

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

* * * * *

Bismarck, April 8, 1999

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

The prayer was offered by Senator Solberg.

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

A quorum was declared by the President.

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 1011, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1011: Sens. Nething, Kringstad, Tallackson.

MOTION

SEN. G. NELSON MOVED that the Senate stand in recess until 9:15 a.m., which motion prevailed.

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

CONSIDERATION OF VETOED MEASURE

HB 1266: A BILL for an ACT relating to the expenditure of bureau funds for capital purchases; to provide a continuing appropriation; and to provide an expiration date.

ROLL CALL

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

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

NAYS: Christmann; Cook; DeMers; Freborg; Heitkamp; Kelsh; Krauter; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; O'Connell; Redlin; Tomac

ABSENT AND NOT VOTING: Bercier; Mutzenberger

The Senate overrode the Governor's veto of HB 1266, as enrolled.

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 1034.

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

MADAM PRESIDENT: The House has failed to pass: SB 2442.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2441.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2441

In lieu of the amendments adopted by the House as printed on page 1213 of the House Journal, Engrossed Senate Bill No. 2441 is amended as follows:

Page 1, line 23, replace "Twenty-five" with "Fifty"

Page 2, line 7, replace "The" with "After all other statutory obligations have been met within the limits of legislative appropriations, the"

Page 2, line 11, replace "except that" with "provided" and replace "two" with "three"

Page 2, line 12, after the period insert "No reorganization bonus payable under this Act may exceed five hundred thousand dollars."

Page 2, line 14, after the period insert "If any funds remain in the grants - foundation aid and transportation line item after the obligations of this Act are met and after all other statutory obligations are met within the limits of legislative appropriations, the superintendent of public instruction shall distribute up to three million dollars of any remaining funds as a separate and additional per student payment on a weighted basis as determined under chapter 15-40.1."

Renumber accordingly

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 1121, HB 1291, HB 1325.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2016, SB 2026, SB 2153, SB 2154, SCR 4021.

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 1093, HB 1151, HB 1174, HB 1175, HB 1256, HB 1307, HB 1310, HB 1444, HCR 3075.

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

MADAM PRESIDENT: The Speaker has signed: SB 2068, SB 2088, SB 2300, SB 2327, SCR 4059.

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 2012: Reps. Svedjan; Delzer; Kerzman

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 1014.

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 1011: Sens. Nething; Kringstad; Tallackson

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

MR. SPEAKER: The Senate has overridden the Governor's veto on HB 1266. The vote was 33 YEAS, 14 NAYS, 2 ABSENT AND NOT VOTING.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing on April 8, 1999: SCR 4059.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval on April 8, 1999: SB 2068, SB 2088, SB 2300, SB 2327.

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 1035, HB 1040, HB 1158, HB 1167, HB 1304, HB 1335, HB 1365, HB 1447.

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

MADAM PRESIDENT: The Speaker has signed: SB 2071, SB 2098, SB 2125.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval on April 8, 1999: SB 2071, SB 2098, SB 2125.

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 2161, SB 2181, SCR 4029.

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

MR. SPEAKER: The President has signed: HB 1093, HB 1151, HB 1174, HB 1175, HB 1256, HB 1307, HB 1310, HB 1444, HCR 3075.

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.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on April 7, 1999, I have signed the following: SB 2001, SB 2002, SB 2066, SB 2107, SB 2108, SB 2159, SB 2185, SB 2246, SB 2266, SB 2275, SB 2289, SB 2309, SB 2350, and SB 2388.

SECOND READING OF HOUSE BILL

HB 1422: A BILL for an Act to amend and reenact subsection 26 of section 65-01-02 and section 65-05-12.2 of the North Dakota Century Code, relating to workers' compensation awards for permanent impairment; to provide for a study of workers' compensation permanent impairment awards; and to provide an effective date.

MOTION

SEN. KREBSBACH MOVED that Engrossed HB 1422 be amended as follows, which motion prevailed on a voice vote.

Page 9, line 6, after "must" insert "include involvement from labor, employers, medical providers, and organizations representing those constituencies, and must"

Page 9, line 8, after "needed" insert ", including changes to the threshold for qualifying for an award,"

Renumber accordingly

MOTION

SEN. THOMPSON MOVED that Engrossed HB 1422 be further amended as follows, which motion prevailed on a voice vote.

Page 2, line 24, remove the overstrike over "~~compensation for~~" and remove "a single"

Page 2, line 25, remove "award", remove "and", and remove the overstrike over "~~that~~"

Page 2, line 26, remove "at the time of the impairment evaluation which"

Page 2, line 27, remove "An injured employee is entitled to one"

Page 2, remove lines 28 and 29

Page 2, line 30, remove "the initial impairment for which payment was awarded."

Page 6, line 17, overstrike "250" and insert immediately thereafter "260"

Page 6, line 18, overstrike "265" and insert immediately thereafter "280"

Page 6, line 19, overstrike "280" and insert immediately thereafter "300"

Page 6, line 20, overstrike "295" and insert immediately thereafter "320"

Page 6, line 21, overstrike "310" and insert immediately thereafter "340"

Page 6, line 22, overstrike "325" and insert immediately thereafter "360"

Page 6, line 23, overstrike "340" and insert immediately thereafter "380"

Page 6, line 24, overstrike "355" and insert immediately thereafter "400"

Page 6, line 25, overstrike "370" and insert immediately thereafter "420"

Page 6, line 26, overstrike "385" and insert immediately thereafter "440"

Page 6, line 27, overstrike "400" and insert immediately thereafter "465"

Page 6, line 28, overstrike "415" and insert immediately thereafter "490"

Page 6, line 29, overstrike "430" and insert immediately thereafter "515"

Page 6, line 30, overstrike "445" and insert immediately thereafter "540"

Page 6, line 31, overstrike "460" and insert immediately thereafter "565"

Page 7, line 1, overstrike "475" and insert immediately thereafter "590"

Page 7, line 2, overstrike "490" and insert immediately thereafter "615"

Page 7, line 3, overstrike "505" and insert immediately thereafter "640"

Page 7, line 4, overstrike "520" and insert immediately thereafter "665"

Page 7, line 5, overstrike "535" and insert immediately thereafter "690"

Page 7, line 6, overstrike "550" and insert immediately thereafter "715"

Page 7, line 7, overstrike "565" and insert immediately thereafter "740"

Page 7, line 8, overstrike "580" and insert immediately thereafter "765"

Page 7, line 9, overstrike "595" and insert immediately thereafter "790"

Page 7, line 10, overstrike "610" and insert immediately thereafter "815"

Page 7, line 11, overstrike "625" and insert immediately thereafter "840"

Page 7, line 12, overstrike "640" and insert immediately thereafter "865"

Page 7, line 13, overstrike "655" and insert immediately thereafter "890"

Page 7, line 14, overstrike "670" and insert immediately thereafter "915"

Page 7, line 15, overstrike "685" and insert immediately thereafter "940"

Page 7, line 16, overstrike "700" and insert immediately thereafter "965"

Page 7, line 17, overstrike "715" and insert immediately thereafter "990"

Page 7, line 18, overstrike "730" and insert immediately thereafter "1015"

Page 7, line 19, overstrike "745" and insert immediately thereafter "1040"

Page 7, line 20, overstrike "760" and insert immediately thereafter "1065"

