amended, was placed on the Fourteenth order on the calendar.

SECOND READING OF HOUSE BILL

HB 1012: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation; to provide an appropriation to the department of corrections and rehabilitation; to provide for a legislative council study; to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to commemorative Lewis and Clark number plates; and to amend and reenact sections 39-04-08.1, 39-04-11, and subsection 4 of section 39-04-19 of the North Dakota Century Code, relating to the display of and fees for number plates and tabs.

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; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Wanzek; Wardner; Watne

NAYS: Krauter; Kroeplin; O'Connell

ABSENT AND NOT VOTING: Bercier; Tallackson; Urlacher

Engrossed HB 1012, as amended, passed and the title was agreed to.

MOTION

SEN. ST. AUBYN MOVED that the Senate stand in recess until 10:45 a.m., which motion prevailed.

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

REQUEST

SEN. SOLBERG REQUESTED that the proposed amendments to Engrossed HB 1019 be divided in the following manner, which request was granted.

DIVISION A: Section 14.

DIVISION B: The remainder of the proposed amendments.

REQUEST

SEN. GRINDBERG REQUESTED a recorded roll call vote on Division A of the proposed amendments to Engrossed HB 1019, which request was granted.

ROLL CALL

The question being on the adoption of Division A of the proposed amendments to Engrossed HB 1019, the roll was called and there were 28 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: DeMers; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Krauter; Kringstad; Kroeplin; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; St. Aubyn; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Wanzek

NAYS: Andrist; Bowman; Christmann; Cook; Freborg; Kilzer; Kinnoin; Klein; Krebsbach; Lyson; Mutch; Naaden; Sand; Schobinger; Solberg; Stenehjem, B.; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson; Urlacher

Division A of the proposed amendments to Engrossed HB 1019 was adopted.

The question being on the adoption of Division B of the proposed amendments to Engrossed HB 1019, Division B was adopted on a voice vote.

Therefore, the proposed amendments to Engrossed HB 1019 consist of Division A and Division B.

REQUEST

SEN. GRINDBERG REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1019, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1019, the roll was called and there were 40 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Krauter; Kroeplin; O'Connell; Redlin; Thompson; Tomac

ABSENT AND NOT VOTING: Bercier; Tallackson; Urlacher

The proposed amendments to Engrossed HB 1019 were adopted.

Engrossed HB 1019, as amended, was placed on the Fourteenth order on the calendar.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act to provide an appropriation for defraying the expenses of the department of economic development and finance and to the agricultural products utilization commission for grants; to provide for transfers of funds; to authorize a mutual fund capital pool; to amend and reenact sections 4-14.1-03.1, 4-14.1-07, and 57-43.1-03.1 of the North Dakota Century Code, relating to grant repayments and ethanol plant production incentives for fuel used for agricultural purposes; to provide for a legislative council study; to provide legislative intent; and to provide an effective date.

MOTION

SEN. SAND MOVED that Engrossed HB 1019 be amended as follows:

In lieu of the amendments adopted by the Senate as printed on pages 1067 through 1070 of the Senate Journal, Engrossed House Bill No. 1019 is amended as follows:

Page 1, line 3, after the second semicolon insert "to authorize a mutual fund capital pool;", after "sections" insert "4-14.1-03.1,", and after "4-14.1-07" insert a comma

Page 1, line 4, after "to" insert "grant repayments and"

Page 1, line 5, after "purposes" insert "; to provide for a legislative council study; to provide legislative intent"

Page 1, line 13, replace "2,358,086" with "2,798,086"

Page 1, line 14, replace "2,008,447" with "2,158,447"

Page 1, line 15, replace "66,358" with "96,358"

Page 1, line 16, replace "1,078,061" with "2,308,061"

Page 1, remove line 17

Page 1, line 18, replace "800,000" with "550,000"

Page 1, line 19, replace "3,985,911" with "4,535,911"

Page 1, line 20, replace "10,896,863" with "12,446,863"

Page 1, line 21, replace "3,693,075" with "4,293,075"

Page 1, line 22, replace "7,203,788" with "8,153,788"

Page 1, after line 22, insert:

"SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the agricultural fuel tax fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the agricultural products utilization commission for the purpose of obtaining assistance in resolving beef industry trade issues, for the biennium beginning July 1, 1999, and ending June 30, 2001. Notwithstanding any other provisions of law, the agricultural products utilization commission may use these funds to obtain the assistance of the ranchers and cattlemen action legal foundation."

