

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

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Bismarck, April 3, 2001

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

The prayer was offered by Doctor Jacob L. Kincaid, First Presbyterian Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Watne, Chairman)** has carefully examined the Journal of the Fifty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1109, line 3, replace "C. Nelson, Trenbeath, Dever" with "Trenbeath, Dever, C. Nelson"

SEN. WATNE MOVED that the report be adopted, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1022, as engrossed: SEN. ANDRIST (Appropriations Committee) MOVED that the amendments on SJ pages 1009-1010 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1022: A BILL for an Act to provide an appropriation for defraying the expenses of the tourism department; to create and enact a new section to chapter 54-34.4 of the North Dakota Century Code, relating to copyright and trademark; to amend and reenact section 54-34.4-04 of the North Dakota Century Code, relating to the motion picture advisory board; to provide legislative intent; 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 1 YEA, 48 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Thane

NAYS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; 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; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1022, as amended, lost.

REQUEST

SEN. THANE REQUESTED that the record reflect he intended to vote NAY on HB 1022, which request was granted.

CONSIDERATION OF AMENDMENTS

HB 1026, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 1080-1081 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act making an appropriation for defraying the expenses of various state departments and institutions; and to declare an emergency.

MOTION

SEN. HOLMBERG MOVED that Engrossed HB 1026 be amended as follows, which motion prevailed on a voice vote.

In lieu of the amendments to Engrossed House Bill No. 1026 as printed on pages 1080 and 1081 of the Senate Journal, Engrossed House Bill No. 1026 is amended as follows:

Page 1, line 5, after "appropriated" insert ", and from special funds derived from other income"

Page 1, line 6, replace "general fund" with "appropriation"

Page 2, after line 15, insert:

"Subdivision 8.		
	MAYVILLE STATE UNIVERSITY	
Operating expenses		\$14,630
Capital improvements		<u>25,000</u>
Total general fund appropriation		\$39,630
Subdivision 9.		
	STATE COLLEGE OF SCIENCE	
Operating expenses		\$279,945
Capital improvements		<u>32,745</u>
Total general fund appropriation		\$312,690
Subdivision 10.		
	STATE TREASURER	
In lieu of tax payments		<u>\$783,413</u>
Total general fund appropriation		\$783,413
Subdivision 11.		
	DEPARTMENT OF CORRECTIONS AND REHABILITATION	
Victims services		<u>\$250,000</u>
Total special funds appropriation		\$250,000"

Page 2, line 16, replace "19,224,108" with "20,359,841"

Page 2, after line 16, insert:

"Grand total special funds appropriation H.B. 1026	\$250,000
Grand total all funds appropriation H.B. 1026	\$20,609,841"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

SENATE ACTION - This amendment adds the following deficiency appropriations:

	PURPOSE	GENERAL FUND	OTHER FUNDS	TOTAL
House version		\$19,224,108		\$19,224,108
Senate changes				
Mayville State University	Higher than anticipated utilities costs	\$14,630		\$14,630
	Fieldhouse floor repairs	<u>25,000</u>		<u>25,000</u>
	Total Mayville State University	\$39,630		\$39,630
State College of Science	Higher than anticipated utilities costs	\$279,945		\$279,945
	Emergency steamline repairs	<u>32,745</u>		<u>32,745</u>
	Total State College of Science	\$312,690		\$312,690
State Treasurer	In lieu of tax payments to counties for carbon dioxide pipeline property, pursuant to North Dakota Century Code Section 57-06-17.2	\$783,413		\$783,413
Department of Corrections and Rehabilitation	Additional crime victims' compensation grants		\$250,000	\$250,000
Total additional deficiency appropriations		<u>\$1,135,733</u>	<u>\$250,000</u>	<u>\$1,385,733</u>
Senate version		\$20,359,841	\$250,000	\$20,609,841

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 1026, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1109, as reengrossed: SEN. SCHOBINGER (Appropriations Committee) MOVED that the amendments on SJ pages 1101-1102 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion failed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1109: A BILL for an Act to create and enact a new section to chapter 50-24.5 and a new subsection to section 50-24.5-02 of the North Dakota Century Code, relating to registration fees, requirements, and complaints to the department of human services regarding assisted living facilities; to amend and reenact subsection 2 of section 23-09-01, subsection 1 of section 23-09.3-01, and sections 50-24.5-01 and 50-24.5-04 of the North Dakota Century Code, relating to requiring assisted living facilities to be licensed as boardinghouses, definitions, and limits on cost of services provided; to repeal section 23-09.3-03 of the North Dakota Century Code, relating to choice of pharmacy services; 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 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

Reengrossed HB 1109, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1349, as engrossed: SEN. KROEPLIN (Appropriations Committee) MOVED that the amendments on SJ page 1104 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1349: A BILL for an Act to amend and reenact section 4-37-02 of the North Dakota Century Code, relating to the agriculture in the classroom council; and to provide an 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 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.; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Mutch

