

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, April 6, 2001

The Senate convened at 8:30 a.m., with President Dalrymple presiding.

The prayer was offered by Pastor Bob Weiss, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present except Senators Holmberg, Lee, and Tallackson.

A quorum was declared by the President.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. KILZER MOVED** that the conference committee report on SB 2082 as printed on SJ pages 1185-1186 be adopted, which motion prevailed on a voice vote.

SB 2082, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2082:** A BILL for an Act to create and enact a new subsection to section 54-52-17.4 of the North Dakota Century Code, relating to purchase of service credit under the public employees retirement system; to amend and reenact subsection 11 of section 54-52-04, subsection 4 of section 54-52-17, subsection 6 of section 54-52-17, subsection 4 of section 54-52-17.4, and sections 54-52-17.5, 54-52-17.10, 54-52-26, 54-52.2-03, and 54-52.2-04 of the North Dakota Century Code, relating to funding of administrative expenses of the deferred compensation plan, computation of benefits, determination of normal retirement date, beneficiary designations, cost of credit purchases, postretirement adjustments, prior service retiree adjustments, confidentiality of records, and deferred compensation under the public employees retirement system; to repeal section 54-52-17.9 of the North Dakota Century Code, relating to prior service retiree adjustments under the public employees retirement system; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Engrossed SB 2082 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. TRAYNOR MOVED** that the conference committee report on Engrossed SB 2034 as printed on SJ page 1185 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2034, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2034:** A BILL for an Act to create and enact three new sections to chapter 25-03.3 of the North Dakota Century Code, relating to the referral of inmates for civil commitment and rulemaking; and to amend and reenact sections 25-03.3-01, 25-03.3-02, 25-03.3-03, 25-03.3-07, 25-03.3-08, subsection 2 of section 25-03.3-09, sections 25-03.3-10, 25-03.3-11, 25-03.3-12, 25-03.3-13, subsection 1 of section 25-03.3-17, subsection 1 of section 25-03.3-18, and section 25-03.3-19 of the North Dakota Century Code, relating to the civil commitment of sexual predators.

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

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Reengrossed SB 2034 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. FISCHER MOVED** that the conference committee report on Engrossed SB 2095 as printed on SJ page 1214 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2095, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2095:** A BILL for an Act to amend and reenact subsection 1 of section 50-29-02 of the North Dakota Century Code, relating to implementation of the income provisions of the children's health insurance program by the department of human services.

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

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Reengrossed SB 2095 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. DEVER MOVED** that the conference committee report on Engrossed SB 2118 as printed on SJ page 1186 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2118, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2118:** A BILL for an Act to amend and reenact subsection 9 of section 12.1-32-02 of the North Dakota Century Code, relating to sentencing alternatives.

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

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Reengrossed SB 2118 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. TRAYNOR MOVED** that the conference committee report on SB 2201 as printed on SJ page 1087 be adopted, which motion prevailed on a voice vote.

SB 2201, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2201:** A BILL for an Act to provide for the removal of a future interest and a covenant from deeds transferring land from this state to the Devils Lake public school district No. 1.

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

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Engrossed SB 2201 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. TRENBEATH MOVED** that the conference committee report on Engrossed SB 2265 as printed on SJ pages 1134-1135 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2265, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2265:** A BILL for an Act to amend and reenact subsection 2 of section 6-08-16 and subsection 4 of section 6-08-16.2 of the North Dakota Century Code, relating to the civil penalty for issuing a bad check or draft.

**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, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Kroeplin

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Reengrossed SB 2265 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. TRENBEATH MOVED** that the conference committee report on Engrossed SB 2365 as printed on SJ page 1109 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2365, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2365:** A BILL for an Act to create and enact two new sections to chapter 25-13 of the North Dakota Century Code, relating to assistance dogs; to amend and reenact sections 25-13-02, 25-13-03, 25-13-04, 39-10-33.3, and subsection 22 of section 40-05-02 of the North Dakota Century Code, relating to the rights of individuals

with disabilities who are accompanied by assistance dogs and the licensing of assistance dogs; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Reengrossed SB 2365 passed and the title was agreed to.

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#### MOTION

**SEN. CHRISTMANN MOVED** that Senator Flakoll replace Senator Freborg on the Conference Committee on SB 2166, which motion prevailed.