Page 2, line 10, replace "\$1,507,000" with "\$2,207,000"

Page 2, line 12, replace "\$1,500,000" with "\$2,200,000"

Page 2, line 16, replace "forty" with "ten", after "gallon" insert "of up to 5,000,000 gallons, seven cents for each gallon from 5,000,001 to 10,000,000 gallons, and five cents for each gallon from 10,000,001 to 15,000,000 gallons", and after "produced" insert "each fiscal year"

Page 3, line 10, replace "\$1,500,000" with "\$2,200,000"

Page 3, line 11, replace "\$750,000" with "\$1,100,000"

Page 3, line 16, replace "\$800,000" with "\$550,000"

Page 4, after line 6, insert:

"SECTION 10. AMENDMENT. Section 4-14.1-03.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-14.1-03.1. Agricultural products utilization commission - Authority. The North Dakota agricultural products utilization commission may apply for, accept, and expend any appropriation, grant, gift, or service made available from public or private sources consistent with the purpose of this chapter. The commission may administer grant programs consistent with the purpose of this chapter including a basic and applied research grant program, utilization and marketing grant program, cooperative marketing grant program, farm diversification grant program, agricultural prototype development grant program, and a North American marketing grant program. The commission may require, by contract, repayment of a grant, in whole or in part, if the grant recipient does not fulfill the conditions under which the grant was awarded."

Page 4, line 12, overstrike "1."

Page 4, line 14, replace "seven" with "twelve"

Page 4, overstrike lines 19 through 27

Page 4, after line 27, insert:

"SECTION 12. MUTUAL FUND CAPITAL POOL - AUTHORIZATION. The department of economic development and finance, in conjunction with the agricultural products utilization commission, may establish a mutual fund capital pool to attract farm and nonfarm investments in value-added processing projects."

Page 5, after line 16, insert:

"SECTION 14. CONTINGENT ETHANOL INCENTIVE PAYMENTS. In addition to the ethanol incentive payments provided in section 1 of this Act and notwithstanding any other sections of law, there is hereby appropriated \$300,000, or so much of the sum as may be necessary, from the highway tax distribution fund for the biennium beginning July 1, 1999, and ending June 30, 2001, for the purpose of providing production incentives to any ethanol plant that becomes operational after July 1, 1999. An eligible plant is entitled to receive ten cents for each gallon of agriculturally derived fuel as defined in this Act produced in the state which is marketed by the producing plant to a distributor or wholesaler for sale within North Dakota.

SECTION 15. LEGISLATIVE COUNCIL STUDY - ECONOMIC DEVELOPMENT AND FINANCE EFFORTS. The legislative council shall consider studying during the 1999-2000 interim the economic development efforts in the state, including the provision of economic development services statewide and the related effectiveness, the potential for the privatization of the department of economic development and finance, and the appropriate location of the North Dakota development fund, including the potential transfer of the fund to the Bank of North Dakota.

SECTION 16. LEGISLATIVE INTENT - GRANTS LINE ITEM. It is the intent of the legislative assembly that \$150,000 of the grants line item in section 1 of this Act be available for the manufacturing technology partnership.

SECTION 17. LEGISLATIVE INTENT - GRANT ALLOCATION - UNITED STATES DEPARTMENT OF AGRICULTURE DESIGNATED CHAMPION COMMUNITIES. It is the intent of the legislative assembly that \$50,000 of the grants line item in section 1 of this Act be allocated to provide matching funds on a dollar-for-dollar basis to United States department of agriculture designated champion communities for the funding of an economic development coordinator employed by the champion communities to assist in economic development. Local matching funds may be in cash or in-kind contributions."