Page 7, line 21, overstrike "775" and insert immediately thereafter "1090"

Page 7, line 22, overstrike "790" and insert immediately thereafter "1115"

Page 7, line 23, overstrike "805" and insert immediately thereafter "1140"

Page 7, line 24, overstrike "820" and insert immediately thereafter "1165"

Page 7, line 25, overstrike "835" and insert immediately thereafter "1190"

Page 7, line 26, overstrike "to one hundred" and overstrike "1000" and insert immediately thereafter "1215"

Page 7, after line 26, insert:

<u>"For ninety-one percent impairment</u>	<u>1240 weeks</u>
<u>For ninety-two percent impairment</u>	<u>1265 weeks</u>
<u>For ninety-three percent impairment</u>	<u>1290 weeks</u>
<u>For ninety-four percent impairment</u>	<u>1320 weeks</u>
<u>For ninety-five percent impairment</u>	<u>1350 weeks</u>
<u>For ninety-six percent impairment</u>	<u>1380 weeks</u>
<u>For ninety-seven percent impairment</u>	<u>1410 weeks</u>
<u>For ninety-eight percent impairment</u>	<u>1440 weeks</u>
<u>For ninety-nine percent impairment</u>	<u>1470 weeks</u>
<u>For one hundred percent impairment</u>	<u>1500 weeks"</u>

Renumber accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; 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; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Bowman; Nelson, C.; Solberg; Stenehjem, B.

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1422, as amended, passed and the title was agreed to.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2027, SB 2075, SB 2319.

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 1015.

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

MR. SPEAKER: The President has signed: HB 1035, HB 1040, HB 1158, HB 1167, HB 1304, HB 1335, HB 1365, HB 1447.

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.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2441, 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 2441: Sens. Freborg, Wanzek, Kelsh.

REPORT OF CONFERENCE COMMITTEE

SEN. COOK MOVED that the conference committee report on Engrossed SB 2074 as printed on SJ pages 1152-1153 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2074, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2074: A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code, relating to grounds for the automatic denial or revocation of teaching certificates; 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; Heitkamp; 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; Grindberg; Holmberg

Engrossed SB 2074, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2014, as engrossed: Your conference committee (Sens. Solberg, Naaden, Krauter and Reps. Bernstein, Delzer, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 935, adopt amendments as follows, and place SB 2014 on the Seventh order:

That the House recede from its amendments as printed on page 935 of the Senate Journal and pages 1028 and 1029 of the House Journal and that Engrossed Senate Bill No. 2014 be amended as follows:

Page 1, line 10, replace "2,255,977" with "2,238,136"

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

Page 1, line 12, replace "784,185" with "730,644"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMPARISON TO HOUSE VERSION
Total all funds	\$2,282,345	\$2,255,977	(\$17,841)	\$2,238,136	\$2,227,636	\$10,500
Less special funds	<u>1,471,792</u>	<u>1,471,792</u>	<u>35,700</u>	<u>1,507,492</u>	<u>1,507,492</u>	_____
General fund	\$810,553	\$784,185	(\$53,541)	\$730,644	\$720,144	\$10,500
FTE	22.00	22.00	0.00	22.00	21.50	0.50

Detail of Conference Committee changes to the Senate version includes:

	REMOVE FUNDING FOR COMPUTERS	REMOVE FUNDING FOR INTERNET HOME PAGE	CHANGE FUNDING FOR AUTOMATED CASE MANAGEMENT SYSTEM	ALLOW .5 FTE SUPPORT POSITION AT TOTAL COST OF \$21,500 AND REDUCE FUNDING	REDUCE GENERAL FUND WITH FEDERAL FUNDS AVAILABLE FROM REDUCED COST OF .5 FTE	TOTAL CONFERENCE COMMITTEE CHANGES
Total all funds	(\$7,200)	(\$6,360)		(\$4,281)		(\$17,841)
Less special funds	_____	_____	<u>\$35,700</u>	<u>(4,281)</u>	<u>\$4,281</u>	<u>35,700</u>
General fund	(\$7,200)	(\$6,360)	(\$35,700)	\$0	(\$4,281)	(\$53,541)

Engrossed SB 2014 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. SOLBERG MOVED that the conference committee report on Engrossed SB 2014 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2014, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Heitkamp; 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; Grindberg; Holmberg

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

REPORT OF CONFERENCE COMMITTEE

SB 2019, as engrossed: Your conference committee (Sens. Naaden, Holmberg, Tomac and Reps. Carlson, Wentz, Nichols) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 935-937, adopt amendments as follows, and place SB 2019 on the Seventh order:

That the House recede from its amendments as printed on pages 935-937 of the Senate Journal and pages 1029 and 1030 of the House Journal and that Engrossed Senate Bill No. 2019 be amended as follows:

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, after line 19, insert:

"Wildlife services 100,000"

Page 1, line 21, replace "30,406,036" with "30,506,036"

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. 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 ~~hereof 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**

CONFERENCE COMMITTEE - This amendment make the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMPARISON TO HOUSE VERSION
Salaries and wages	\$12,333,733	\$12,218,261		\$12,218,261	\$12,218,261	
Operating expenses	7,779,014	7,779,014		7,779,014	7,779,014	
Equipment	771,505	771,505		771,505	771,505	
Capital improvements	1,602,122	1,602,122		1,602,122	1,602,122	
Grants	3,397,050	3,397,050		3,397,050	3,397,050	
Noxious weed control	200,000	200,000		200,000	200,000	
Land habitat and deer depredation	2,703,973	2,703,224		2,703,224	2,903,224	(\$200,000)
Grants, gifts, and donations	100,000	100,000		100,000	100,000	
Nongame wildlife conservation	120,000	120,000		120,000	120,000	
Waterbank program	200,000	200,000		200,000	200,000	
Wildlife services			\$100,000	100,000	100,000	
Lonetree Reservoir	<u>1,317,969</u>	<u>1,314,860</u>		<u>1,314,860</u>	<u>1,314,860</u>	
Total all funds	\$30,525,366	\$30,406,036	\$100,000	\$30,506,036	\$30,706,036	(\$200,000)
Less special funds	<u>30,525,366</u>	<u>30,406,036</u>	<u>100,000</u>	<u>30,506,036</u>	<u>30,706,036</u>	<u>(200,000)</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	131.00	131.00	0.00	131.00	131.00	0.00

Detail of Conference Committee changes to the Senate version:

	ADD FUNDING FOR WILDLIFE SERVICES GRANTS	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Capital improvements		
Grants		
Noxious weed control		
Land habitat and deer depredation		
Grants, gifts, and donations		
Nongame wildlife conservation		
Waterbank program		
Wildlife services	\$100,000	\$100,000
Lonetree Reservoir		
Total all funds	\$100,000	\$100,000
Less special funds	<u>100,000</u>	<u>100,000</u>
General fund	\$0	\$0

Conference Committee 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 Conference Committee version will be used for private land habitat and access improvement initiatives determined by the department.

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.

