

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

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Bismarck, March 20, 2001

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Pastor John Luhmann, Bismarck Evangelical Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

HB 1114, as engrossed: SEN. COOK (Political Subdivisions Committee) MOVED that the amendments on SJ pages 834-835 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that the rules be suspended, and after action taken on the Sixth order, all bills on that order be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1114: A BILL for an Act to authorize the department of human services to convey certain land in Stutsman County, North Dakota, to the city of Jamestown; and to declare an emergency.

MOTION

SEN. COOK MOVED that Engrossed HB 1114, as amended, be further amended as follows:

In lieu of the amendments to Engrossed House Bill No. 1114 as printed on pages 834 and 835 of the Senate Journal, Engrossed House Bill No. 1114 is amended as follows:

Page 1, line 1, replace "convey" with "sell"

Page 1, line 2, remove ", to the city of Jamestown"

Page 1, line 5, replace "convey" with "sell" and replace "this section to the city of Jamestown, North Dakota," with "subsection 1"

Page 1, line 6, after "services" insert "and may convey the land described in subsection 2 to the city of Jamestown, North Dakota, for two hundred dollars per acre or the most recent appraised value, whichever is higher"

Page 1, line 7, replace "conveyed" with "sold"

Page 1, after line 7, insert:

"1."

Page 2, after line 5, insert:

"2."

Page 2, after line 13, insert:

"3. Sections 54-01-05.2 and 54-01-05.5 do not apply to the transfer of the land described in subsection 2."

Renumber accordingly

MOTION

SEN. G. NELSON MOVED that, pending answers to questions asked during debate, HB 1114 be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1066, as reengrossed: SEN. TRENBEATH (Transportation Committee) MOVED that the amendments on SJ page 856 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1066: A BILL for an Act to create and enact section 47-30.1-21.1 of the North Dakota Century Code, relating to abandoned property payments; and to amend and reenact subsection 1 of section 47-30.1-22 and subsection 2 of section 47-30.1-35 of the North Dakota Century Code, relating to abandoned property under the Uniform Unclaimed Property Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed HB 1066, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1189, as engrossed: SEN. ESPEGARD (Transportation Committee) MOVED that the amendments on SJ pages 856-857 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1189: A BILL for an Act to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to cancellation of a minor's driving privileges; and to amend and reenact section 39-06-20, subsection 6 of section 39-06-32, subsection 1 of section 39-06-33, sections 39-06-35, 39-06.1-04, subsection 2 of section 39-06.1-13, section 39-16.1-01, subsection 2 of section 39-20-03.2, and subsection 1 of section 39-20-05 of the North Dakota Century Code, relating to notice of change of address for an operator's license or permit, suspension for failure to appear in court or post and forfeit bond, means to request a hearing, suspended licenses, reduction of point total, proof of financial responsibility, serving results of a blood test on a nonresident operator, and extension of a temporary operator's permit.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1189, as amended, passed and the title was agreed to.

MOTION

SEN. G. NELSON MOVED that, because answers to pending questions were now available, HB 1114 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1114: A BILL for an Act to authorize the department of human services to convey certain land in Stutsman County, North Dakota, to the city of Jamestown; and to declare an emergency.

MOTION

SEN. COOK MOVED that Engrossed HB 1114, as amended, be further amended as follows, which motion prevailed on a voice vote.

In lieu of the amendments to Engrossed House Bill No. 1114 as printed on pages 834 and 835 of the Senate Journal, Engrossed House Bill No. 1114 is amended as follows:

Page 1, line 1, replace "convey" with "sell"

Page 1, line 2, remove ", to the city of Jamestown"

Page 1, line 5, replace "convey" with "sell" and replace "this section to the city of Jamestown, North Dakota," with "subsection 1"

Page 1, line 6, after "services" insert "and may convey the land described in subsection 2 to the city of Jamestown, North Dakota, for two hundred dollars per acre or the most recent appraised value, whichever is higher"

Page 1, line 7, replace "conveyed" with "sold"

Page 1, after line 7, insert:

"1."

Page 2, after line 5, insert:

"2."

Page 2, after line 13, insert:

"3. Sections 54-01-05.2 and 54-01-05.5 do not apply to the transfer of the land described in subsection 2."

Renumber accordingly

HB 1114: A BILL for an Act to authorize the department of human services to convey certain land in Stutsman County, North Dakota, to the city of Jamestown; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1114, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1206, as engrossed: SEN. D. MATHERN (Political Subdivisions Committee) MOVED that the amendments on SJ page 857 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1206: A BILL for an Act to amend and reenact subsection 2 of section 57-23-06 of the North Dakota Century Code, relating to the hearing on an application for the abatement or refund of taxes upon real property; and to provide for a legislative council study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1206, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1245: SEN. TRENBEATH (Transportation Committee) MOVED that the amendments on SJ page 857 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1245: A BILL for an Act to amend and reenact subsection 1 of section 39-06-14 of the North Dakota Century Code, relating to an operator's license number; and to provide an effective date.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Christenson

HB 1245, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1289: SEN. O'CONNELL (Transportation Committee) MOVED that the amendments on SJ page 858 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1289: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to motor vehicle number plates bearing a logo identifying members of the North Dakota firemen's association.