Page 5, line 17, replace "10" with "13"

Renumber accordingly

REQUEST

SEN. SAND REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1019, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1019, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Lee; Lyson; Mathern, D.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wardner

NAYS: Christmann; Cook; Kringstad; Kroeplin; Lindaas; Mathern, T.; Nelson, C.; Stenehjem, B.; Wanzek; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson

The proposed amendments to Engrossed HB 1019 were adopted.

HB 1019: A BILL for an Act to provide an appropriation for defraying the expenses of the department of economic development and finance and to the agricultural products

utilization commission for grants; to provide for transfers of funds; to authorize a mutual fund capital pool; to amend and reenact sections 4-14.1-03.1, 4-14.1-07, and 57-43.1-03.1 of the North Dakota Century Code, relating to grant repayments and ethanol plant production incentives for fuel used for agricultural purposes; to provide for a legislative council study; to provide legislative intent; 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, 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; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson

Engrossed HB 1019, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1344: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to commemorative Lewis and Clark number plates; and to 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Cook; DeMers; Flakoll; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Stenehjem, B.; Stenehjem, W.; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Fischer; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mutch; Naaden; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson

HB 1344, as amended, lost.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do concur in the House amendments to Engrossed SB 2217 as printed on SJ pages 985-986, which motion prevailed on a verification vote.

Engrossed SB 2217, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2217: A BILL for an Act to amend and reenact subsection 2 of section 57-39.2-02.1 and subsection 2 of section 57-40.2-02.1 of the North Dakota Century Code, relating to the rate of sales and use tax for farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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;

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

ABSENT AND NOT VOTING: Bercier; Tallackson

Reengrossed SB 2217 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2001 as printed on SJ pages 789-790, which motion prevailed on a voice vote.

Engrossed SB 2001, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact section 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

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

ABSENT AND NOT VOTING: Bercier; Tallackson

Reengrossed SB 2001 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do concur in the House amendments to Engrossed SB 2371 as printed on SJ pages 905-906, which motion prevailed on a voice vote.

Engrossed SB 2371, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2371: A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to a presumption in drug forfeiture cases; and to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the asset forfeiture fund.

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, 2 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; Lindaas; Lyson; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Lee; Mathern, D.

ABSENT AND NOT VOTING: Bercier; Tallackson

Reengrossed SB 2371 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KREBSBACH 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 1037, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1037: Sens. W. Stenehjem, Wardner, DeMers.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. B. 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 1131, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1131: Sens. Cook, B. Stenehjem, Thompson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KREBSBACH 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 1171, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1171: Sens. W. Stenehjem, Thane, DeMers.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KREBSBACH 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 1304, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1304: Sens. W. Stenehjem, Thane, Mutzenberger.

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 Engrossed HB 1329, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1329: Sens. Traynor, Lyson, C. Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NOTHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2016 as printed on SJ pages 1005-1006 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 2016: Sens. Grindberg, Andrist, Lindaas.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2114 as printed on SJ pages 1006-1008 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 2114: Sens. Lee, Fischer, Mutzenberger.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do not concur in the House amendments to SB 2038 as printed on SJ page 1006 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 2038: 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 2188 as printed on SJ page 962 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 2188: Sens. Nething, Traynor, Lindaas.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1002, HB 1011, HB 1012.

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 1007.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1040, HB 1365, HB 1431, HB 1447.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4023, SCR 4036, SCR 4054, SCR 4057.

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 2289, SCR 4055.

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 2002, SB 2066, SB 2107, SB 2108, SB 2159, SB 2170, SB 2185, SB 2189, SB 2212, SB 2229, SB 2246, SB 2266, SB 2275, SB 2280, SB 2309, SB 2350, SB 2388.