Engrossed SB 2019 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. NAADEN MOVED that the conference committee report on Engrossed SB 2019 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2019, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tomac

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

REPORT OF CONFERENCE COMMITTEE

SB 2021, as reengrossed: Your conference committee (Sens. Andrist, Grindberg, Lindaas and Reps. Carlson, Wentz, Nichols) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 903-904, adopt amendments as follows, and place SB 2021 on the Seventh order:

That the House recede from its amendments as printed on pages 903 and 904 of the Senate Journal and pages 1008 and 1009 of the House Journal and that Reengrossed Senate Bill No. 2021 be amended as follows:

Page 1, line 12, replace "1,413,829" with "1,403,829"

Page 1, line 14, replace "7,263,325" with "7,150,825"

Page 1, line 15, replace "355,000" with "337,700"

Page 1, line 16, replace "10,727,428" with "10,587,628"

Page 1, line 18, replace "6,276,429" with "6,136,629"

Page 1, line 23, replace "6,741,012" with "6,601,212"

Page 2, line 2, replace "11,192,011" with "11,052,211"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 750 - PARKS AND RECREATION DEPARTMENT

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMPARISON TO HOUSE VERSION
Administration	\$1,426,843	\$1,413,829	(\$10,000)	\$1,403,829	\$1,403,829	
Recreation	1,696,579	1,695,274		1,695,274	1,695,274	
Natural resources	7,284,831	7,263,325	(112,500)	7,150,825	7,150,825	
Lewis and Clark bicentennial	355,000	355,000	(17,300)	337,700	320,400	\$17,300
Separate section - Grant		100,000		100,000	100,000	
Total all funds	\$10,763,253	\$10,827,428	(\$139,800)	\$10,687,628	\$10,670,328	\$17,300
Less special funds	<u>4,452,110</u>	<u>4,450,999</u>		<u>4,450,999</u>	<u>4,450,999</u>	
General fund	\$6,311,143	\$6,376,429	(\$139,800)	\$6,236,629	\$6,219,329	\$17,300
FTE	40.00	40.00	0.00	40.00	40.00	0.00

Detail of Conference Committee changes to the Senate version includes:

	REDUCE INFORMATION TECHNOLOGY FUNDING	REDUCE CAPITAL IMPROVEMENTS	REDUCE LEWIS AND CLARK FUNDING	TOTAL CONFERENCE COMMITTEE CHANGES
Administration	(\$10,000) ¹			(\$10,000)
Recreation				
Natural resources		(\$112,500) ²		(112,500)
Lewis and Clark bicentennial			(\$17,300) ³	(17,300)
Separate section - Grant				
Total all funds	(\$10,000)	(\$112,500)	(\$17,300)	(\$139,800)
Less special funds				
General fund	(\$10,000)	(\$112,500)	(\$17,300)	(\$139,800)
FTE	0.00	0.00	0.00	0.00

Conference Committee changes narrative:

¹ Reduces information technology funding by \$10,000, the same as the House version.

² Reduces capital improvements by \$112,500 from the general fund relating to boat ramp repairs and other capital improvement projects to be determined by the department. Capital improvements funding remaining for the 1999-2001 biennium totals \$1,193,500, \$936,750 of which is from the general fund and \$256,750 from special funds. This change was also made by the House.

³ Reduces funding for camping cabins at parks along the Lewis and Clark trail by \$17,300, from \$85,000 to \$67,700. The Senate did not reduce this funding and the House had reduced funding for these camping cabins by \$34,600.

Reengrossed SB 2021 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. ANDRIST MOVED that the conference committee report on Reengrossed SB 2021 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2021, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden.

ROLL CALL

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

Reengrossed SB 2021, as amended, passed and the title was agreed to.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1422.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2441 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2441: Sens. Freborg; Wanzek; Kelsh

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 2014, SB 2019, SB 2021, SB 2074.

MOTION

SEN. ST. AUBYN MOVED that the Senate stand in recess until 6:00 p.m., which motion prevailed.

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

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on April 8, 1999, I have signed the following: SB 2098, SB 2170, SB 2189, SB 2212, SB 2229, and SB 2280.

CONSIDERATION OF VETOED MEASURE

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 enrolled bill over the Governor's veto, which has been read, the roll was called and there were 29 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Kringstad; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Solberg; St. Aubyn; Tallackson; Thompson; Tomac; Urlacher; Wanzek; Wardner

NAYS: Christmann; Cook; Fischer; Flakoll; Freborg; Holmberg; Kilzer; Krebsbach; Lee; Lyson; Naaden; Nelson, G.; Nething; Schobinger; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Watne

ABSENT AND NOT VOTING: Bercier

The Senate has sustained the Governor's veto of SB 2425, as enrolled.

REPORT OF CONFERENCE COMMITTEE

SEN. COOK MOVED that the conference committee report on Engrossed HB 1274 as printed on SJ pages 1153-1154 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1274, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1274: A BILL for an Act to create and enact two new sections to chapter 15-36 of the North Dakota Century Code, relating to the interim reciprocal certification of teachers; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Mathern, T.; Nelson, C.; Redlin; Robinson; Schobinger

ABSENT AND NOT VOTING: Bercier

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

REPORT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the conference committee report on Engrossed HB 1156 as printed on SJ page 1153 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1156, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 1156, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1121, as engrossed: Your conference committee (Sens. Fischer, Lee, Mutzenberger and Reps. Devlin, Pollert, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 968-969, adopt amendments as follows, and place HB 1121 on the Seventh order:

That the Senate recede from its amendments as printed on pages 968 and 969 of the House Journal and page 662 of the Senate Journal and that Engrossed House Bill No. 1121 be amended as follows:

Page 1, line 1, replace "sections" with "section", after "14-09-08.1" insert ", subsection 9 of section 14-09-09.16," and after the second "and" insert "section"

Page 1, line 3, after the first semicolon insert "to provide for a report to the legislative council;"

Page 4, after line 16, insert:

"SECTION 2. AMENDMENT. If Senate Bill No. 2170 is approved by the fifty-sixth legislative assembly and becomes effective, subsection 9 of section 14-09-09.16 of the North Dakota Century Code as amended by section 8 of Senate Bill No. 2170 is amended and reenacted as follows:

9. The income payor shall notify the clerk of court or the public authority in writing of the termination of a duty to pay income to the obligor within seven business days of the termination. The notification must include the name and address of the obligor's subsequent income payor, if known."

Page 4, after line 24, insert:

"SECTION 4. REPORT TO LEGISLATIVE COUNCIL. The department of human services shall report on the progress of the implementation of this Act to a designated legislative council interim committee between August 1, 2000, and August 31, 2000."