Engrossed HB 1349, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1441, as reengrossed: SEN. SOLBERG (Appropriations Committee) MOVED that the amendments on SJ pages 1106-1107 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. T. MATHERN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed HB 1441, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Reengrossed HB 1441, the roll was called and there were 31 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Espegard; Fischer; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krauter; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Nothing; Polovitz; Schobinger; Solberg; Stenehjerm; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; Christenson; Erbele; Every; Flakoll; Heitkamp; Kelsh; Krebsbach; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Robinson; Tallackson; Tomac

The motion to adopt the amendments to Reengrossed HB 1441 passed.

REQUEST

SEN. KRAUTER REQUESTED that the record reflect he intended to vote NAY on the amendments to HB 1441, which request was granted.

REQUEST

SEN. POLOVITZ REQUESTED that the record reflect he intended to vote NAY on the amendments to HB 1441, which request was granted.

SECOND READING OF HOUSE BILL

HB 1441: A BILL for an Act to provide for a legislative council study relating to the children's health insurance program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, T.; Mutch; Nelson, G.; Nothing; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

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

Reengrossed HB 1441, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that HB 1395, which is on the Sixth order, be laid over one legislative day, and HB 1301, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1006, as engrossed: SEN. KRINGSTAD (Appropriations Committee) MOVED that the amendments on SJ page 1101 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner and for payment of state reimbursement under the homestead tax credit; to provide for allocations to the multistate tax compact fund; and

to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the salary of the state tax commissioner.

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; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; Christenson; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; O'Connell; Polovitz; Tomac

Engrossed HB 1006, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1249: SEN. BOWMAN (Appropriations Committee) MOVED that the amendments on SJ pages 1103-1104 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1249: A BILL for an Act to provide an appropriation to the state board of animal health for the purpose of defraying the expenses associated with the control of John's disease in North Dakota.

ROLL CALL

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

HB 1249, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1217, as engrossed: SEN. WARDNER (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 1102-1103 be adopted and then be placed on the Fourteenth order **WITHOUT RECOMMENDATION**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1217: A BILL for an Act to amend and reenact subsection 3 of section 54-52-01, sections 54-52.6-01, 54-52.6-02, 54-52.6-03, 54-52.6-06, subsection 2 of section 54-52.6-09, and section 54-52.6-14 of the North Dakota Century Code, relating to eligibility to participate in and payment of administrative expenses of the defined contribution retirement plan and disability benefits under the defined contribution retirement plan; to authorize the borrowing of funds; to provide an appropriation; 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 16 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Freborg; Kilzer; Klein; Krebsbach; Lee; Nelson, G.; Nething; Solberg; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; Christenson; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Krauter; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath

Engrossed HB 1217, as amended, lost.

CONSIDERATION OF AMENDMENTS

HB 1442, as engrossed: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ pages 1107-1108 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. KROEPLIN REQUESTED that the Senate divide the amendments to Engrossed HB 1442, which request was granted.

DIVISION A: All of the proposed amendments up to the line beginning with the words "Page 3, line 13".

DIVISION B: The remainder of the proposed amendments, beginning with the words "Page 3, line 13".

The question being on the adoption of Division A of the proposed amendments to Engrossed HB 1442, the motion passed on a voice vote.

Division A of the proposed amendments to Engrossed HB 1442 was adopted.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on Division B of the proposed amendments to Engrossed HB 1442, which request was granted.

ROLL CALL

The question being on the adoption of Division B of the proposed amendments to Engrossed HB 1442, the roll was called and there were 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Dever; Erbele; Espesgaard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Mutch; Nelson, G.; Nething; Schobinger; Solberg; Stenehjelm; Thane; Tollefson; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; Bowman; Christenson; Every; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Tomac; Trenbeath

Division B of the proposed amendments to Engrossed HB 1442 was adopted.

The question being on the adoption of the proposed amendments to HB 1442, consisting of Division A and Division B, the proposed amendments were adopted on a voice vote. HB 1442, as amended, was placed on the Fourteenth order for immediate second reading and final passage.

SECOND READING OF HOUSE BILL

HB 1442: A BILL for an Act relating to the sampling of genetically modified crops.

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; Espesgaard; 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; Stenehjelm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1442, as amended, passed and the title was agreed to.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of a concurrent resolution for the amendment of section 8 of article VII of the Constitution of North Dakota, relating to the residency of a candidate for county elective office and to permit the legislative assembly to provide for the election of a county elective officer, other than the sheriff, to serve in more than one county.

The resolution will be SCR 4052.