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 1037: Sens. W. Stenehjem; Wardner; DeMers

HB 1131: Sens. Cook; B. Stenehjem; Thompson

HB 1171: Sens. W. Stenehjem; Thane; DeMers

HB 1304: Sens. W. Stenehjem; Thane; Mutzenberger

HB 1329: Sens. Traynor; Lyson; 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 2016, SB 2038, SB 2114, and SB 2188 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2016: Sens. Grindberg; Andrist; Lindaas

SB 2038: Sens. Kilzer; Thane; DeMers

SB 2114: Sens. Lee; Fischer; Mutzenberger

SB 2188: Sens. Nething; Traynor; Lindaas

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2001, SB 2217, SB 2371.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1019.

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

MR. SPEAKER: The Senate has amended and failed to pass: HB 1344.

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.

REPORT OF DELAYED BILLS COMMITTEE

MADAM PRESIDENT: Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of a bill for an Act to amend and reenact section 43-09-22 of the North Dakota Century Code, relating to electrical installation inspections; to provide for electrician license reinstatement requirements; to provide an expiration date; and to declare an emergency.

The bill will be SB 2442.

REPORT OF CONFERENCE COMMITTEE

SEN. FREBORG MOVED that the conference committee report on Engrossed SB 2068 as printed on SJ page 1028 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2068, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2068: A BILL for an Act to create and enact a new section to chapter 15-29 of the North Dakota Century Code, and in the alternative to create and enact a new section to chapter 15.1 of the North Dakota Century Code, relating to the borrowing of money by school district technology consortia; to provide for a contingent expiration date; and to declare an emergency.

ROLL CALL

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

ABSENT AND NOT VOTING: Bercier; Tallackson

Engrossed SB 2068, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. WANZEK MOVED that the conference committee report on SB 2088 as printed on SJ pages 1028-1029 be adopted, which motion prevailed on a voice vote.

SB 2088, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2088: A BILL for an Act to create and enact a new section to chapter 15-04 of the North Dakota Century Code, relating to payments for county services benefiting school trust lands; and to amend and reenact sections 15-04-10, 15-06-26, and 15-07-20 of the North Dakota Century Code, relating to leasing and sale of school trust lands.

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, 2 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; Naaden; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Nelson, C.; O'Connell

ABSENT AND NOT VOTING: Bercier; Tallackson

SB 2088, as amended, passed and the title was agreed to.

MOTION

SEN. ST. AUBYN MOVED that Sen. Holmberg replace Sen. Nething on the Conference Committee on SB 2008, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that Sen. Naaden replace Sen. Nething on the Conference Committee on SB 2004, which motion prevailed.

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

MR. SPEAKER: The President has appointed Sen. Holmberg to replace Sen. Nething on the Conference Committee on SB 2008.

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

MR. SPEAKER: The President has appointed Sen. Naaden to replace Sen. Nething on the Conference Committee on SB 2004.

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 2068, SB 2088.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1002, HB 1003, HB 1012, HB 1013, HB 1015, HB 1089, and HB 1290 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1002: Reps. Byerly; Dorso; Huether
HB 1003: Reps. Wentz; Carlson; Nichols
HB 1012: Reps. Byerly; Poolman; Guleson
HB 1013: Reps. Byerly; Tollefson; Huether
HB 1015: Reps. Poolman; Tollefson; Guleson
HB 1089: Reps. Berg; Poolman; Huether
HB 1290: Reps. Lloyd; Boehm; Nichols

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1475 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1475: Reps. Dorso; Dalrymple; Aarsvold

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 2307: Reps. Belter; Grosz; Froelich

MOTION

SEN. ST. AUBYN MOVED that the Senate stand in recess until 4:15 p.m., which motion prevailed.

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

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

April 5, 1999

Attached please find Senate Bill 2425, which I am returning to the Senate and hereby veto.

This legislation attempts to supplant financing available in the private sector through government bonding. It does so in an unfocused fashion that, in any event, appears unworkable.