Page 4, line 25, replace "This" with "Sections 1 and 3 of this" and replace "becomes" with "become"

Page 4, line 26, replace "2" with "3" and replace "July 31" with "January 15"

Page 4, line 27, replace "2000" with "2001"

Page 4, line 28, replace "August 1, 2000" with "January 16, 2001"

Page 4, line 29, replace "This" with "Sections 1 and 3 of this" and replace "is" with "are"

Renumber accordingly

Engrossed HB 1121 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. FISCHER MOVED that the conference committee report on Engrossed HB 1121 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1121, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1121: A BILL for an Act to amend and reenact section 14-09-08.1, subsection 9 of section 14-09-09.16, and section 14-09-09.29 of the North Dakota Century Code, relating to notice procedures, procedures upon failure to pay child support, and coordination of income withholding services; to provide for a report to the legislative council; 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.; 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; Nothing

Engrossed HB 1121, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

HB 1291, as engrossed: Your conference committee (Sens. Cook, B. Stenehjem, Thompson and Reps. R. Kelsch, Mahoney, Price) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1037-1038, adopt amendments as follows, and place HB 1291 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1037 and 1038 of the House Journal and pages 883 and 884 of the Senate Journal and that Engrossed House Bill No. 1291 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to an operator's license for a person under eighteen years of age; and to amend and reenact sections 39-06-04, 39-06-17, and 39-06.1-08 of the North Dakota Century Code, relating to operator's permits and licenses for minors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

39-06-04. Instruction permit. Any person who is at least fourteen years of age may apply to the director for an instruction permit. The director may issue to the applicant an instruction permit ~~which that~~ entitles the applicant while having such permit in the permittee's immediate possession to drive a motor vehicle upon the public highways for a period of one year when accompanied by a licensed operator who holds a license corresponding to the vehicle the permittee operates ~~and, who is at least eighteen years of age, who~~ has had at least ~~one year~~ three years of driving experience, and who is occupying a seat beside the driver. An individual other than the supervising

driver and the permitholder may not be in the front seat unless the vehicle has only a front seat, in which case, the supervising driver must be seated next to the permitholder. Persons holding an instruction permit for the operation of a motorcycle shall operate the motorcycle only during hours when the use of headlights is not required pursuant to section 39-21-01, and may not carry or transport any passenger. Any instruction permit may be renewed or a new permit issued for an additional period. A person who is not yet eighteen years of age is not eligible for a license until that person has had an instruction permit issued for at least ~~three~~ six months. The director may recognize an instruction permit issued by another jurisdiction in computing the ~~three-month~~ six-month instructional period.

SECTION 2. AMENDMENT. Section 39-06-17 of the North Dakota Century Code is amended and reenacted as follows:

39-06-17. Restricted licenses - Penalty for violation.

1. The director, upon issuing an operator's license or a temporary restricted operator's license pursuant to section 39-06.1-11, has authority to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
2. The director may either issue a special restricted license or may set forth such restrictions upon the usual license form. The director shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.
3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
 - a. The child is at least fourteen years of age.
 - b. The child is qualified to operate an automobile safely.
 - c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.
 - d. The child has ~~completed~~:
 - (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or, ~~in the alternative, has successfully~~
 - (2) Successfully completed a course at an approved commercial driver training school.

The parent or guardian at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection do not authorize the child to drive a commercial truck, motorbus, or taxicab except the holder of a class D license, fourteen or fifteen years of age, may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] when used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

4. The director may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.
5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person other than restrictions imposed under subsection 6.

If the restricted license was issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's restricted license and shall extend the underlying suspension for a like period of not more than one year. The director may not issue a restricted license for the extended period of suspension imposed under this subsection. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the person to the status held by the person prior to the conviction, including restoration of driving privileges if appropriate.

6. A restricted license issued under subsection 3 to a child at least fourteen years of age to operate a parent's or guardian's automobile authorizes the licenseholder to drive the type or class of motor vehicle specified on the restricted license only under the following conditions:
 - a. A restricted licenseholder must be in possession of the license while operating the motor vehicle.
 - b. An individual holding a restricted driver's license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity.

SECTION 3. A new section to chapter 39-06 of the North Dakota Century Code is created and enacted as follows:

Special provisions for minor operators.

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

SECTION 4. AMENDMENT. Section 39-06.1-08 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-08. Nonmoving violation defined. For the purposes of section 39-06.1-06, a "nonmoving violation" means:

1. A violation of section 39-04-11, subsection 6 of section 39-06-17, and section 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51,

39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent to the foregoing sections.

2. A violation, discovered at a time when the vehicle is not actually being operated, of section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing sections."

Renumber accordingly

Engrossed HB 1291 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. COOK MOVED that the conference committee report on Engrossed HB 1291 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1291, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1291: A BILL for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to an operator's license for a person under eighteen years of age; and to amend and reenact sections 39-06-04, 39-06-17, and 39-06.1-08 of the North Dakota Century Code, relating to operator's permits and licenses for minors.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; 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.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Heitkamp; Kroeplin; O'Connell

ABSENT AND NOT VOTING: Bercier; Tomac

Engrossed HB 1291, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1325, as engrossed: Your conference committee (Sens. Mutch, Klein, Thompson and Reps. Keiser, Klein, Stefonowicz) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 790, adopt amendments as follows, and place HB 1325 on the Seventh order:

That the Senate recede from its amendments as printed on page 790 of the House Journal and page 628 of the Senate Journal and that Engrossed House Bill No. 1325 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new subsection to section 65-01-16 of the North Dakota Century Code, relating to disputed decisions of the workers compensation bureau; to"

Page 1, line 8, after the first "Laws" insert ", section 7 of chapter 532 of the 1997 Session Laws"

Page 1, line 9, after the comma insert "disputed decisions of the workers compensation bureau,"

Page 1, after line 23, insert:

"SECTION 2. A new subsection to section 65-01-16 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

This section is effective for all orders and decisions on all claims regardless of the date of injury or the date the claim was filed."

Page 3, line 10, after the period insert "The office of independent review shall provide assistance to workers, upon request, in cases of constructive denial or after a vocational consultant's report has been issued."

Page 5, after line 4, insert:

"SECTION 10. REPEAL. Section 7 of chapter 532 of the 1997 Session Laws of North Dakota is repealed."

Renumber accordingly

Engrossed HB 1325 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the conference committee report on Engrossed HB 1325 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1325, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1325: A BILL for an Act to create and enact a new subsection to section 65-01-16 of the North Dakota Century Code, relating to disputed decisions of the workers compensation bureau; to amend and reenact subsections 6 and 7 of section 65-01-16, sections 65-02-06.1, 65-02-27, and 65-02-30 of the North Dakota Century Code, relating to the workers' assistance program and to the independent audit of the workers compensation bureau; to amend and reenact section 65-02-23 of the North Dakota Century Code as amended by section 3 of House Bill No. 1331 and the new section to chapter 65-03 of the North Dakota Century Code as created by section 2 of House Bill No. 1296, as approved by the fifty-sixth legislative assembly; to repeal section 65-02-29 of the North Dakota Century Code, section 3 of chapter 612 of the 1995 Session Laws, section 7 of chapter 532 of the 1997 Session Laws, and section 8 of chapter 542 of the 1997 Session Laws, relating to the independent audit of the workers compensation bureau, disputed decisions of the workers compensation bureau, the expiration date of the workers' adviser program, and the expiration date of the preacceptance disability benefits provisions; to provide an appropriation; and to provide a continuing appropriation.