MOTION

SEN. CHRISTMANN MOVED that SB 2177, SB 2328, SB 2345, HB 1435, HB 1455, and HB 1468 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2177 as printed on SJ page 944 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 2177: Sens. Wanzek, Flakoll, Christenson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do not concur in the House amendments to Engrossed SB 2328 as printed on SJ pages 1074-1076 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 2328: Sens. Wardner, Christmann, Nichols.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FISCHER MOVED that the Senate do not concur in the House amendments to SB 2345 as printed on SJ pages 1004-1005 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2345: Sens. Christmann, Tollefson, Kelsh.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KREBSBACH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1435, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1435: Sens. Krebsbach, Dever, T. Mathern.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TRAYNOR 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 1455, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1455: Sens. Trenbeath, Traynor, Watne.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. FISCHER 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 1468, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1468: Sens. Traynor, Tollefson, Kelsh.

MOTION

SEN. CHRISTMANN MOVED that Senator Tollefson replace Senator Freborg on the conference committee on HB 1269, which motion prevailed.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2114, SB 2117, SB 2121, SB 2144, SB 2223, SB 2359, SB 2370, SB 2371, SB 2420, SB 2443, SB 2444, SB 2446.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1006, HB 1109, HB 1249, HB 1349, HB 1441.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1442.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1026.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1022, HB 1217.

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

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

HB 1435: Sens. Krebsbach; Dever; T. Mathern

HB 1455: Sens. Trenbeath; Traynor; Watne

HB 1468: Sens. Traynor; Tollefson; Kelsh

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2177, SB 2328, and SB 2345 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2177: Sens. Wanzek; Flakoll; Christenson

SB 2328: Sens. Wardner; Christmann; Nichols

SB 2345: Sens. Christmann; Tollefson; Kelsh

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

MR. SPEAKER: The President has appointed Sen. Tollefson to replace Sen. Freborg on the Conference Committee on HB 1269.

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 1011, HB 1016, HB 1017, HB 1018, HB 1021, HB 1115, HB 1233, HB 1251, HB 1358, HB 1371, HB 1377, HB 1426, HB 1456, HCR 3027, HCR 3039, HCR 3048.

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

MR. PRESIDENT: The Speaker has signed: SB 2216, SCR 4006.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2007, SB 2017.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2007

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

Page 1, line 3, after "home" insert "; to provide for a report to the legislative assembly; and to provide for a legislative council study"

Page 1, line 13, replace "6,876,243" with "6,861,243"

Page 1, line 14, replace "2,142,631" with "2,137,631"

Page 1, line 15, replace "93,675" with "88,675"

Page 1, line 17, replace "9,457,009" with "9,432,009"

Page 1, line 18, replace "6,104,935" with "6,099,935"

Page 1, line 19, replace "3,352,074" with "3,332,074"

Page 2, line 1, replace "3,845,604" with "3,825,604"

Page 2, line 2, replace "6,125,724" with "6,120,724"

Page 2, line 3, replace "9,971,328" with "9,946,328"

Page 2, line 8, after the period insert "The performance audit may include a review of the contractual arrangements for physician services at the veterans' home. The results of the performance audit must be presented to the appropriations committees during the agency's budget presentation during the fifty-eighth legislative assembly."

SECTION 3. LEGISLATIVE COUNCIL STUDY - VETERANS' HOME MANAGEMENT STRUCTURE AND OVERSIGHT. The legislative council shall consider studying during the 2001-02 interim the management structure and oversight of the veterans' home and the selection process for the commandant or administrator of the home. The study, if conducted, may review the timing of expenditures by the veterans' home from the general fund.

SECTION 4. VETERANS' POSTWAR TRUST FUND - REPORT. The department of veterans' affairs shall report on the use of moneys in the veterans' postwar trust fund to the appropriations committees of the fifty-eighth legislative assembly. The report must be presented during the agency's budget presentation."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2007 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Veterans' Home				
Total all funds	\$9,289,806	\$9,457,009	(\$25,000)	\$9,432,009
Less estimated income	<u>5,824,935</u>	<u>6,104,935</u>	<u>(5,000)</u>	<u>6,099,935</u>
General fund	\$3,464,871	\$3,352,074	(\$20,000)	\$3,332,074
Department of Veterans' Affairs				
Total all funds	\$516,980	\$514,319	\$0	\$514,319
Less estimated income	<u>20,789</u>	<u>20,789</u>		<u>20,789</u>
General fund	\$496,191	\$493,530	\$0	\$493,530
Bill Total				
Total all funds	\$9,806,786	\$9,971,328	(\$25,000)	\$9,946,328
Less estimated income	<u>5,845,724</u>	<u>6,125,724</u>	<u>(5,000)</u>	<u>6,120,724</u>
General fund	\$3,961,062	\$3,845,604	(\$20,000)	\$3,825,604