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

**MR. SPEAKER:** The Senate has adopted the conference committee reports and subsequently passed: SB 2034, SB 2082, SB 2095, SB 2118, SB 2201, SB 2265, and SB 2365.

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

**MR. SPEAKER:** The President has appointed Sen. Flakoll to replace Sen. Freborg on the Conference Committee on SB 2166.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for filing on April 6, 2001: SCR 4006.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 6, 2001: SB 2027, SB 2045, SB 2053, SB 2058, SB 2105, SB 2120, SB 2127, SB 2135, SB 2142, SB 2182, SB 2192, SB 2195, SB 2205, SB 2208, SB 2210, SB 2216, SB 2246, SB 2257, SB 2273, SB 2281, SB 2289, SB 2299, SB 2307, SB 2309, SB 2318, SB 2386, SB 2407.

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed.

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

#### 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 Sixtieth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1214, line 8, replace "Thursday, April 5" with "Friday, April 6"

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

#### CONSIDERATION OF AMENDMENTS

**HB 1395, as engrossed: SEN. ERBELE (Human Services Committee) MOVED** that the amendments on SJ pages 1104-1106 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1395:** A BILL for an Act to create and enact two new sections to chapter 25-13 of the North Dakota Century Code, relating to assistance dogs; to amend and reenact sections 25-13-02, 25-13-03, 25-13-04, 39-10-33.3, and subsection 22 of section 40-05-02 of the North Dakota Century Code, relating to the rights of individuals

with disabilities who are accompanied by assistance dogs and the licensing of assistance dogs; 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 3 YEAS, 43 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Kelsh; O'Connell; Tomac

**NAYS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjelm; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Engrossed HB 1395, as amended, lost.

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#### CONSIDERATION OF AMENDMENTS

**HB 1399, as engrossed: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 1182-1185 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1399:** A BILL for an Act to amend and reenact sections 57-38-30.3 and 57-38-31.1 of the North Dakota Century Code, relating to determination of income tax liability on the short-form state income tax return and the filing of composite returns; to repeal section 57-38-34.1 of the North Dakota Century Code, relating to an optional card income tax return; and to provide an effective date.

#### MOTION

**SEN. NETHING MOVED** the previous question, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 16 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Engrossed HB 1399, as amended, passed and the title was agreed to.

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#### MOTION

**SEN. G. NELSON MOVED** that HB 1287, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

#### MOTION

**SEN. CHRISTMANN MOVED** that SB 2086, SB 2427 and HB 1457, which are on the Seventh order, be laid over one legislative day, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2389, as engrossed:** Your conference committee (Sens. Erbele, Klein, Kroeplin and Reps. Brandenburg, Kingsbury, Sandvig) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 986 and place SB 2389 on the Seventh order.

Engrossed SB 2389 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ERBELE MOVED** that the conference committee report on Engrossed SB 2389 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2389, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2389:** A BILL for an Act to amend and reenact section 4-10-06.1 of the North Dakota Century Code, relating to transfers of certified seed potatoes; 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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Reengrossed SB 2389 passed, the title was agreed to, and the emergency clause was declared carried.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2204, as engrossed:** Your conference committee (Sens. Erbele, Klein, Nichols and Reps. D. Johnson, Renner, Onstad) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 945 and place SB 2204 on the Seventh order.

Engrossed SB 2204 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ERBELE MOVED** that the conference committee report on Engrossed SB 2204 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2204, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2204:** A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to the establishment of a seed classification system; to amend and reenact section 4-09-13 and subsection 1 of section 4-09-14 of the North Dakota Century Code, relating to noxious weed seeds; and to provide an expiration 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Reengrossed SB 2204 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2345:** Your conference committee (Sens. Christmann, Tollefson, Kelsh and Reps. Nottestad, F. Klein, Hanson) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1004-1005 and place SB 2345 on the Seventh order.

SB 2345 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. CHRISTMANN MOVED** that the conference committee report on Engrossed SB 2345 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2345, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2345:** A BILL for an Act to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to hunting deer with muzzleloading firearms.