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.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tomac

Engrossed HB 1325, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1014, as engrossed: Your conference committee (Sens. Andrist, Nething, Robinson and Reps. Timm, Bernstein, Hoffner) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1104-1106, adopt amendments as follows, and place HB 1014 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1104-1106 of the House Journal and pages 964-966 of the Senate Journal and that Engrossed House Bill No. 1014 be amended as follows:

Page 1, line 2, after the first semicolon insert "to provide for a legislative council study;"

Page 2, line 18, replace "15" with "18"

Page 2, after line 20, insert:

"Children's services coordinating committee -
Grants to regional and tribal children's
services coordinating committees for
collaboration efforts"

2 percent

Page 2, line 21, replace "67.3" with "62.3"

Page 2, line 31, replace " and \$1,125,000" with ", \$1,350,000"

Page 3, line 1, after "biennium" insert ", and \$150,000 for grants to regional and tribal children's services coordinating committees for collaboration efforts for the 1999-2001 biennium"

Page 3, after line 9, insert:

"SECTION 6. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 1999-2000 interim, the uses of funds appropriated to the children's services coordinating committee including:

1. A review of the uses of the funding received by the regional and tribal children's services coordinating committees and the appropriate level of administrative costs for these committees.
2. A review of the entities involved in generating "refinancing" funds and how the "refinancing" funding returned to them is being used."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 324 - CHILDREN'S SERVICES COORDINATING COMMITTEE

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Salaries and wages	\$70,784	\$70,161		\$70,161	\$70,161	
Operating expenses	120,313	57,339		57,339	57,339	
Grants	<u>6,562,500</u>	<u>6,622,500</u>		<u>6,622,500</u>	<u>6,622,500</u>	
Total all funds	\$6,753,597	\$6,750,000	\$0	\$6,750,000	\$6,750,000	\$0
Less special funds	<u>6,753,597</u>	<u>6,750,000</u>		<u>6,750,000</u>	<u>6,750,000</u>	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	1.00	1.00	0.00	1.00	1.00	0.00

Conference Committee changes narrative:

This amendment changes the percentage allocation formula for the "refinancing" funds anticipated to be received during the 1999-2001 biennium. The following schedule compares the percentage allocation used during the 1997-99 biennium, the 1999-2001 executive budget recommendation, the House version, the Senate version, and the Conference Committee version:

	1997-99 BIENNIUM	1999-2001 EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION	CONFERENCE COMMITTEE VERSION
Department of Human Services	10% up to a maximum of \$600,000	10% up to a maximum of \$750,000	10% up to a maximum of \$750,000	10% up to a maximum of \$750,000	10% up to a maximum of \$750,000
Children's Services Coordinating Committee - Administration	2.5% up to a maximum of \$150,000	2.5% up to a maximum of \$187,500	\$127,500 (estimated at 1.7%)	\$127,500 (estimated at 1.7%)	\$127,500 (estimated at 1.7%)
Children's Services Coordinating Committee grants:					
Participating entities generating federal funds	20%	20%	20%	20%	20%
Statewide grants	7.5%	7.5%	6%	6%	6%
Grants to regional and tribal children's services coordinating committees for administrative costs	\$1,080,000 (estimated at 18%)	\$1,500,000 (estimated at 20%)	\$1,125,000 (estimated at 15%)	\$1,500,000 ¹ (estimated at 20%)	\$1,350,000 (estimated at 18%)
Grants to regional and tribal children's services coordinating committees for collaboration	0	0	0	0 ¹	\$150,000 (estimated at 2%)

efforts

Regional and tribal children's services coordinating committees - Grants to providers	42%	40%	47.3%	42.3%	42.3%
Total	100%	100%	100%	100%	100%

¹ The Senate version provided that \$1.5 million be provided for both administrative and collaboration costs.

The allocation of "refinancing" funds that may be received in excess of the \$7.5 million is as follows:

	1997-99 BIENNIUM	1999-2001 EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION	CONFERENCE COMMITTEE VERSION
Participating entities generating federal funds	20%	20%	20%	20%	20%
Children's Services Coordinating Committee - Statewide grants	10%	10%	0%	0%	0%
Regional and tribal children's services coordinating committees - Grants to providers	70%	70%	80%	80%	80%
Total	100%	100%	100%	100%	100%

A section is added, which was included in the Senate version, providing for an interim Legislative Council study of the uses of the funds appropriated to the Children's Services Coordinating Committee including:

1. A review of the use of the funding received by the regional and tribal children's services coordinating committees and the appropriate level of administrative costs for these committees.
2. A review of the entities involved in generating "refinancing" funds and how the "refinancing" funding returned to them is being used.

Engrossed HB 1014 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. ANDRIST MOVED that the conference committee report on Engrossed HB 1014 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1014, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1014: A BILL for an Act to provide an appropriation for defraying the expenses of the children's services coordinating committee; to provide for a legislative council study; to provide a statement of legislative intent; and to create and enact a new section to chapter 54-56 of the North Dakota Century Code, relating to the children's services coordinating committee 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, 1 NAY, 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, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Stenehjem, B.

ABSENT AND NOT VOTING: Bercier; Tomac

Engrossed HB 1014, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1015, as engrossed: Your conference committee (Sens. Naaden, Holmberg, Tomac and Reps. Poolman, Tollefson, Guleson) recommends that the **SENATE RECEDE** from the

Senate amendments on HJ pages 1184-1187, adopt amendments as follows, and place HB 1015 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1184-1187 of the House Journal and pages 1049-1051 of the Senate Journal and that Engrossed House Bill No. 1015 be amended as follows:

Page 1, line 3, after the second semicolon insert "to provide for a report to the budget section;"

Page 1, line 13, replace "5,742,657" with "5,838,079"

Page 1, line 14, replace "1,742,594" with "1,754,234"

Page 1, line 15, replace "132,520" with "149,520"

Page 1, line 20, replace "34,214,041" with "34,338,103"

Page 1, line 21, replace "13,677,333" with "13,767,635"

Page 1, line 22, replace "20,536,708" with "20,570,468"

Page 2, line 1, replace "14,298,824" with "14,394,153"

Page 2, line 6, replace "27,239,424" with "27,334,753"

Page 2, after line 10, insert:

"Beginning entrepreneur loan guarantee program 10,000"

Page 2, line 12, replace "8,500,000" with "8,510,000"

Page 2, line 28, replace "29,036,708" with "29,080,468"

Page 2, line 29, replace "85,134,192" with "85,319,823"

Page 2, line 30, replace "114,170,900" with "114,400,291"

Page 5, after line 14, insert:

"SECTION 13. PACE AND AG PACE FUND TRANSFERS. Notwithstanding any other provision of law, the industrial commission may transfer any unobligated funds between the partnership in assisting community expansion fund and the agriculture partnership in assisting community expansion fund during the period beginning January 1, 2001, and ending June 30, 2001.

SECTION 14. BUDGET SECTION REPORT ON HOME MORTGAGE FINANCE PROGRAMS. The industrial commission and the Indian affairs commission shall report to the budget section regarding the status of home mortgage finance programs of the housing finance agency available within Indian reservations located within the state of North Dakota. Reports must be presented to the budget section at its first meeting of the 1999-2000 interim and subsequently thereafter as requested by the chairman of the budget section."