Senate Bill No. 2007 - Veterans' Home - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$6,709,040	\$6,876,243	(\$15,000)	\$6,861,243
Operating expenses	2,142,631	2,142,631	(5,000)	2,137,631
Equipment	93,675	93,675	(5,000)	88,675
Capital improvements	<u>344,460</u>	<u>344,460</u>		<u>344,460</u>
Total all funds	\$9,289,806	\$9,457,009	(\$25,000)	\$9,432,009
Less estimated income	<u>5,824,935</u>	<u>6,104,935</u>	<u>(5,000)</u>	<u>6,099,935</u>
General fund	\$3,464,871	\$3,352,074	(\$20,000)	\$3,332,074
FTE	87.01	87.01	0.00	87.01

Dept. 313 - Veterans' Home - Detail of House Changes

	REMOVE FUNDING FOR TEMPORARY WAGES AND OVERTIME	REMOVE FUNDING FROM OPERATING	REMOVE FUNDING FROM EQUIPMENT	TOTAL HOUSE CHANGES
Salaries and wages	(\$15,000)			(\$15,000)
Operating expenses		(\$5,000)		(5,000)
Equipment			(\$5,000)	(5,000)
Capital improvements				
Total all funds	(\$15,000)	(\$5,000)	(\$5,000)	(\$25,000)
Less estimated income			<u>(5,000)</u>	<u>(5,000)</u>
General fund	(\$15,000)	(\$5,000)	\$0	(\$20,000)
FTE	0.00	0.00	0.00	0.00

Senate Bill No. 2007 - Veterans' Home - House Action

A section is added for the Legislative Council to study the management structure and oversight of the Veterans' Home.

Language is added to include a review of the contractual arrangements for physician services at the Veterans' Home as part of the performance audit.

The amendment requires the Veterans' Home to report the results from the performance audit during the agency's budget presentation for the Fifty-eighth Legislative Assembly.

Senate Bill No. 2007 - Department of Veterans' Affairs - House Action

A section is added requiring the Department of Veterans' Affairs to report on the uses of the veterans' postwar trust fund to the Appropriations Committees of the Fifty-eighth Legislative Assembly as part of the agency's budget presentation.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2017

Page 1, line 3, after "reenact" insert "subdivision a of subsection 3 of section 52-04-05 and"

Page 1, line 4, after "to" insert "unemployment compensation employer rates,"

Page 1, line 5, after the first "fund" insert a comma

Page 1, line 6, remove "and" and after "appropriation" insert "; to provide for retroactive application; and to declare an emergency"

Page 1, line 18, replace "2,250,356" with "2,000,356"

Page 1, line 19, replace "58,560,160" with "58,310,160"

Page 1, line 21, replace "2,250,356" with "2,000,356"

Page 2, line 2, replace "\$2,250,356" with "\$2,000,356"

Page 2, after line 5, insert:

"SECTION 4. AMENDMENT. Subdivision a of subsection 3 of section 52-04-05 of the North Dakota Century Code as amended in section 1 of House Bill No. 1471, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

3. a. Except as otherwise provided in this subsection, an employer's rate may not be less than the negative employer minimum rate for a calendar year unless the employer's account has been chargeable with benefits throughout the thirty-six-consecutive-calendar-month period ending on September thirtieth of the preceding calendar year. If an employer in construction services has not been subject to the law as required, that employer qualifies for a reduced rate if the account has been chargeable with benefits throughout the twenty-four-consecutive-calendar-month period ending September thirtieth of the preceding calendar year. If an employer in nonconstruction services has not been subject to the law as required, the employer in nonconstruction services qualifies for a reduced rate if the account has been chargeable with benefits throughout the twelve-consecutive-calendar-month period ending September thirtieth of the preceding calendar year. During the building of the trust fund reserve, the rate assigned to an employer may not exceed one hundred thirty percent of the previous year's rate for that employer and an employer may not receive more than a ten percent decrease in that employer's rate from the previous year's rate, for the calendar years 2000, 2001, and 2002. However, this rate limitation provision for calendar years 2000, 2001, and 2002 does not apply to an experience-rated employer that was a new employer the previous year, a negative employer that was a positive employer the previous year, a positive employer that was a negative employer the previous year, an employer that has failed to file a report, a new employer, and an employer that chose to make payments in lieu of contributions. ~~During the building of the trust fund reserve for calendar~~

~~years 2000, 2001, and 2002, a negative employer that was a negative employer the previous year may not make excess contributions under subsection 4 of section 52-04-06 to become a positive employer.~~ The executive director may provide any negative employer whose contributions paid into the trust fund are greater than the benefit charges against that employer's account, for a minimum of three consecutive years immediately preceding the computation date or subject to the law as required, with up to a thirty percent reduction to that employer's rate for any year if that employer has in place a plan approved by the bureau which addresses substantive changes to that employer's business operation and ensures that any rate reduction provided will not put the employer account back into a negative status."