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, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christenson; Christmann; Cook; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; Dever

HB 1289, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1322, as engrossed: SEN. NICHOLS (Agriculture Committee) MOVED that the amendments on SJ page 858 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1322: A BILL for an Act to create and enact a new section to chapter 36-09 of the North Dakota Century Code, relating to livestock identification.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1322, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1391, as engrossed: SEN. WARDNER (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 858 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1391: A BILL for an Act to amend and reenact sections 23-37-01, 23-37-02, 23-37-03, 23-37-04, 23-37-05, 23-37-06, 23-37-07, 23-37-08, 23-37-09, 23-37-10, 23-37-11, 23-37-12, 23-37-13, 23-37-14, 23-37-15, 23-37-16, 23-37-17, 23-37-18, 23-37-19, 23-37-20, 23-37-21, 23-37-22, 23-37-23, 23-37-24, 23-37-25, 23-37-26, 23-37-27, 23-37-28, 23-37-29, and 23-37-30 of the North Dakota Century Code, relating to petroleum release remediation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1391, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1409, as engrossed: SEN. FLAKOLL (Political Subdivisions Committee) MOVED that the amendments on SJ pages 858-859 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1409: A BILL for an Act to create and enact two new sections to chapter 57-40.6 of the North Dakota Century Code, relating to the dispatching of ambulances and standards and guidelines for 911 telephone systems.

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Trenbeath

Engrossed HB 1409, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1423, as engrossed: SEN. WATNE (Political Subdivisions Committee) MOVED that the amendments on SJ page 859 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1423: A BILL for an Act to amend and reenact sections 18-12-25 and 54-21.3-03 of the North Dakota Century Code, relating to the state building code; and to provide for transition.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1423, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1437, as engrossed: SEN. WANZEK (Education Committee) MOVED that the amendments on SJ pages 859-860 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1459, as engrossed: SEN. TRENBEATH (Transportation Committee) MOVED that the amendments on SJ page 860 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1437: A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to religious and secular speech in schools; and to repeal section 15.1-19-03 of the North Dakota Century Code, relating to periods of silence during a schoolday.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mutch; Nelson, G.; Nething; O'Connell; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; Christenson; Heitkamp; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; Polovitz

Engrossed HB 1437, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1459: A BILL for an Act to create and enact a new section to title 39 of the North Dakota Century Code, relating to theft of motor fuels; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lindaas; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Tallackson; Thane; Tomac; Trenbeath; Wanzek; Wardner; Watne

NAYS: Cook; Dever; Kelsh; Lee; Lyson; O'Connell; Solberg; Stenehjerm; Tollefson; Traynor; Urlacher

Engrossed HB 1459, as amended, passed and the title was agreed to.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SCR 4018, SCR 4019.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3012, HCR 3020, HCR 3021, HCR 3022, HCR 3029, HCR 3031, HCR 3055, HCR 3057, HCR 3059, HCR 3060, HCR 3062, HCR 3064.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1028, HB 1108, HB 1153, HB 1159, HB 1161, HB 1221, HB 1222, HB 1223, HB 1238, HB 1260, HB 1297, HB 1367, HB 1415.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1448.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1102, HB 1106, HB 1125, HB 1283, HB 1457, HCR 3030, HCR 3037.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HCR 3063.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1028, HB 1238, HB 1297, and HB 1367.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has passed, the emergency clause failed, unchanged: SB 2175.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has passed unchanged: SB 2074, SB 2169, SB 2176, SB 2235, SB 2288, SB 2375, SB 2393, SCR 4043, SCR 4046.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2116, SB 2299, SCR 4020.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2116

Page 1, line 1, replace "and" with a comma

Page 1, line 2, after "27-20-02" insert ", and section 40-18-14"

Page 1, line 8, remove the overstrike over "~~an infraction~~" and remove "a noncriminal offense"

Page 2, line 2, overstrike "1 or"

Page 2, line 3, after "dollars" insert "for a minor fourteen years of age or older who has been charged with an offense under subsection 2. The failure to post a required bond or pay an assessed fee by an individual found to have violated the ordinance or resolution is punishable as a contempt of court, except a minor may not be imprisoned for the contempt"

Page 2, line 4, replace "person" with "minor fourteen years of age or older" and remove "1 or"

Page 2, line 7, replace "under this section" with "of subsection 2"

Page 2, line 19, replace "under this section" with "of subsection 2"

Page 2, after line 26, insert:

"c. The failure to post bond or to pay an assessed fee is punishable as a contempt of court, except a minor may not be imprisoned for the contempt."