Based on consultations with bond counsel, it appears the proposed bonds are neither saleable nor tax-exempt. First, they will not find buyers since the full faith and credit of North Dakota is not behind them. These are solely revenue bonds. Investors will be looking for collateral and standing similar as a commercial bank, yet facing additional administrative costs involved with the government bonding.

Second, the bonds will be used to finance private activity and are therefore not tax exempt. Such an exemption is usually a major attraction for investors.

Given these circumstances, any financial problems facing the venture would compel the Industrial Commission to repurchase the bonds. The repurchasing option is an unwise provision in this legislation that would further increase the state's exposure.

In many respects, this bill is reminiscent of the legislation that established the Real Estate Trust Fund in the 1980s. You will recall that the Bank of North Dakota had to write off nearly \$24 million last session stemming from that fund.

It is not ordinarily the practice nor purpose of the Bank of North Dakota to be primary financiers of any non-public venture. The state can and does provide financial assistance, but only with participation of the private sector. No such private involvement is included in this legislation.

The primary problem facing agriculture today is profitability. This legislation does nothing in a significant manner to address profitability, and instead offers false hopes to farmers and ranchers through an agent of the government.

I have, therefore, vetoed the bill and respectfully return the same to the Senate Chambers.

ANNOUNCEMENT

PRESIDENT MYRDAL ANNOUNCED that, pursuant to Senate Rule 355, Enrolled SB 2425 was placed on the Eleventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the conference committee report on SB 2300 as printed on SJ page 1029 be adopted, which motion prevailed on a voice vote.

SB 2300, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2300: A BILL for an Act to amend and reenact subsection 5 of section 27-20-24 and subsection 6 of section 27-20-51 of the North Dakota Century Code, relating to juvenile court hearings and records; to provide an effective date; and to declare an emergency.

ROLL CALL

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

ABSENT AND NOT VOTING: Bercier; Tallackson

SB 2300, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. THANE MOVED that the conference committee report on Engrossed SB 2327 as printed on SJ page 1029 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2327, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2327: A BILL for an Act to create and enact a new subsection to section 30.1-28-03 and a new subsection to section 30.1-28-04 of the North Dakota Century Code, relating to authority of guardians to make health care decisions and compensation for services in guardianship proceedings; and to amend and reenact subsection 2 of section 30.1-28-04 of the North Dakota Century Code, relating to authority of guardians to make health care decisions.

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

ABSENT AND NOT VOTING: Bercier; Tallackson

Engrossed SB 2327, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. B. STENEHJEM MOVED that the conference committee report on Engrossed HB 1307 as printed on SJ page 1030 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the conference committee report on Engrossed SB 2125 as printed on SJ pages 1070-1071 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2125, as amended, was placed on the Eleventh order.

MOTION

SEN. ST. AUBYN MOVED that SB 2125 be laid over one legislative day, pending clarification of the version of conference committee amendments, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. LYSON MOVED that the conference committee report on Engrossed HB 1093 as printed on SJ page 1071 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1093, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1093: A BILL for an Act authorizing the state of North Dakota acting through job service North Dakota to sell or transfer certain property.

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

ABSENT AND NOT VOTING: Bercier; Tallackson

Engrossed HB 1093, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. KILZER MOVED that the conference committee report on Engrossed HB 1174 as printed on SJ pages 1071-1072 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1174, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1174: A BILL for an Act to amend and reenact section 54-06-24 of the North Dakota Century Code, relating to the state employee suggestion incentive program.

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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Flakoll

ABSENT AND NOT VOTING: Bercier; Tallackson

Engrossed HB 1174, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. LYSON MOVED that the conference committee report on Engrossed HB 1310 as printed on SJ pages 1072-1073 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1310, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1310: A BILL for an Act to amend and reenact sections 24-03-06, 24-03-08, and 24-06-26.1 of the North Dakota Century Code, relating to construction of highways to permit a natural flow of water.