Page 3, line 19, after "appropriated" insert "on a continuing basis"

Page 4, after line 2, insert:

"SECTION 8. RETROACTIVE APPLICATION. Section 4 of this Act is retroactive in application to January 1, 2000.

SECTION 9. EMERGENCY. Section 4 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2017 - Job Service North Dakota - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$33,830,614	\$33,830,614		\$33,830,614
Operating expenses	13,420,143	13,420,143		13,420,143
Equipment	786,830	786,830		786,830
Capital improvements	453,545	453,545		453,545
Grants	7,818,672	7,818,672		7,818,672
Work Force 2000	<u>2,000,356</u>	<u>2,250,356</u>	<u>(\$250,000)</u>	<u>2,000,356</u>
Total all funds	\$58,310,160	\$58,560,160	(\$250,000)	\$58,310,160
Less estimated income	<u>56,309,804</u>	<u>56,309,804</u>		<u>56,309,804</u>
General fund	\$2,000,356	\$2,250,356	(\$250,000)	\$2,000,356
FTE	389.78	389.78	0.00	389.78

Dept. 380 - Job Service North Dakota - Detail of House Changes

	DECREASE FUNDING FOR WORK FORCE 2000 ¹	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Capital improvements		
Grants		
Work Force 2000	<u>(\$250,000)</u>	<u>(\$250,000)</u>
Total all funds	<u>(\$250,000)</u>	<u>(\$250,000)</u>
Less estimated income		
General fund	<u>(\$250,000)</u>	<u>(\$250,000)</u>
FTE	0.00	0.00

¹ This amendment decreases funding for Work Force 2000 by \$250,000, from \$2,250,356, which represents the level of funding recommended in the Hoeven executive budget to \$2,000,356, which is the level of funding recommended in the Schafer executive budget. The proposed level of funding for Work Force 2000 for the 2001-03 biennium of \$2,000,356 represents an increase in funding from the general fund of \$750,356 from the 1999-2001 biennium level.

This amendment also amends subdivision a of subsection 3 of section 52-04-05 of the North Dakota Century Code as amended in Section 1 of House Bill No. 1471 to remove language relating to employer contributions.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2287.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2287

Page 1, line 16, replace "two" with "one"

Renumber accordingly

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 1400.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2097, SB 2102, SB 2116, SB 2197, SB 2384.

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

MR. PRESIDENT: The House has adopted the conference committee reports on SB 2187 and SB 2226.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, Seventh, and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Wednesday, April 4, 2001, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1005, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1005 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "642,551" with "558,166"

Page 1, line 14, replace "2,000" with "2,000"

Page 1, after line 14, insert:

"In lieu of tax payments

1,932,419"

Page 1, line 15, replace "750,587" with "2,598,621"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**House Bill No. 1005 - State Treasurer - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$651,142	\$642,551	(\$84,385)	\$558,166
Operating expenses	106,036	106,036		106,036
Equipment	2,000	2,000		2,000
In lieu of tax payment			<u>1,932,419</u>	<u>1,932,419</u>
Total all funds	\$759,178	\$750,587	\$1,848,034	\$2,598,621
Less estimated income				
General fund	\$759,178	\$750,587	\$1,848,034	\$2,598,621
FTE	7.00	7.00	(1.00)	6.00

Dept. 120 - State Treasurer - Detail of Senate Changes

	REDUCE ONE ADMINISTRATIVE CLERK POSITION	REDUCE FUNDING FOR DEPUTY TREASURER POSITION 1	PAYMENTS TO COUNTIES IN LIEU OF PROPERTY TAXES 2	TOTAL SENATE CHANGES
Salaries and wages	(\$56,672)	(\$27,713)		(\$84,385)
Operating expenses				
Equipment				
In lieu of tax payment			<u>\$1,932,419</u>	<u>1,932,419</u>
Total all funds	(\$56,672)	(\$27,713)	\$1,932,419	\$1,848,034
Less estimated income				

General fund	(\$56,672)	(\$27,713)	\$1,932,419	\$1,848,034
FTE	(1.00)	0.00	0.00	(1.00)

¹ Reduces the salary of the Deputy Treasurer by 20 percent.

² To provide an appropriation in accordance with North Dakota Century Code Section 57-06-17.2 relating to payments to counties in lieu of property taxes on carbon dioxide pipeline property.