**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, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Fischer

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Engrossed SB 2345 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. WARDNER MOVED** that the conference committee report on Engrossed SCR 4020 as printed on SJ page 1186 be adopted, which motion prevailed on a voice vote.

Engrossed SCR 4020, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4020:** A concurrent resolution directing the Legislative Council to study state employee compensation and benefit levels.

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

Reengrossed SCR 4020 was declared adopted, and the title was agreed to on a voice vote.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. DEVER MOVED** that the conference committee report on Engrossed HB 1119 as printed on SJ page 1109 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1119, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1119:** A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to establishing a state employee performance bonus program; and to provide an expiration date.

**ROLL CALL**

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

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

**NAYS:** Polovitz

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Engrossed HB 1119, as amended, passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. STENEHJEM MOVED** that the conference committee report on Engrossed HB 1184 as printed on SJ pages 1109-1110 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1184, as amended, was placed on the Fourteenth order.

#### **SECOND READING OF HOUSE BILL**

**HB 1184:** A BILL for an Act to amend and reenact subsections 2 and 3 of section 39-04-36 of the North Dakota Century Code, relating to license fee credits; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Engrossed HB 1184, as amended, passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. LYSON MOVED** that the conference committee report on Engrossed HB 1267 as printed on SJ pages 1186-1187 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1267, as amended, was placed on the Fourteenth order.

#### **SECOND READING OF HOUSE BILL**

**HB 1267:** A BILL for an Act to create and enact two new sections to chapter 15.1-19 of the North Dakota Century Code, relating to records of a school law enforcement unit and retention of records; and to amend and reenact sections 27-20-51 and 27-20-52 of the North Dakota Century Code, relating to court and law enforcement records of a juvenile.

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

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Engrossed HB 1267, as amended, passed and the title was agreed to.

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#### **CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. STENEHJEM MOVED** that the conference committee report on HB 1245 as printed on SJ page 1186 be adopted, which motion prevailed on a voice vote.



**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1462, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1460, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Engrossed SB 2191 as printed on SJ page 1028, which motion prevailed on a voice vote.

Engrossed SB 2191, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2191:** A BILL for an Act to create and enact a new subsection to section 6-08.1-02 and a new section to chapter 6-08.1 of the North Dakota Century Code, relating to disclosure of financial information by financial institutions and notification of privacy policies; to amend and reenact section 6-08.1-01 of the North Dakota Century Code, relating to the definition of a customer and customer information; 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 34 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Freborg; Grindberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Nelson, C.; Nething; Nichols; Robinson; Solberg; Stenehjerm; Thane; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bowman; Flakoll; Heitkamp; Krauter; Mathern, T.; Mutch; Nelson, G.; O'Connell; Polovitz; Schobinger; Tollefson; Tomac

**ABSENT AND NOT VOTING:** Holmberg; Lee; Tallackson

Reengrossed SB 2191 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to Reengrossed SB 2033 as printed on SJ pages 1069-1070, which motion prevailed on a voice vote.

Reengrossed SB 2033, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2033:** A BILL for an Act to create and enact a new section to chapter 40-63 of the North Dakota Century Code, relating to renaissance zone tax benefit requirements; to amend and reenact sections 40-63-01, 40-63-02, 40-63-03, 40-63-04, 40-63-05, 40-63-06, 40-63-07, 40-63-09, and 40-63-10 of the North Dakota Century Code, relating to renaissance zones; to repeal section 40-63-08 of the North Dakota Century Code, relating to renaissance zone contribution use; and to provide for an application 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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Holmberg; Lee; Nething; Nichols; Tallackson

Reengrossed SB 2033 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FISCHER MOVED** that the Senate do concur in the House amendments to SB 2222 as printed on SJ page 987, which motion prevailed on a voice vote.

SB 2222, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2222:** A BILL for an Act to amend and reenact section 61-24.5-10 of the North Dakota Century Code, relating to the mill levy for the southwest water authority.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 25 YEAS, 20 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Espegard; Every; Fischer; Flakoll; Grindberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kroeplin; Lyson; Mutch; Nelson, C.; Nelson, G.; Polovitz; Schobinger; Traynor; Urlacher; Wardner; Watne

**NAYS:** Bercier; Cook; Dever; Erbele; Freborg; Heitkamp; Kringstad; Lindaas; Mathern, D.; Mathern, T.; Nichols; O'Connell; Robinson; Solberg; Stenehjem; Thane; Tollefson; Tomac; Trenbeath; Wanzek

**ABSENT AND NOT VOTING:** Holmberg; Lee; Nothing; Tallackson

Engrossed SB 2222 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2098, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do concur in the House amendments to Engrossed SB 2415 as printed on SJ pages 1201-1204, which motion prevailed on a voice vote.