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

ABSENT AND NOT VOTING: Bercier; Naaden; Tallackson

Engrossed HB 1310, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. FISCHER MOVED that the conference committee report on Engrossed HB 1075 as printed on SJ pages 1029-1030 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1075, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1075: A BILL for an Act to create and enact two new sections to chapter 43-34 of the North Dakota Century Code, relating to continuing education requirements and provisional licenses for nursing home administrators; to amend and reenact sections 43-34-03, 43-34-10, and 43-34-12 of the North Dakota Century Code, relating to licensure of nursing home administrators; and to repeal section 43-34-11 of the North Dakota Century Code, relating to nursing home administrator emergency licenses.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 14 YEAS, 33 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Thompson

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

ABSENT AND NOT VOTING: Bercier; Tallackson

Engrossed HB 1075 lost.

REPORT OF CONFERENCE COMMITTEE

SEN. WANZEK MOVED that the conference committee report on Engrossed HB 1151 as printed on SJ page 1030 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1151, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1151: A BILL for an Act to create and enact a new section to chapter 15-20.4 of the North Dakota Century Code, relating to a voluntary application for an authorization to operate a postsecondary educational institution; to amend and reenact sections 15-20.4-01, 15-20.4-02, 15-20.4-03, 15-20.4-04, 15-20.4-05, 15-20.4-09, 15-20.4-10, 15-20.4-11, 15-20.4-12, 15-20.4-13, and 15-20.4-14 of the North Dakota Century Code, relating to authorization to operate postsecondary educational institutions and approval of agent permits; and to declare an emergency.

ROLL CALL

The question being on the final passage of the 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; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson

Engrossed HB 1151 passed, the title was agreed to, and the emergency clause was declared carried.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NOTHING 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 1014, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1014: Sens. Andrist, Nething, Robinson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NOTHING 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 1016, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1016: Sens. Nething, Kringstad, Robinson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NOTHING 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 1017, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1017: Sens. Holmberg, Grindberg, Tallackson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NOTHING 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 1020, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1020: Sens. Holmberg, Grindberg, Tallackson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING 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 1021, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1021: Sens. Solberg, Bowman, Tomac.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING 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 1022, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1022: Sens. St. Aubyn, Nething, Robinson.

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 1038, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1038: Sens. Kilzer, Thane, DeMers.

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 1121, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1121: Sens. Fischer, Lee, Mutzenberger.

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 1156, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1156: Sens. Klein, Sand, Kroeplin.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. FREBORG 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 1274, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1274: Sens. Cook, Flakoll, O'Connell.

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 1428, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1428: Sens. Wanzek, Urlacher, Kinnoin.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. FREBORG 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 1490, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1490: Sens. Cook, Freborg, O'Connell.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently failed to pass: HB 1075.

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 2300, SB 2327.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1093, HB 1151, HB 1174, HB 1310.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1307.

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 1014: Sens. Andrist; Nething; Robinson

HB 1016: Sens. Nething; Kringstad; Robinson

HB 1017: Sens. Holmberg; Grindberg; Tallackson

HB 1020: Sens. Holmberg; Grindberg; Tallackson

HB 1021: Sens. Solberg; Bowman; Tomac

HB 1022: Sens. St. Aubyn; Nething; Robinson

HB 1038: Sens. Kilzer; Thane; DeMers

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 1121: Sens. Fischer; Lee; Mutzenberger

HB 1156: Sens. Klein; Sand; Kroeplin

HB 1274: Sens. Cook; Flakoll; O'Connell

HB 1428: Sens. Wanzek; Urlacher; Kinnoin

HB 1490: Sens. Cook; Freborg; O'Connell

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, Ninth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Tuesday, April 6, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1422, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1422 was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2071: Your conference committee (Sens. Wardner, Krebsbach, DeMers and Reps. Kliniske, Grande, Cleary) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 876, adopt amendments as follows, and place SB 2071 on the Seventh order:

That the House recede from its amendments as printed on page 876 of the Senate Journal and pages 957 and 958 of the House Journal and that Senate Bill No. 2071 be amended as follows:

Page 5, line 25, replace "\$250,000" with "\$87,181"

Page 5, line 27, replace "three" with "one" and replace "positions" with "position"

Renumber accordingly

SB 2071 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2098: Your conference committee (Sens. Sand, Mutch, Heitkamp and Reps. Keiser, Martinson, Stefonowicz) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 671, adopt amendments as follows, and place SB 2098 on the Seventh order:

That the House recede from its amendments as printed on page 671 of the Senate Journal and page 723 of the House Journal and that Senate Bill No. 2098 be amended as follows:

Page 1, line 9, overstrike "twenty-four" and insert immediately thereafter "sixteen"

Page 1, line 10, replace "twelve" with "six"

Renumber accordingly

SB 2098 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2161, as engrossed: Your conference committee (Sens. Cook, B. Stenehjem, O'Connell and Reps. Weisz, Belter, Meyer) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 684-685, adopt amendments as follows, and place SB 2161 on the Seventh order:

That the House recede from its amendments as printed on pages 684 and 685 of the Senate Journal and page 757 of the House Journal and that Engrossed Senate Bill No. 2161 be amended as follows:

Page 1, line 4, remove "and"

Page 1, line 5, replace "section" with "sections" and after "39-18-01" insert ", and 39-29.1-08"

Page 1, line 6, after the comma insert "low-speed vehicles,"

Page 2, line 18, remove "a", remove the overstrike over "~~vehicles~~" and insert immediately thereafter "of a model year which have been released in the current calendar year", remove the overstrike over "~~and those~~", and remove "vehicle that"

Page 2, line 19, remove "was", overstrike "manufactured" and insert immediately thereafter "motor vehicles of a model year which were released", remove the overstrike over "~~seven~~", and remove "eight"

Page 2, line 21, overstrike "more than eight years have elapsed since the date of"

Page 2, line 22, overstrike "manufacture" and insert immediately thereafter "a motor vehicle of a model year has not been released in the current calendar year or the seven calendar years before the current calendar year"

Page 3, line 4, overstrike "that", remove "was manufactured in the", overstrike "eight", remove "calendar", overstrike "years", and replace "before" with "of a model year which was released in"

Page 3, line 5, after "year" insert "or the seven calendar years before the current calendar year"

Page 3, line 11, overstrike "that is less than eight years old" and insert immediately thereafter "of a model year which has been released in the current calendar year or the seven calendar years before the current calendar year"

Page 4, after line 26, insert:

"SECTION 7. AMENDMENT. Section 39-29.1-08 of the North Dakota Century Code as created by House Bill No. 1216, as approved by the fifty-sixth legislative assembly, is amended and reenacted as follows:

39-29.1-08. Equipment. A low-speed vehicle must be equipped with head lamps, front and rear turn signal lamps, tail lamps, stop lamps, reflex reflectors on each side as far to the rear of the vehicle as practicable and one red reflector on the rear, ~~four-wheel hydraulic assist~~ brakes, a parking brake, a windshield, a vehicle identification number, a safety belt installed at each designated seating position, an exterior mirror mounted on the operator's side of the vehicle, and either an exterior mirror mounted on the passenger's side of the vehicle or an interior rear view mirror."

Renumber accordingly

Engrossed SB 2161 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2181, as engrossed: Your conference committee (Sens. Krebsbach, Klein, D. Mathern and Reps. Kempenich, Koppang, Lemieux) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 770-772, adopt amendments as follows, and place SB 2181 on the Seventh order:

That the House recede from its amendments as printed on pages 770-772 of the Senate Journal and pages 859 and 860 of the House Journal and that Engrossed Senate Bill No. 2181 be amended as follows:

Page 5, line 11, remove the overstrike over "~~However, if the laws or rules of another state require a~~"

Page 5, remove the overstrike over lines 12 through 24

Page 12, line 30, after the first comma insert "**limited liability partnership,**"

Renumber accordingly

Engrossed SB 2181 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2267, as engrossed: Your conference committee (Sens. Schobinger, B. Stenehjem, Thompson and Reps. Kempenich, Weisz, Meyer) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 909 and place SB 2267 on the Seventh order.