REPORT OF STANDING COMMITTEE

HB 1009, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1009 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "1,361,357" with "1,338,864"

Page 2, line 2, replace "11,192,073" with "11,169,580"

Page 2, line 4, replace "4,393,889" with "4,371,396"

Page 2, line 23, remove the overstrike over "~~(Effective through June 30,~~", after "**2001**" insert "2003", and remove the overstrike over "~~) Registration Fees.~~"

Page 2, remove the overstrike over lines 24 through 31

Page 3, remove the overstrike over lines 1 through 25

Page 3, line 26, remove the overstrike over "~~(Effective July 1,~~", after "**2001**" insert "2003", and remove the overstrike over the closing parenthesis

Page 4, line 1, remove "fifty"

Page 5, line 12, remove "during the biennium beginning July 1, 2001, and ending June 30, 2003"

Page 5, remove line 13

Page 5, line 14, remove "biennium beginning July 1, 2001, and ending June 30, 2003."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1009 - Department of Agriculture - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$3,519,782	\$3,513,495		\$3,513,495
Operating expenses	1,361,357	1,361,357	(\$22,493)	1,338,864
Equipment	30,400	30,400		30,400
Grants	161,700	161,700		161,700
Board of Animal Health	538,614	538,614		538,614
Ag mediation	1,075,808	1,075,808		1,075,808
Ag in the classroom	96,000	96,000		96,000
State meat inspection	711,964	631,750		631,750
Waterbank program	900,000	900,000		900,000
Pride of Dakota	157,050	157,050		157,050
Wildlife services	779,694	779,694		779,694
Safe Send	599,369	599,369		599,369
Noxious weeds	<u>1,346,836</u>	<u>1,346,836</u>		<u>1,346,836</u>
Total all funds	\$11,278,574	\$11,192,073	(\$22,493)	\$11,169,580
Less estimated income	<u>6,638,291</u>	<u>6,798,184</u>		<u>6,798,184</u>
General fund	\$4,640,283	\$4,393,889	(\$22,493)	\$4,371,396
FTE	55.50	55.50	0.00	55.50

Dept. 602 - Department of Agriculture - Detail of Senate Changes

	REDUCE OPERATING ¹	TOTAL SENATE CHANGES
Salaries and wages		
Operating expenses	(\$22,493)	(\$22,493)
Equipment		

Grants
Board of Animal Health
Ag mediation
Ag in the classroom
State meat inspection
Waterbank program
Pride of Dakota
Wildlife services
Safe Send
Noxious weeds

Total all funds	(\$22,493)	(\$22,493)
Less estimated income		
General fund	(\$22,493)	(\$22,493)
FTE	0.00	0.00

¹ Adjustment to reflect increases in travel authorized in the executive recommendation. Reduces the \$72,493 increase in travel for administration to \$50,000.

The amendment extends the sunset clause on the \$350 pesticide product registration fee until June 30, 2003. The product registration fee will revert to \$300 for each product registered after June 30, 2003. The amendment removes the requirement for the Department of Agriculture to generate \$100,000 revenues from collections of pesticides under Project Safe Send. It does maintain the requirement of establishing a fee schedule for the collection of select chemicals.

REPORT OF STANDING COMMITTEE

HB 1200, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1200 was placed on the Sixth order on the calendar.

Page 1, line 19, after "**APPROPRIATION**" insert "- **REFUND FUND TRANSFER**"

Page 1, line 20, replace "general fund" with "attorney general refund fund from lawsuit settlement collections" and replace "\$320,000" with "\$260,000"

Page 1, line 21, after the comma insert "and \$60,000 from other funds,"

Page 1, line 24, replace "general fund" with "attorney general refund fund from lawsuit settlement collections"

Page 2, line 3, after the period insert "The funds appropriated from the attorney general refund fund must be transferred to the agriculture research and extension operating fund as requested by the state board of agriculture research and education."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1200 - Branch Research Centers - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
North Central Research Center		\$320,000		\$320,000
Williston Research Center		<u>85,000</u>		<u>85,000</u>
Total all funds	\$0	\$405,000	\$0	\$405,000
Less estimated income		<u>24,000</u>	<u>381,000</u>	<u>405,000</u>
General fund	\$0	\$381,000	(\$381,000)	\$0
FTE	0.00	0.00	0.00	0.00

Dept. 628 - Branch Research Centers - Detail of Senate Changes

	CHANGE FUNDING SOURCE ¹	TOTAL SENATE CHANGES
North Central Research Center		
Williston Research Center		
Total all funds	\$0	\$0
Less estimated income	<u>381,000</u>	<u>381,000</u>
General fund	(\$381,000)	(\$381,000)
FTE	0.00	0.00

¹ This amendment changes the funding source for the purchase of land at the North Central Research Extension Center from a general fund appropriation of \$320,000 to \$260,000 from the Attorney General refund fund from lawsuit settlement collections and \$60,000 from other funds and the funding source for the purchase of land at the Williston Research Extension Center from a general fund appropriation of \$61,000 to \$61,000 from the Attorney General refund fund from lawsuit settlement collections and \$24,000 from other funds.