Page 5, line 16, after "fund" insert "and section 14"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 405 - INDUSTRIAL COMMISSION

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Salaries and wages	\$5,961,526	\$5,742,657	\$95,422	\$5,838,079	5,838,079	
Operating expenses	1,807,134	1,742,594	11,640	1,754,234	1,756,894	(\$2,660)
Equipment	198,100	132,520	17,000	149,520	158,100	(8,580)
Grants	10,450,000	10,450,000		10,450,000	10,450,000	
Administrative contingency	10,000	10,000		10,000	10,000	
Bond payments	15,891,168	15,891,168		15,891,168	15,891,168	
Geophysical exploration	<u>287,039</u>	<u>245,102</u>	<u>245,102</u>	<u>245,102</u>	<u>245,102</u>	

Total all funds	\$34,604,967	\$34,214,041	\$124,062	\$34,338,103	\$34,349,343	(\$11,240)
Less special funds	<u>13,814,830</u>	<u>13,677,333</u>	<u>90,302</u>	<u>13,767,635</u>	<u>13,767,635</u>	
General fund	\$20,790,137	\$20,536,708	\$33,760	\$20,570,468	\$20,581,708	(\$11,240)
FTE	66.00	63.00	1.00	64.00	64.00	0.00

Detail of Conference Committee changes to the House version includes:

	RESTORE MUNICIPAL BOND BANK LOAN OFFICER FTE	RESTORE TEMPORARY SALARY FUNDING FOR COAL GEOLOGIST	RESTORE A PORTION OF THE INFORMATION TECHNOLOGY EQUIPMENT FUNDING	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$71,662	\$23,760		\$95,422
Operating expenses	(\$2,660)	11,640		11,640
Equipment	(8,580)	7,000	\$10,000	17,000
Grants				
Administrative contingency				
Bond payments				
Geophysical exploration				
Total all funds	\$90,302	\$23,760	\$10,000	\$124,062
Less special funds	<u>90,302</u>			<u>90,302</u>
General fund	\$0	\$23,760	\$10,000	\$33,760
FTE	1.00	0.00	0.00	1.00

The amendment also adds a section requiring the Industrial Commission to report to the Budget Section on Housing Finance Agency home mortgage finance programs available on North Dakota Indian reservations.

DEPARTMENT 471 - BANK OF NORTH DAKOTA

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Salaries and wages	\$14,527,399	\$14,298,824	\$95,329	\$14,394,153	\$14,394,153	
Operating expenses	10,835,600	10,835,600		10,835,600	10,835,600	
Equipment	500,000	500,000		500,000	500,000	
Capital improvements	105,000	105,000		105,000	105,000	
Contingency	1,500,000	1,500,000		1,500,000	1,500,000	
PACE	6,600,000	6,000,000		6,000,000	6,000,000	
Ag PACE	1,500,000	1,500,000		1,500,000	1,500,000	
Beginning farmer	1,000,000	1,000,000		1,000,000	1,000,000	
Beginning entrepreneur loan guarantee program			10,000	10,000	10,000	
Total all funds	\$36,567,999	\$35,739,424	\$105,329	\$35,844,753	\$35,844,753	\$0
Less special funds	<u>27,467,999</u>	<u>27,239,424</u>	<u>95,329</u>	<u>27,334,753</u>	<u>27,334,753</u>	
General fund	\$9,100,000	\$8,500,000	\$10,000	\$8,510,000	\$8,510,000	\$0
FTE	178.50	177.50	1.00	178.50	178.50	0.00

Detail of Conference Committee changes to the House version includes:

	RESTORE ACCOUNT BUDGET SPECIALIST III FTE	ADD FUNDING FOR THE BEGINNING ENTREPRENEUR LOAN GUARANTEE PROGRAM	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$95,329		\$95,329
Operating expenses			
Equipment			
Capital improvements			
Contingency			
PACE			
Ag PACE			
Beginning farmer			
Beginning entrepreneur loan guarantee program		\$10,000	10,000
Total all funds	\$95,329	\$10,000	\$105,329
Less special funds	<u>95,329</u>		<u>95,329</u>
General fund	\$0	\$10,000	\$10,000
FTE	1.00	0.00	1.00

The amendment also adds a section allowing for the transfer of any unobligated funds between the PACE fund and the Ag PACE fund during the period beginning January 1, 2001, and ending June 30, 2001.

Engrossed HB 1015 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. NAADEN MOVED that the conference committee report on Engrossed HB 1015 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1015, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1015: A BILL for an Act to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the state industrial commission; to provide a continuing appropriation; to authorize transfers; to provide for a report to the budget section; 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.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tomac

Engrossed HB 1015, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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

MR. SPEAKER: The Senate has sustained the Governor's veto on SB 2425. The vote was 29 YEAS, 19 NAYS, 1 ABSENT AND NOT VOTING.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1014, HB 1015, HB 1121, HB 1156, HB 1274, HB 1291, HB 1325.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2014, SB 2019, SB 2021, SB 2074.

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 1007, HB 1013, HB 1038.

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

REPORT OF CONFERENCE COMMITTEE

SB 2008, as engrossed: Your conference committee (Sens. Holmberg, Solberg, Tallackson and Reps. Byerly, Poolman, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 871-873, adopt amendments as follows, and place SB 2008 on the Seventh order:

That the House recede from its amendments as printed on pages 871-873 of the Senate Journal and pages 952-954 of the House Journal and that Engrossed Senate Bill No. 2008 be amended as follows:

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

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

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

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

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

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

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

Page 2, after line 3, insert:

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

CONFERENCE COMMITTEE - This amendment makes the following changes:

EXECUTIVE
BUDGET

SENATE
VERSION

CONFERENCE
COMMITTEE
CHANGES

CONFERENCE
COMMITTEE
VERSION

HOUSE
VERSION

CONFERENCE
COMPARISON
TO HOUSE
VERSION

Salaries and wages	\$4,614,184	\$4,389,004	(\$5,015)	\$4,383,989	\$4,383,989	
Operating expenses	1,074,694	1,067,294	(12,600)	1,054,694	1,054,694	
Equipment	71,311	71,311		71,311	71,311	
Grants	6,000	6,000		6,000	6,000	
AML contractual services	<u>3,668,492</u>	<u>3,668,492</u>		<u>3,668,492</u>	<u>3,668,492</u>	
Total all funds	\$9,434,681	\$9,202,101	(\$17,615)	\$9,184,486	\$9,184,486	\$0
Less special funds	<u>5,640,789</u>	<u>5,633,045</u>	<u>30,000</u>	<u>5,663,045</u>	<u>5,663,045</u>	
General fund	\$3,793,892	\$3,569,056	(\$47,615)	\$3,521,441	\$3,521,441	\$0
FTE	43.00	42.00	0.00	42.00	43.00	(1.00)

Detail of Conference Committee changes to the Senate version includes:

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

Conference Committee changes narrative:

¹ Restores salaries and wages and operating expenses funding removed by the Senate, the same as the House version, except that the Conference Committee did not restore the attorney position removed by the Senate and restored by the House.

² Reduces salaries and wages funding. The Public Service Commission may designate the specific areas to reduce within the salaries and wages line item, the same as the House version.

³ Reduces operating expenses as follows, the same as the House version:

Office supplies	(\$10,000)
Travel	<u>(10,000)</u>
Total	(\$20,000)

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

The section added by the House is included which provides that an essential telecommunications service includes access to directory assistance rather than local exchange directory assistance.

Engrossed SB 2008 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2017, as engrossed: Your conference committee (Sens. Andrist, Holmberg, Tallackson and Reps. Carlisle, Tollefson, Guleson) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 873 and place SB 2017 on the Seventh order.