Engrossed SB 2415, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2415:** A BILL for an Act to create and enact a new subsection to section 57-40.6-01 of the North Dakota Century Code, relating to a definition; and to amend and reenact sections 57-40.6-06 and 57-40.6-07 of the North Dakota Century Code, relating to a 911 system data base.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Holmberg; Lee; Nothing; Tallackson

Reengrossed SB 2415 passed and the title was agreed to.

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**MOTION**

**SEN. WARDNER MOVED** that SB 2454 be moved to the bottom of the calendar, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NOTHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2012 as printed on SJ pages 1150-1151 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 2012: Sens. Nething, Kringstad, Tallackson.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2015 as printed on SJ pages 1050-1051 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 2015: Sens. Holmberg, Schobinger, Heitkamp.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2019 as printed on SJ pages 1151-1157 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 2019: Sens. Grindberg, Andrist, Heitkamp.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2229 as printed on SJ page 967 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 2229: Sens. Andrist, Thane, Tomac.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NETHING MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2276 as printed on SJ pages 964-965 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 2276: Sens. Andrist, Grindberg, Robinson.

#### **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 1007, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1007: Sens. Grindberg, Andrist, Lindaas.

#### **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 1020, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1020: Sens. Andrist, Grindberg, Lindaas.

#### **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 1025, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1025: Sens. Schobinger, Kringstad, Tallackson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. COOK 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 1386, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1386: Sens. Cook, Flakoll, D. Mathern.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1399.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1395.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2033, SB 2191, SB 2222, and SB 2415.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2012, SB 2015, SB 2019, SB 2229, and SB 2276 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2012:** Sens. Nething; Kringstad; Tallackson

**SB 2015:** Sens. Holmberg; Schobinger; Heitkamp

**SB 2019:** Sens. Grindberg; Andrist; Heitkamp

**SB 2229:** Sens. Andrist; Thane; Tomac

**SB 2276:** Sens. Andrist; Grindberg; Robinson

**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 1007:** Sens. Grindberg; Andrist; Lindaas

**HB 1020:** Sens. Andrist; Grindberg; Lindaas

**HB 1025:** Sens. Schobinger; Kringstad; Tallackson

**HB 1386:** Sens. Cook; Flakoll; D. Mathern

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

**MR. SPEAKER:** The Senate has adopted the conference committee reports and subsequently passed: SB 2204, SB 2345, SB 2389, and SCR 4020.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on HB 1245.

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

**MR. SPEAKER:** The Senate has adopted the conference committee reports and subsequently passed: HB 1119, HB 1184, and HB 1267.

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

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HCR 3071.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: and SB 2043, SB 2285.

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

In lieu of the amendments adopted by the House as printed on pages 1028 and 1029 of the House Journal, Engrossed Senate Bill No. 2043 is amended as follows

Page 1, line 1, after "to" insert "create and enact a new section to chapter 54-59 of the North Dakota Century Code, relating to the preparation of an information technology department annual report; to"

Page 1, line 4, after "department" insert "; to provide a statement of legislative intent; and to provide for a performance audit of the information technology department"

Page 2, line 19, after the period insert "An agreement to finance the purchase of software or equipment may not exceed a period of three years. The department shall submit any"

proposed agreement to finance the purchase of software or equipment under this subsection to the budget section of the legislative council before executing the agreement. If the budget section does not approve execution of the agreement, the department may not proceed with the proposed financing arrangement. The department may finance the purchase of software or equipment only to the extent the purchase amount does not exceed the amount appropriated to the department during that biennium for equipment."