REPORT OF STANDING COMMITTEE

HB 1208, as reengrossed and amended: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1208, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments to Reengrossed House Bill No. 1208 adopted by the Senate as printed on page 742 of the Senate Journal, Reengrossed House Bill No. 1208 is amended as follows:

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

Page 1, line 13, overstrike "and" and insert immediately thereafter "or"

Page 1, line 15, replace "Upon certification by the department that federal funds" with "The"

Page 1, remove line 16

Page 1, line 17, replace "for" with "of" and replace "violation" with "offense"

Page 1, line 20, replace "and" with "or"

Page 1, line 23, overstrike "and" and insert immediately thereafter "or"

Page 2, line 1, overstrike "and" and insert immediately thereafter "or"

Page 2, line 3, overstrike the first "and" and insert immediately thereafter "or"

Page 2, after line 7, insert:

"SECTION 2. GRANT APPLICATION - IMPLEMENTATION. The governor shall apply for grant funds available under the federal DNA Analysis Backlog Elimination Act of 2000 [Pub. L. 106-546; 114 Stat. 2726] and certify the offenses in section 31-13-03 as qualifying offenses. The department of corrections and rehabilitation and the forensic science division of the state department of health shall limit the implementation of this Act to stay within funds provided by legislative appropriation and from any other public or private source.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2004, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1310, as reengrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed HB 1310 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1328, as reengrossed and amended: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1328, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 947-949 of the Senate Journal, Reengrossed House Bill No. 1328 is 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 4-35 of the North Dakota Century Code, relating to creation of a crop protection product harmonization and registration board; to amend and reenact sections 4-35-06.2 and 4-35-06.3 of the North Dakota Century Code, relating to funds received for expenses paid relating to the registration of pesticides and the minor use pesticide fund; to repeal section 11 of chapter 31 of the 1999 Session Laws, relating to the crop harmonization committee; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 4-35-06.2 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-35-06.2. ~~Commissioner of agriculture - Pesticide control~~ Crop protection product harmonization and registration board - Recovery of funds. ~~The commissioner of agriculture~~ crop protection product harmonization and registration board may accept, on behalf of the ~~pesticide control board~~, funds received for expenses paid by the ~~pesticide control board~~ relating to the registration of pesticides or donations offered to or for the benefit of the ~~pesticide control board~~. All moneys received under this section must be deposited in the minor use pesticide fund to pay expenses relating to the registration of pesticides or for the specific purpose for which they are given. The ~~pesticide control board~~ shall attempt, whenever possible, to recover funds expended relating to the registration of pesticides and shall adopt rules to administer ~~provisions of~~ this section.

SECTION 2. AMENDMENT. Section 4-35-06.3 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-35-06.3. Minor use pesticide fund - Continuing appropriation. The minor use pesticide fund is created as a special fund in the state treasury. All moneys in the fund are appropriated on a continuing basis to the ~~pesticide control~~ crop protection product harmonization and registration board for the purpose of conducting or commissioning studies, investigations, and evaluations regarding the registration and use of pesticides for minor crops, minor uses, and other uses as determined by the board.

SECTION 3. A new section to chapter 4-35 of the North Dakota Century Code is created and enacted as follows:

Crop protection product harmonization and registration board - Duties - Grants.

1. The crop protection product harmonization and registration board consists of the governor or the governor's designee, the agriculture commissioner, the chairman of the house agriculture committee, the chairman of the senate agriculture committee, one crop protection product manufacturing industry representative appointed by the chairman of the legislative council, and two consumers of crop protection products appointed by the governor. The governor or the governor's designee shall serve as chairman of the board. The board shall:
 - a. Identify and prioritize crop protection product labeling needs;
 - b. Explore the extent of authority given to this state under the federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136a];
 - c. Identify the data necessary to enable registration of a use to occur in a timely manner;
 - d. Determine what research, if any, is necessary to fulfill data requirements for activities listed in this section;
 - e. Request the agriculture commissioner to pursue specific research funding options from public and private sources;
 - f. Request the North Dakota state university agricultural experiment station to pursue specific research to coordinate registration efforts; and
 - g. Pursue any opportunities to make more crop protection product options available to agricultural producers in this state through any means the board determines advisable.
2. The board may contract with a consultant to conduct studies or provide research or information regarding crop protection product registration and labeling needs.

3. The board may administer a grant program through which agriculture commodity groups established under this title may apply for funds to be used by the groups to address issues related to the registration of crop protection products. To be eligible for receipt of a grant, an applicant must submit an application to the board which requests a specific amount of funds, specifies the exact purposes for which the grant would be used, and provides a detailed timetable for the use of the grant funds. The board may impose any additional conditions it determines appropriate for grant recipients, including requiring periodic reports and furnishing of matching funds. The board may terminate funding of a previously approved grant at any time if the board is dissatisfied with the performance of the grant recipient.
4. The board may use not more than fifteen percent of the funds under its supervision for administrative purposes, including the cost of contracting for administrative services and reimbursement of board member expenses. The members of the board who are members of the legislative assembly are entitled to compensation from the legislative council for attendance at board meetings at the rate provided for members of the legislative assembly for attendance at interim committee meetings and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.
5. The board may adopt rules to implement this section.