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

REPORT OF CONFERENCE COMMITTEE

SB 2025, as engrossed: Your conference committee (Sens. Kringstad, Andrist, Robinson and Reps. Lloyd, Carlson, Aarsvold) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 937-938, adopt further amendments as follows, and place SB 2025 on the Seventh order:

That the Senate accede to the House amendments as printed on pages 937 and 938 of the Senate Journal and pages 1030 and 1031 of the House Journal and that Engrossed Senate Bill No. 2025 be further amended as follows:

Page 1, line 2, after "agencies" insert "; and to provide for a legislative council study"

Page 1, after line 23, insert:

"SECTION 2. LEGISLATIVE COUNCIL STUDY OF DEFINED CONTRIBUTION RETIREMENT PLAN AND DEFERRED COMPENSATION PROGRAM VENDORS. The legislative council shall consider studying the number, qualifications, and selection criteria for vendors and providers selected by the public employees retirement system board for the defined contribution retirement plan established under House Bill No. 1257 and the deferred compensation program administered by the board under chapter 54-52.2. If the legislative council conducts the study, it shall report its findings and recommendations, together with any legislation required to implement its recommendations, to the fifty-seventh legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

CONFERENCE COMMITTEE - This amendment provides that during the 1999-2001 biennium, the Legislative Council shall consider studying issues relating to the selection by the Public Employees Retirement System board of providers for the defined contribution retirement plan and deferred compensation program.

Engrossed SB 2025 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2254: Your conference committee (Sens. W. Stenehjem, Traynor, C. Nelson and Reps. Kliniske, Porter, Sandvig) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 876-877, adopt amendments as follows, and place SB 2254 on the Seventh order:

That the House recede from its amendments as printed on pages 876 and 877 of the Senate Journal and pages 933 and 934 of the House Journal and that Senate Bill No. 2254 be amended as follows:

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Definitions. As used in this Act:

1. "Partially born" means the living intact fetus's body, with the entire head attached, is delivered so that any of the following has occurred:
 - a. The living intact fetus's entire head, in the case of a cephalic presentation, or any portion of the living intact fetus's torso above the navel, in the case of a breech presentation, is delivered past the mother's vaginal opening; or
 - b. The living intact fetus's entire head, in the case of a cephalic presentation, or any portion of the living intact fetus's torso above the navel, in the case of a breech presentation, is delivered outside the mother's abdominal wall.
2. "Sharp curettage or suction curettage abortion" means an abortion in which the developing child and products of conception are evacuated from the uterus with a sharp curettage or through a suction cannula with an attached vacuum apparatus.

SECTION 2. Prohibition - Penalty - Exception.

1. Any person who intentionally causes the death of a living intact fetus while that living intact fetus is partially born is guilty of a class AA felony. A mother whose living intact fetus dies while partially born may not be prosecuted for a violation of this Act or for conspiracy to violate this Act.

2. This Act does not apply to a sharp curettage or suction curettage abortion or to any offense committed under chapter 12.1-17.1 or chapter 14-02.1.

SECTION 3. Exception for life of mother. Section 2 does not prohibit a physician from taking measures that in the physician's medical judgment are necessary to save the life of a mother whose life is endangered by a physical disorder, illness, or injury, if:

1. Every reasonable precaution is also taken, in this case, to save the child's life; and
2. The physician first certifies in writing, setting forth in detail the facts upon which the physician relies in making this judgment. This certification is not required in the case of an emergency and the procedure is necessary to preserve the life of the mother."

Renumber accordingly

SB 2254 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2440, as engrossed: Your conference committee (Sens. Schobinger, B. Stenehjem, Thompson and Reps. Kempenich, Sveen, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1009, adopt amendments as follows, and place SB 2440 on the Seventh order:

That the House recede from its amendments as printed on page 1009 of the Senate Journal and pages 1082 and 1083 of the House Journal and that Engrossed Senate Bill No. 2440 be amended as follows:

Page 1, line 9, replace "twenty-five" with "fifteen" and replace "ten" with "five"

Renumber accordingly

Engrossed SB 2440 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1007, as engrossed: Your conference committee (Sens. Andrist, Grindberg, Robinson and Reps. Delzer, Bernstein, Hoffner) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1188-1189, adopt amendments as follows, and place HB 1007 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1188 and 1189 of the House Journal and pages 1061-1063 of the Senate Journal and that Engrossed House Bill No. 1007 be amended as follows:

Page 1, line 2, after "affairs" insert "; to provide for line item transfers for the 1997-99 biennium; to provide for land board distributions; and to declare an emergency"

Page 1, line 12, replace "5,811,293" with "5,841,293"

Page 1, line 15, replace "432,220" with "482,220"

Page 1, line 16, replace "8,266,841" with "8,346,841"

Page 1, line 17, replace "5,938,446" with "6,108,004"

Page 1, line 18, replace "2,328,395" with "2,238,837"

Page 1, line 24, replace "2,772,729" with "2,683,171"

Page 2, line 1, replace "5,956,779" with "6,126,337"

Page 2, line 2, replace "8,729,508" with "8,809,508"

Page 2, after line 2, insert:

"SECTION 2. LINE ITEM TRANSFERS - 1997-99 BIENNIUM. Notwithstanding section 54-16-04, the director of the office of management and budget and the state

treasurer, at the request of the director of the department of veterans affairs, shall transfer \$1,772 from the salaries and wages line item contained in subdivision 2 of section 1 of chapter 36 of the 1997 Session Laws to the operating expenses line item contained in subdivision 2 of section 1 of chapter 36 of the 1997 Session Laws. The authority to make this transfer begins with the effective date of this Act and ends on June 30, 1999.

SECTION 3. APPROPRIATION. There is hereby appropriated \$3,300 of special funds from donations to the department of veterans affairs for the period beginning with the effective date of this Act and ending June 30, 1999.

SECTION 4. LAND BOARD DISTRIBUTIONS. Notwithstanding the provisions of section 15-03-05.2, during the 1999-2001 biennium, the board of university and school lands shall distribute to the veterans home all income from a permanent fund managed for this institution.

SECTION 5. EMERGENCY. Sections 2 and 3 of this Act are declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 313 - VETERANS HOME

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Salaries and wages	\$5,919,777	\$5,811,293	\$30,000	\$5,841,293	\$5,880,699	(\$39,406)
Operating expenses	2,029,278	1,978,278		1,978,278	1,978,278	
Equipment	53,550	45,050		45,050	45,050	
Major improvements	482,220	432,220	50,000	482,220	482,220	
Grants						
Total all funds	\$8,484,825	\$8,266,841	\$80,000	\$8,346,841	\$8,386,247	(\$39,406)
Less special funds	<u>5,979,296</u>	<u>5,938,446</u>	<u>169,558</u>	<u>6,108,004</u>	<u>6,147,410</u>	<u>(39,406)</u>
General fund	\$2,505,529	\$2,328,395	(\$89,558)	\$2,238,837	\$2,238,837	\$0
FTE	84.61	84.61	0.00	84.61	84.61	0.00

Detail of Conference Committee changes to the House version includes:

	CHANGE FUNDING FOR FIRE SPRINKLER SYSTEM TO ALL OTHER FUNDS ¹	RESTORE FUNDING FOR TUCK-POINTING, ETC. REMOVED BY HOUSE	RESTORE FUNDING FOR SHIFT DIFFERENTIAL REMOVED BY HOUSE	RESTORE NURSES SPECIAL SALARY INCREASE REMOVED BY HOUSE FROM OTHER FUNDS ²	RECOGNIZE ADDITIONAL LAND DEPARTMENT INCOME	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages			\$15,000	\$15,000		\$30,000
Operating expenses						
Equipment						
Major improvements		\$50,000				50,000
Grants						
Total all funds	\$0	\$50,000	\$15,000	\$15,000	\$0	\$80,000
Less special funds	<u>25,000</u>	<u>50,000</u>	<u>15,000</u>	<u>15,000</u>	<u>64,558</u>	<u>169,558</u>
General fund	(\$25,000)	\$0	\$0	\$0	(\$64,558)	(\$89,558)

¹ Provides a total of \$151,500 from other funds, including federal Veterans Administration funds if available.