Page 4, line 1, replace "Section" with "If Senate Bill No. 2251 does not become effective, section"

Page 4, overstrike line 12

Page 4, line 13, overstrike "representing a", remove "workforce training advisory board", and overstrike the comma

Page 4, line 14, remove "one member", overstrike "representing", and remove "city or county"

Page 4, line 15, remove "government; one member representing the greater North Dakota association" and overstrike ", one member"

Page 4, overstrike line 16

Page 4, line 17, overstrike "commission to operate in this state,"

Page 4, line 18, remove "one member representing"

Page 4, line 19, remove "Indian tribes, and one member representing the hospital telemedicine industry" and overstrike the period

Page 5, after line 3, insert:

**"SECTION 5. AMENDMENT.** If Senate Bill No. 2251 becomes effective, section 54-59-07 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-59-07. ~~Statewide wide area network~~State information technology advisory committee.** ~~The statewide wide area network~~ state information technology advisory committee consists of the chief information officer or the officer's designee, who is a nonvoting member; the ~~state court administrator~~ director of the department of economic development and finance or the ~~administrator's~~ director's designee, ~~with the approval of the chief justice of the supreme court~~; the commissioner of higher education or the commissioner's designee; ~~the chairman of the information technology council of North Dakota or a designee~~; the director of the North Dakota workforce development council or a designee; the chairman of the educational technology council or a designee; and ~~nine~~eight members appointed by the governor. ~~The governor shall appoint two members representing state agencies, one member representing a county, one member representing a city, two members representing elementary and secondary education, one member representing noncommercial public television stations licensed by the federal communications commission to operate in this state, and two members from private industry who are knowledgeable in the deployment of major technology projects. The governor's appointees from private industry serve two year terms, and other appointees of the governor serve at the pleasure of the governor. The governor shall designate the chairman of the committee. The department shall provide staff services to the committee. Except for the commissioner of higher education and the representatives of state agencies who receive compensation for their duties as state officers or employees, members of the committee are entitled to be compensated for time spent in attendance at meetings of the committee and for other travel as approved by the chairman of the committee at the rate of sixty-two dollars and fifty cents per day and are entitled to reimbursement for their actual and necessary expenses incurred in the same manner as other state officials. The compensation and expenses are to be paid from appropriations for the department. The committee shall advise the department with respect to planning and implementation of wide area network services provided by the department regarding statewide information technology planning, including providing electronic government services for citizens and businesses, developing technology infrastructure to support economic development and workforce training, and developing other statewide information technology initiatives and policy."~~

Page 6, after line 15, insert:

**"SECTION 8.** A new section to chapter 54-59 of the North Dakota Century Code is created and enacted as follows

Information technology department annual report. The department shall prepare an annual report to be presented to the information technology committee and the legislative audit and fiscal review committee. The annual report must contain:

1. A list of projects started, ongoing, and completed during the year including related budgeted and actual costs and estimated implementation date for each project.
2. Information regarding evaluations of cost-benefit analyses for completed projects.
3. The percentage of projects completed within budget.
4. The percentage of projects completed by the estimated implementation date.
5. Information regarding the department's management tools used to monitor projects.
6. Information regarding administrative costs including administrative costs as a percentage of total department expenditures.
7. A comparison of the department's rates charged for services compared to rates charged for comparable services in other states and in the private sector.
8. Information regarding the department's project management system including whether a project manager is assigned to each project.
9. Information regarding the information technology plans including the department's plan review process, the number of plans reviewed, and the number of plans approved.
10. The number of information technology training hours completed by each department employee.
11. Information regarding customer satisfaction with the services provided by the department.
12. A detailed description of the department's statewide information technology plan.

**SECTION 9. LEGISLATIVE INTENT - PERFORMANCE MEASURES.** It is the intent of the legislative assembly that the information technology department develop performance measures to assist the legislative assembly in determining the effectiveness and efficiency of the department's operations during the biennium beginning July 1, 2001, and ending June 30, 2003. Each performance measure must include a benchmark for targeted department performance based on national, other states, or private sector performance. The department shall report to the information technology committee and the legislative audit and fiscal review committee during the 2001-02 interim on the performance measures developed.

**SECTION 10. PERFORMANCE AUDIT.** The state auditor's office shall consider conducting a performance audit of the information technology department during the 2003-05 biennium. The review, if conducted, must include a review and evaluation of the performance measures developed by the information technology department during the 2001-03 biennium."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Dept. 112 - Information Technology Department - House Action**

This amendment makes the following changes:

- Change the membership of the State Information Technology Advisory Committee.