REPORT OF CONFERENCE COMMITTEE

SCR 4029, as engrossed: Your conference committee (Sens. Krebsbach, Sand, Heitkamp and Reps. Rennerfeldt, Clark, Froelich) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 772-773 and place SCR 4029 on the Seventh order.

Engrossed SCR 4029 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1040, as engrossed: Your conference committee (Sens. Wanzek, Urlacher, D. Mathern and Reps. D. Johnson, Renner, Mueller) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 789, adopt further amendments as follows, and place HB 1040 on the Seventh order:

That the House accede to the Senate amendments as printed on page 789 of the House Journal and pages 642 and 643 of the Senate Journal and that Engrossed House Bill No. 1040 be further amended as follows:

Page 1, line 2, after the second comma insert "61-04.1-26,"

Page 5, after line 13, insert:

"SECTION 6. AMENDMENT. Section 61-04.1-26 of the North Dakota Century Code is amended and reenacted as follows:

61-04.1-26. Tax may be certified by weather modification authority. The weather modification authority may certify annually to the board of county commissioners a tax of not to exceed seven mills upon the taxable valuation of the property in the county for a "weather modification" fund. If weather modification services are not provided to the entire county, the weather modification authority may certify annually to the board of county commissioners a tax for a weather modification fund of not to exceed seven mills upon the taxable valuation of the property in the county designated to receive weather modification services. The tax shall be levied by the board of county commissioners and may be levied in excess of the mill levy limit fixed by law for taxes for general county purposes. The weather modification fund shall be used only for weather modification activities in conjunction with the state of North Dakota. The tax certified by the weather modification authority is limited to the period of existence of the weather modification authority as provided for in this chapter."

Renumber accordingly

Engrossed HB 1040 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1365: Your conference committee (Sens. Cook, Flakoll, Kelsh and Reps. Nelson, Brusegaard, Mueller) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 758, adopt amendments as follows, and place HB 1365 on the Seventh order:

That the Senate recede from its amendments as printed on page 758 of the House Journal and page 615 of the Senate Journal and that House Bill No. 1365 be amended as follows:

Page 2, line 12, replace "by first-class mail" with "to each association with statewide membership whose primary focus is elementary and secondary education issues which has requested to receive notice from the superintendent under this subsection and"

Page 2, line 15, after the underscored period insert "Notice provided by the superintendent of public instruction under this section must be by first-class mail. However, upon request of a group or person entitled to notice under this section, the superintendent of public instruction shall provide the group or person notice by electronic mail."

Renumber accordingly

HB 1365 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1431: Your conference committee (Sens. Traynor, Lyson, C. Nelson and Reps. Sveen, Gunter, Meyer) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 825-826, adopt amendments as follows, and place HB 1431 on the Seventh order:

That the Senate recede from its amendments as printed on pages 825 and 826 of the House Journal and page 673 of the Senate Journal and that House Bill No. 1431 be amended as follows:

Page 2, line 4, replace "twenty-five" with "sixty"

Renumber accordingly

HB 1431 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

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

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

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

Page 2, after line 20, insert:

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

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

Renumber accordingly

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

FIRST READING OF SENATE BILL

Sens. W. Stenehjem, Mutch introduced:

(Approved by the Delayed Bills Committee)

SB 2442: A BILL for an Act to amend and reenact section 43-09-22 of the North Dakota Century Code, relating to electrical installation inspections; to provide for electrician

license reinstatement requirements; to provide an expiration date; and to declare an emergency.

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

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

WILLIAM C. PARKER, Secretary