² Provides a total of \$69,286 from other funds for nurses salary increases, compared to \$90,592 provided in the executive budget. The executive budget funded the \$36,306 from the general fund. Section 4 is added to allow the Veterans Home to receive \$64,558 of additional Land Department income.

DEPARTMENT 321 - VETERANS AFFAIRS

CONFERENCE COMMITTEE - The Conference Committee makes no changes to the 1999-2001 appropriation for the Department of Veterans Affairs.

Sections 2, 3, and 5 are added to allow the Department of Veterans Affairs to receive \$3,300 of donations for 1997-99 and to authorize the transfer from salaries and wages to operating expenses in the amount of \$1,772 to provide funds for payment of the State Auditor's billing for fiscal year 1998.

Engrossed HB 1007 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1013, as engrossed: Your conference committee (Sens. Naaden, Andrist, Robinson and Reps. Byerly, Tollefson, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1183-1184, adopt amendments as follows, and place HB 1013 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1183 and 1184 of the House Journal and pages 1022-1024 of the Senate Journal and that Engrossed House Bill No. 1013 be amended as follows:

Page 1, line 2, after "lands" insert "; to declare legislative intent regarding priorities of the state abandoned property office administrator; and to amend and reenact subsection 2 of section 47-30.1-30 and section 47-30.1-32 of the North Dakota Century Code, relating to unclaimed property records and appeals"

Page 2, after line 2, insert:

"SECTION 5. LEGISLATIVE INTENT - UNCLAIMED PROPERTY EXAMINATIONS - REPORT TO THE FIFTY-SEVENTH LEGISLATIVE ASSEMBLY. It is the intent of the fifty-sixth legislative assembly that the administrator of the state abandoned property office give priority to unclaimed property holder education programs and, when conducting examinations under North Dakota Century Code chapter 47-30.1, the administrator give priority to examinations of financial institutions and hospitals. The administrator shall report to the fifty-seventh legislative assembly on abandoned property examinations conducted during the 1999-2001 biennium.

SECTION 6. AMENDMENT. Subsection 2 of section 47-30.1-30 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. The administrator, at reasonable times and upon reasonable notice, may examine the records of any person to determine whether the person has complied with this chapter. The administrator may not require a person to provide records for a period exceeding the current year and seven preceding fiscal years. The administrator may conduct the examination even if the person believes ~~that that person~~ is not in possession of any property reportable or deliverable under this chapter. The administrator may not contract for an examination done within this state.

SECTION 7. AMENDMENT. Section 47-30.1-32 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

47-30.1-32. Enforcement - Appeals. The administrator may bring an action in a court of competent jurisdiction to enforce this chapter. A person in this state who is aggrieved by an audit that in any form requests the payment of money or a civil penalty is entitled to a hearing before the board of university and school lands. A demand for a hearing must be made within thirty days of the request by the administrator. The request by the administrator must contain notice of the right to a hearing. The board's decision is the final order of the agency and is appealable to the district court. Any amount of money requested by the administrator which may increase over time is tolled at the time of filing an appeal, retroactive to the date of the request.

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 226 - LAND DEPARTMENT

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Assets management	\$2,436,471	\$2,415,900		\$2,415,900	\$2,343,160	\$72,740
Energy development	5,004,267	5,000,000		5,000,000	\$5,000,000	
impact office						
Total all funds	\$7,440,738	\$7,415,900	\$0	\$7,415,900	\$7,343,160	\$72,740
Less special funds	<u>7,440,738</u>	<u>7,415,900</u>		<u>7,415,900</u>	<u>7,343,160</u>	<u>72,740</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0

FTE	19.00	19.00	0.00	19.00	18.00	1.00
-----	-------	-------	------	-------	-------	------

Senate changes narrative:

This amendment makes the following changes:

- Restores 1 FTE auditor I position for the unclaimed property audit program which was removed by the Senate and is included in the engrossed bill.

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

REPORT OF CONFERENCE COMMITTEE

HB 1038, as engrossed: Your conference committee (Sens. Kilzer, Thane, DeMers and Reps. Weisz, Dalrymple, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1120, adopt amendments as follows, and place HB 1038 on the Seventh order:

That the Senate recede from its amendments as printed on page 1120 of the House Journal and pages 699 and 700 of the Senate Journal and that Engrossed House Bill No. 1038 be amended as follows:

Page 1, line 5, replace "ambulance" with "prehospital emergency" and replace "assistance billings" with "services"

Page 1, line 6, replace "for appropriated funds" with "department of human services medical assistance reimbursement rates"

Page 1, line 11, remove the overstrike over "~~assist~~" and remove "offer services and financial"

Page 1, line 12, remove "assistance"

Page 1, line 13, after "~~branch~~" insert "department" and remove the overstrike over "~~and financially shall assist certain prehospital emergency medical~~"

Page 1, line 14, remove the overstrike over "~~services as determined by the~~", after "~~branch~~" insert "department", remove the overstrike over "~~in obtaining equipment~~", remove "department", remove the overstrike over "~~Assistance~~", and remove "No more"

Page 1, remove lines 15 and 16

Page 1, line 17, remove "and financial assistance"

Page 1, line 19, remove "services and financial"

Page 1, line 20, remove the overstrike over "~~To qualify for financial assistance for equipment, a prehospital~~"

Page 1, line 21, remove the overstrike over "~~emergency medical service shall certify, in the manner required by the~~", after "~~branch~~" insert "department", and remove the overstrike over the second overstruck comma

Page 1, remove the overstrike over line 22

Page 1, line 23, remove the overstrike over "~~acquisitions. The~~", after "~~branch~~" insert "department", and remove the overstrike over "~~shall adopt a schedule of eligibility for financial~~"

Page 1, remove the overstrike over line 24

Page 2, remove the overstrike over lines 1 through 4

Page 2, line 5, remove the overstrike over "~~financial assistance available for various classifications.~~"

Page 2, line 10, remove the overstrike over "~~No more than one half of the funds~~"

Page 2, remove the overstrike over lines 11 and 12

Page 2, line 15, remove "Medical assistance -"

Page 2, remove lines 16 through 20

Page 2, line 21, remove "assessment. This"

Page 2, remove lines 27 through 31

Page 3, line 4, remove "and a total of \$489,800, of"

Page 3, remove line 5

Page 3, line 6, remove "in 1999 Senate Bill No. 2012 for reimbursement of prehospital emergency medical services"

Page 3, line 11, after the period insert "The state department of health may accept funds from other sources and may distribute these funds to prehospital emergency medical services providers for the purpose of obtaining equipment. It is the intent of the fifty-sixth legislative assembly that the department of human services adopt the medicare reimbursement schedule for medical assistance reimbursement for basic rate prehospital emergency medical services."

Renumber accordingly

Engrossed HB 1038 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