- Requires the department to prepare an annual report and present it to the Legislative Council's Information Technology Committee and the Legislative Audit and Fiscal Review Committee.
- Provides legislative intent that the Information Technology Department develop performance measures.
- Provides that the State Auditor's office consider conducting a performance audit of the Information Technology Department during the 2003-05 biennium.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2285**

Page 1, line 3, remove "and"

Page 1, line 4, after "appropriation" insert "; to provide an effective date; and to provide an expiration date"

Page 1, line 12, after the period insert "Upon approval of state assumption of the section 404 program by the environmental protection agency, the state water commission is authorized five additional full-time equivalent positions to implement this Act."

Page 1, after line 12, insert:

**"SECTION 3. EFFECTIVE DATE.** This Act becomes effective on the date the state engineer certifies to the governor that a program has been designed to effectively assume responsibility for the section 404 program of the Clean Water Act and the state water commission is ready to assume those responsibilities. The governor shall notify the secretary of state and the legislative council of the effective date of this Act.

**SECTION 4. EXPIRATION DATE.** This Act is effective through June 30, 2005, and after that date is ineffective."

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 1109 and HB 1273.

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

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

**HB 1416:** Reps. Kretschmar; Grande; Mahoney

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1441 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1441:** Reps. Price; Kliniske; Niemeier

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

**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1003, HB 1004, HB 1023, HB 1200, and HB 1328 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1003:** Reps. Koppelman; Carlisle; Glassheim

**HB 1004:** Reps. Skarphol; B. Thoreson; Glassheim

**HB 1023:** Reps. Wald; Monson; Aarsvold

**HB 1200:** Reps. Timm; Nicholas; Warner

**HB 1328:** Reps. Nicholas; Brandenburg; Froelich

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

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

**SB 2007:** Reps. Delzer; Kempenich; Kerzman

**SB 2013:** Reps. Carlisle; Koppelman; Huether

**SB 2017:** Reps. Wald; Monson; Guleson

**SB 2183:** Reps. Nelson; D. Johnson; Mueller

**SB 2244:** Reps. Grosz; Kretschmar; Delmore

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

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

**SB 2251:** Reps. Haas; Nelson; Grumbo

**SB 2287:** Reps. Keiser; Galvin; Winrich

**SB 2291:** Reps. Brusegaard; Hawken; Hunsakor

**SB 2449:** Reps. Nelson; Porter; Solberg

**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 2034, SB 2082, SB 2118, SB 2201, SB 2265, SB 2365.

**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: HB 1058, HB 1269.

**MOTION**

**SEN. CHRISTMANN MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Monday, April 9, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SCR 4052: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4052 was placed on the Sixth order on the calendar.

Page 1, line 23, after "serve" insert "one or" and replace "than one county" with "counties"

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE**

**SB 2086, as engrossed:** Your conference committee (Sens. Freborg, Cook, O'Connell and Reps. Drovdal, Grosz, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 833, adopt amendments as follows, and place SB 2086 on the Seventh order:

That the House recede from its amendments as printed on page 833 of the Senate Journal and page 892 of the House Journal and that Engrossed Senate Bill No. 2086 be amended as follows:

Page 1, line 1, remove "subsection 3 of"

Page 1, line 4, replace "school district remodeling fund mill levies" with "multiyear asbestos and lead paint abatement program levies by school districts"

Page 1, line 9, remove the overstrike over "~~45-51-11,~~"

Page 1, line 10, remove the overstrike over "~~45-51-13, or~~" and remove "or 57-15-17.1"

Page 2, replace lines 1 through 7 with:

**"SECTION 2. AMENDMENT.** Section 57-15-17.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-17.1. Multiyear asbestos abatement and lead paint removal, required remodeling, and alternative education program levy by school district.**

1. The governing body of any public school district may by resolution adopted by a two-thirds vote of the school board dedicate a tax levy for purposes of this section of not exceeding fifteen mills on the dollar of taxable valuation of property within the district for a period not longer than fifteen years. The school board may authorize and issue general obligation bonds to be paid from the proceeds of this dedicated levy for the purpose of:



- a. Providing funds for the removal of asbestos or lead paint substances from school buildings or the abatement of asbestos or lead paint substances in school buildings under any other method approved by the United States environmental protection agency and for any repair, replacement, or remodeling that results from removal or abatement of asbestos or lead paint substances;
  - b. Any remodeling required to meet specifications set by the Americans with Disabilities Act accessibility guidelines for buildings and facilities as contained in the appendix to 28 CFR 36;
  - c. Any remodeling required to meet requirements set by the state fire marshal during the inspection of a public school; and
  - d. Providing alternative education programs.
2. All revenue accruing from the levy under this section, except revenue deposited as allowed by subsections 3 and 4, must be placed in a separate fund known as the asbestos and lead paint abatement fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of asbestos or lead paint abatement.
  3. All revenue accruing from up to five mills of the fifteen mill levy under this section must be placed in a separate fund known as the required remodeling fund and must be accounted for within the capital projects fund group and disbursements must be made from such funds within this fund group for the purpose of required remodeling, as set forth in subsection 1.
  4. All revenue accruing from up to ten mills of the fifteen-mill levy under this section may be placed in a separate fund known as the alternative education program fund. Disbursement may be made from the fund for the purpose of providing an alternative education program but may not be used to construct or remodel facilities used to accommodate an alternative education program.
  5. Any moneys remaining in the asbestos and lead paint abatement fund after completion of the principal and interest payments for any bonds issued for any school asbestos or lead paint abatement project, any funds remaining in the required remodeling fund after completion of the remodeling projects, and any funds remaining in the alternative education program fund at the termination of the program must be transferred to the general fund of the school district upon the order of the school board."

Renumber accordingly

Engrossed SB 2086 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2427:** Your conference committee (Sens. Freborg, Fischer, Every and Reps. Drovdal, Nelson, Winrich) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1034 and place SB 2427 on the Seventh order.

SB 2427 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1058, as engrossed:** Your conference committee (Sens. Cook, Wanzek, Christenson and Reps. Nelson, Bellew, Mueller) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 839, adopt amendments as follows, and place HB 1058 on the Seventh order.

That the Senate recede from its amendments as printed on page 839 of the House Journal and page 718 of the Senate Journal and that Engrossed House Bill No. 1058 be amended as follows:

Page 1, line 1, replace "creation of a duplicative payment fund and the distribution" with "transfer"

Page 1, line 4, replace "**payment fund - Creation**" with "**payments - Transfer**" and after "**Distribution**" insert "**- Report to budget section**"

Page 1, remove line 5

Page 1, line 6, remove "2."

Page 1, line 8, remove "and if at the time the superintendent receives"

Page 1, remove line 9

Page 1, line 10, remove "session", replace "deposit" with "transfer", and replace "in the duplicative payment" with "to the state tuition"

Page 1, line 11, replace "subsection" with "section"

Page 1, line 12, after the period insert "The superintendent shall report annually to the budget section of the legislative council regarding any transfers under this section."

Page 1, remove lines 13 through 17

Renumber accordingly

Engrossed HB 1058 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**HB 1269, as engrossed:** Your conference committee (Sens. Traynor, Tollefson, Kelsh and Reps. Rennerfeldt, DeKrey, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1101-1102, adopt amendments as follows, and place HB 1269 on the Seventh order.

That the Senate recede from its amendments as printed on pages 1101 and 1102 of the House Journal and pages 880 and 881 of the Senate Journal and that Engrossed House Bill No. 1269 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of issues relating to resident and nonresident hunting in this state."

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY OF RESIDENT AND NONRESIDENT HUNTING.** During the 2001-2002 interim, the legislative council shall study issues relating to resident and nonresident hunting in this state. The study must include the number of licenses issued to residents and nonresidents and the fees for those licenses, the time period for which a license is valid, whether zones should be established, effects on landowners, effects on guides and outfitters, the economic impact of nonresident hunters on the state of North Dakota, and how states bordering North Dakota are addressing issues relating to nonresident and resident hunting. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

Engrossed HB 1269 was placed on the Seventh order of business on the calendar.

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

**WILLIAM R. HORTON, Secretary**