Page 2, line 28, overstrike "this section" and insert immediately thereafter "subsection 2"

Page 3, line 9, after "offense" insert "committed by a minor fourteen years of age or older"

Page 3, line 10, after "under" insert "subsection 2 of" and after "12.1-31-03" insert "or an equivalent local ordinance or resolution"

Page 3, after line 14, insert:

"SECTION 3. AMENDMENT. Section 40-18-14 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-18-14. Municipal judge may enforce orders and judgments and punish for contempt. A municipal judge ~~has the power to~~ may enforce due obedience to the court's orders and judgments. The judge may fine or imprison for contempt committed in the judge's presence while holding court, as well as for contempt of process issued, and of orders made by the judge. When an act or omission constituting a contempt in a municipal court is not committed in the presence of the municipal judge, an affidavit alleging the facts may be filed and a warrant of arrest thereupon may issue on which the person accused may be arrested and brought before the municipal judge immediately. The person must be given a reasonable opportunity to employ counsel and defend against the alleged contempt. After hearing the allegations and proofs, the municipal judge may discharge the person or adjudge the person guilty and may punish by fine or imprisonment or both. The fine in any case may not be more than one thousand dollars and the imprisonment may not be more than thirty days. In addition, a person adjudged guilty of contempt for failure to pay a fee or fine may be sentenced by the municipal judge to a sanction or order designed to ensure compliance with payment of the fee or fine, or to an alternative sentence or sanction including community service."

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2299

Page 1, line 10, after the semicolon insert "to provide a continuing appropriation;"

Page 15, line 7, after "**revenue**" insert "- Continuing appropriation"

Page 15, line 18, replace "received by" with "certified to the state treasurer for each"

Page 15, line 19, remove the first "the" and after "year" insert ", except that through December 31, 2009, the portion of the revenue allocation to each county which is attributable to a coal gasification coal conversion facility must exclude consideration of calendar year 2001, and be based on calendar year 2000 or the appropriate year after 2001, whichever is greater"

Page 15, line 20, replace "it received" with "the amount certified to the state treasurer for that county"

Page 15, line 24, after "subsection" insert "to the county."

Page 15, line 25, replace "the general fund to the county" with "collections received under section 57-60-02," and after the underscored period insert "The funds needed to make the distribution to counties under this subsection are appropriated on a continuing basis for making these payments."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT

Page 1, line 1, after "compensation" insert "and benefit"

Page 1, line 3, replace "place their families" with "are"

Page 1, line 4, replace "the poverty level" with "salaries received by other public employees and by employees in the private sector"

Page 1, line 6, replace "have generally failed to meet or exceed" with "may not have been administered so as to provide all employees with salaries that reflect"

Page 1, line 8, replace "continues the recent trend with respect to" with "addresses" and after "compensation" insert "and benefits"

Page 1, line 11, after "compensation" insert "and benefit"

Page 1, line 13, after the first "salaries" insert "and benefits", after "states" insert "and the private sector in North Dakota", and after the second "salaries" insert "and benefits"

Page 1, line 14, after "employees" insert ", if any,"

Page 1, after line 14, insert:

"BE IT FURTHER RESOLVED, that the Legislative Council work with the state employee compensation commission in conducting this study; and"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has failed to pass: SB 2040, SB 2268, SB 2376.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, March 21, 2001, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1109, as reengrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1109 was placed on the Sixth order on the calendar.

Page 4, line 4, after the underscored comma insert "medication management,"

Page 5, line 2, replace the first underscored comma with "or" and remove ", or an independent"

Page 5, line 3, remove "living facility"

Page 6, remove lines 2 through 4

Page 6, line 5, replace "11" with "10"

Page 6, line 8, replace "12" with "11"

Page 6, line 11, replace "13" with "12"

Page 6, line 14, replace "14" with "13"

Page 6, line 16, replace "15" with "14"

Page 6, line 19, replace "16" with "15"

Page 6, line 21, replace "17" with "16"

Page 6, line 24, replace "18" with "17"

Page 6, line 29, replace "19" with "18"

Page 7, line 3, replace "20" with "19"

Page 7, line 6, replace "21" with "20"

Page 7, line 8, replace "22" with "21"

Page 7, line 23, replace "holding itself out to the public as an assisted living facility located in this state" with "using the term "assisted living" in its advertising"

Page 7, line 24, remove "by providing such information as the"

Page 7, remove line 25

Page 7, line 26, remove "health"

Page 7, line 28, replace "ten" with "seventy-five"

Page 8, line 3, after the underscored period insert "The department shall involve the facilities in the rulemaking process."