SECTION 4. REPEAL. Section 11 of chapter 31 of the 1999 Session Laws is repealed.

SECTION 5. APPROPRIATION. There is appropriated out of any moneys in the environment and rangeland protection fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, and from special funds derived from grants or donation income, the sum of \$200,000, or so much of the sum as may be necessary, to the crop protection product harmonization and registration board for the purposes of addressing crop protection product registration and labeling needs and providing grants as provided in section 3 of this Act, for the biennium beginning July 1, 2001, and ending June 30, 2003."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

SENATE - This amendment reduces the total appropriation for the Crop Harmonization Committee by \$75,000 from \$525,000 to \$450,000 by reducing the appropriation from the environment and rangeland protection fund by \$75,000 from \$325,000 to \$250,000.

REPORT OF STANDING COMMITTEE

HB 1460, as engrossed and amended: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1460, as amended, was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the Senate as printed on page 890 of the Senate Journal, Engrossed House Bill No. 1460 is further amended as follows:

Page 2, line 14, after the comma insert "an initial limit of"

Page 2, line 15, after "this" insert "initial", replace "two" with "one", and remove "five hundred"

Page 2, line 16, remove "thousand", replace "to" with "for investments in", and after "organizations" insert "for taxable years beginning after December 31, 2000,"

Page 2, line 17, replace "investment in renaissance zones in which" with "investments permitted under this chapter if", replace "fifty" with "sixty-five", and replace "each qualifying" with "the"

Page 2, line 18, remove "available for that renaissance zone" and after "invested" insert "as permitted under this chapter or the organization is established after the exhaustion of the initial limit. Upon exhaustion of the initial limit, an additional one million five hundred thousand dollars in credits is available for investments in renaissance fund organizations for taxable years beginning after December 31, 2002, for investments"

permitted under this chapter if more than sixty-five percent of the qualifying organization's funds have been invested as permitted under this chapter or the organization is established after the exhaustion of initial limit"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3046: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3046 was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Council to study issues relating to genetic modification, including impacts on health, the food supply, and the future, and actions by other jurisdictions relating to experimental medicine, product labeling, and promulgation of accurate information regarding genetic modification efforts that exist or are expected to exist in the near future.

WHEREAS, through genetic modification, scientists are exploring the possibility of eliminating genetic diseases such as Alzheimer's, diabetes, and cancer; and

WHEREAS, through genetic modification, scientists are exploring the possibility of removing undesirable traits such as alcoholism, schizophrenia, and drug abuse; and

WHEREAS, through genetic modification, scientists are exploring the possibility of producing artificial hormones and producing substances such as vitamins, antibiotics, and other drugs; and

WHEREAS, through genetic modification, food can be produced with less need for chemicals such as insecticides; and

WHEREAS, with respect to genetically modified food and with respect to genetic modification in medicine, monitoring and proactive research is needed to determine the short-term and long-term benefits and detriments of such efforts; and

WHEREAS, the issue of genetic modification must be viewed with a willingness to explore the gamut of opportunities that modern science has made available;

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

That the Legislative Council study issues relating to genetic modification, including impacts on health, the food supply, and the future, and actions by other jurisdictions relating to experimental medicine, product labeling, and promulgation of accurate information regarding genetic modification efforts that exist or are expected to exist in the near future; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-eighth Legislative Assembly."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2265, as engrossed: Your conference committee (Sens. Trenbeath, Lyson, C. Nelson and Reps. Kretschmar, Mahoney, Brekke) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 854, adopt amendments as follows, and place SB 2265 on the Seventh order:

That the House recede from its amendments as printed on page 854 of the Senate Journal and page 913 of the House Journal and that Engrossed Senate Bill No. 2265 be amended as follows:

Page 1, line 19, remove the overstrike over "~~the lesser of~~", after "~~one~~" insert "two", and remove the overstrike over "~~hundred dollars or~~"

Page 1, line 20, remove "up to"

Page 2, line 6, remove the overstrike over "~~the lesser of~~", after "~~one~~" insert "two", remove the overstrike over "~~hundred dollars or~~", and remove "up to"

Renumber accordingly

Engrossed SB 2265 was placed on the Seventh order of business on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Krauter, G. Nelson introduced:

(Approved by the Delayed Bills Committee)

SCR 4052: A concurrent resolution for the amendment of section 8 of article VII of the Constitution of North Dakota, relating to the residency of a candidate for county elective office and to permit the legislative assembly to provide for the election of a county elective officer, other than the sheriff, to serve in more than one county.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

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

WILLIAM R. HORTON, Secretary