Page 8, line 11, remove ", markets its services as an"

Page 8, line 12, remove "assisted living facility."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1168, as engrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1168 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "that" with "the earliest" and after "principal" insert "of that arrearage"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1306, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1306 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1441, as reengrossed: Human Services Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1441 was placed on the Sixth order on the calendar.

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

Page 1, line 3, replace "section 50-29-03" with "sections 50-29-01, 50-29-02, and subdivision a of subsection 6 of section 50-29-04"

Page 1, line 4, after "program" insert "; to repeal section 50-29-03 of the North Dakota Century Code, relating to administration of the children's health insurance program by county agencies; to provide for a legislative council study; to require maximizations of federal reimbursement; to require grant applications; to provide an appropriation; and to provide an effective date"

Page 1, line 9, remove "and pregnant women"

Page 1, line 11, replace "50-29-03" with "50-29-01"

Page 1, replace lines 13 through 17 with:

"50-29-01. Definitions. As used in this chapter:

1. "Children's health insurance program" means a program to provide health assistance to low-income children funded through title XXI of the federal Social Security Act [42 U.S.C. 1397aa et seq.].
2. "~~County agency~~" means ~~the county social service board.~~
3. "Department" means the department of human services.

4. 3. "Plan" means the children's health insurance program state plan.
5. 4. "Poverty line" means the official income poverty line as defined by the United States office of management and budget and revised annually in accordance with 42 U.S.C. 9902(2), applicable to a family of the size involved.

SECTION 3. AMENDMENT. Section 50-29-02 of the North Dakota Century Code is amended and reenacted as follows:

50-29-02. Duties of the department. The department shall:

1. Prepare, submit, and implement the plan that includes eligibility determinations for self-employed applicants based on the average of the previous three years of adjusted gross income, which means the adjusted gross income as computed for an individual for federal income tax purposes under the Internal Revenue Code;
2. ~~Supervise the administration of~~ Administer the children's health insurance program throughout this state;
3. Take action, give directions, and adopt rules as may be necessary or desirable to carry out ~~the provisions of~~ this chapter;
4. After federal approval of the plan, apply for a federal waiver allowing plan coverage for a family through an employer-based insurance policy if an employer-based family insurance policy is more cost-effective than the traditional plan coverage for the children;
5. Report annually to the legislative council and describe enrollment statistics and costs associated with the plan;and
6. ~~Reimburse counties for expenses incurred in the administration of the children's health insurance program at rates based upon all counties' total administrative costs; and~~
7. Administer all funds appropriated or made available to the department for the purpose of carrying out ~~the provisions of~~ this chapter.

SECTION 4. AMENDMENT. Subdivision a of subsection 6 of section 50-29-04 of the North Dakota Century Code is amended and reenacted as follows:

- a. ~~A~~ A gross income eligibility limit of one hundred forty-eighty-five percent of the poverty line, except as otherwise provided under section 50-29-02 for self-employed individuals;

SECTION 5. REPEAL. Section 50-29-03 of the North Dakota Century Code is repealed.

SECTION 6. LEGISLATIVE COUNCIL STUDY. During the 2001-02 interim, the legislative council shall consider studying the feasibility and desirability of standardizing the definition of "income" for all programs administered by the department of human services, whether the state or the counties should administer the children's health insurance program, the costs and procedures to provide equal payment under the medical assistance and children's health insurance programs, and the effects of eliminating the asset eligibility requirement for the medical assistance program. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly.

SECTION 7. FEDERAL REIMBURSEMENT. The department of human services shall seek an amendment to its state plan to maximize federal reimbursement through the program to provide health assistance to low-income children funded through title XXI of the federal Social Security Act, for the removal of the asset test for the medical assistance program.

SECTION 8. GRANTS - APPROPRIATION. The department of human services shall study the feasibility and desirability of standardizing the definition of "income" for all programs administered by the department, whether the state or the counties should administer the children's health insurance program, the costs and

procedures to provide equal payment under the medical assistance and children's health insurance programs, and the effects of eliminating the asset eligibility requirement for the medical assistance program. Before April 1, 2002, the department shall report the results of these studies to the legislative council. The department shall seek grants to fund these studies from the academy for health research and health policy state coverage initiative and from any other entity that may award such grants. All grant moneys awarded to the department of human services under this section are appropriated to the department of human services for the purpose of defraying the costs of the studies required under this section, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 9. EFFECTIVE DATE. Sections 1 and 4 of this Act become effective on January 1, 2002."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1478, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1478 was placed on the Sixth order on the calendar.

Page 2, line 6, after "equipment" insert ", correctional personnel costs,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3051: Judiciary Committee (Sen. Traynor, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3051 was placed on the Fourteenth order on the calendar.

The Senate stood adjourned pursuant to Senator Christmann's motion.

WILLIAM R. HORTON, Secretary