

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, March 21, 2001

The Senate convened at 1:00 p.m., with President Pro Tem Krebsbach presiding.

The prayer was offered by Pastor Curtis Dikoff, First Church of the Nazarene, Mandan.

The roll was called and all members were present.

A quorum was declared by the President Pro Tem.

## 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 Forty-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 872, line 49, after "**CONCURRENT**" insert "**RESOLUTION NO. 4020**"

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

## MOTION

**SEN. CHRISTMANN MOVED** that Senate Rule 329(4) be amended to read "fifty-second legislative day" in place of "forty-seventh legislative day", thereby extending the date for referral of bills to the Appropriations Committee, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that Reengrossed HB 1109, which is on the Sixth order, be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. Christmann's motion, HB 1109 was rereferred.

## CONSIDERATION OF AMENDMENTS

**HB 1441, as reengrossed: SEN. LEE (Human Services Committee) MOVED** that the amendments on SJ pages 874-876 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed on a verification vote.

## CONSIDERATION OF AMENDMENTS

**HB 1478, as engrossed: SEN. TRENBEATH (Judiciary Committee) MOVED** that the amendments on SJ page 876 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that the rules be suspended, and after action taken on the Sixth order, HB 1168 and HB 1478 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1478:** A BILL for an Act to create and enact a new section to chapter 12-44.1 of the North Dakota Century Code, relating to charging inmates for room and board at correctional facilities.

## ROLL CALL

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

**NAYS:** 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; Stenehjelm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1478, as amended, lost.

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**CONSIDERATION OF AMENDMENTS**

**HB 1168, as engrossed: SEN. KILZER (Human Services Committee) MOVED** that the amendments on SJ page 874 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1168:** A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to a statement regarding interest on unpaid child support; and to amend and reenact subsection 6 of section 14-09-25 of the North Dakota Century Code, relating to interest on unpaid child support.

**ROLL CALL**

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

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

**NAYS:** Solberg

Engrossed HB 1168, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1269:** A BILL for an Act to create and enact two new subsections to section 20.1-03-12 of the North Dakota Century Code, relating to nonresident hunting fees; to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting zones; and to declare an emergency.

**MOTION**

**SEN. TOLLEFSON MOVED** that Engrossed HB 1269 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting; and to declare an emergency.

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

**SECTION 1. AMENDMENT.** Section 20.1-03-07.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-07.1. Nonresident waterfowl hunting license required.** Except as provided in sections 20.1-03-07.2 and 20.1-03-07.3, a nonresident may not hunt waterfowl unless that person first obtains a nonresident waterfowl hunting license, in addition to a nonresident small game hunting license. The nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days, any period of seven consecutive days, or any two periods of seven consecutive days each. A license authorizing the fourteen-day hunting period or the one 7-day hunting period allows hunting in a specified waterfowl hunting zone. ~~A license authorizing one 7-day hunting period allows hunting statewide.~~ A license authorizing two 7-day hunting periods allows hunting in a specified zone during each period. The governor, in the governor's proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and ~~may~~ shall specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

### MOTION

**SEN. G. NELSON MOVED** the previous question, which motion prevailed.

The question being on the motion to adopt the proposed amendments to Engrossed HB 1269, the proposed amendments were adopted on a voice vote. Engrossed HB 1269, as amended, was placed on the Fourteenth order for immediate second reading and final passage.

### SECOND READING OF HOUSE BILL

**HB 1269:** A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl hunting; 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 18 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Cook; Dever; Espegard; Heitkamp; Kilzer; Krebsbach; Lyson; Mathern, T.; Mutch; Nething; O'Connell; Robinson; Schobinger; Stenehjem; Tallackson; Thane; Tollefson; Traynor

**NAYS:** Andrist; Bercier; Bowman; Christenson; Christmann; Erbele; Every; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Klein; Krauter; Kringstad; Kroeplin; Lee; Lindaas; Mathern, D.; Nelson, C.; Nelson, G.; Nichols; Polovitz; Solberg; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1269, as amended, lost.

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### SECOND READING OF HOUSE BILL

**HB 1151:** A BILL for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to construction of a Devils Lake outlet; to amend and reenact subdivision e of subsection 1 of section 61-01-26.2, subsections 7 and 9 of section 61-02.1-01, and subsection 3 of section 61-02.1-02 of the North Dakota Century Code, relating to bonding for a Devils Lake outlet; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 3 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; Lee; Lindaas; Lyson; Mathern, D.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Schobinger; Solberg; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Kroeplin; Robinson; Stenehjem

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

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### SECOND READING OF HOUSE BILL

**HB 1100:** A BILL for an Act to create and enact a new section to chapter 54-52.6 of the North Dakota Century Code, relating to the acceptance of rollover contributions under the defined contribution retirement plan; and to amend and reenact sections 54-52.6-02, 54-52.6-03, 54-52.6-13, and 54-52.6-14 of the North Dakota Century Code, relating to participation, calculation of interest on transferred amounts, distribution options, and disability benefits under the defined contribution retirement plan.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, 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; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1100 passed and the title was agreed to.

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

**HB 1174:** A BILL for an Act to amend and reenact sections 39-33-01, 39-33-02, and 39-33-05 of the North Dakota Century Code, relating to privacy of driver and motor vehicle records; and to declare an emergency.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, 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; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

HB 1174 passed, the title was agreed to, and the emergency clause was declared carried.

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

**HB 1181:** A BILL for an Act to amend and reenact subsection 1 of section 4-05.1-16, subsection 5 of section 4-05.1-19, section 4-05.1-20, and subsection 1 of section 4-05.1-21 of the North Dakota Century Code, relating to state board of agricultural research and education biennial budget requests and use of agricultural research fund annual proceeds; and to provide a continuing appropriation.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, 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; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed HB 1181 passed and the title was agreed to.

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

**HB 1203:** A BILL for an Act to provide for remedies for nonconformities in farm equipment; and to repeal section 51-07-07 of the North Dakota Century Code, relating to voiding or rescinding contracts for the purchase of farm machinery.

#### **ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, 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; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor;  
Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1203 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1242:** A BILL for an Act to create and enact a new section to chapter 23-10 of the North Dakota Century Code, relating to mobile home security deposits.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, 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; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

HB 1242 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1262:** A BILL for an Act to create and enact a new section to chapter 43-05 of the North Dakota Century Code, relating to the cost of disciplinary proceedings undertaken by the state board of podiatric medicine; and to amend and reenact section 43-05-03 of the North Dakota Century Code, relating to the state board of podiatric medicine.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, 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; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed HB 1262 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1274:** A BILL for an Act to amend and reenact section 20.1-03-11.2 and subsection 42 of section 20.1-03-12 of the North Dakota Century Code, relating to guide and outfitting services provided to nonresidents.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Bowman; Krauter; O'Connell; Stenehjerm; Tomac

HB 1274 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2102 and SB 2197 be moved to the top of the calendar, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do not concur in the House amendments to SB 2102 as printed on SJ page 805 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 2102: Sens. Lyson, Flakoll, Christenson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. COOK MOVED** that the Senate do not concur in the House amendments to SB 2197 as printed on SJ pages 739-740 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 2197: Sens. Lee, Watne, D. Mathern.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 20, 2001, I have signed the following: SB 2164.

**COMMUNICATION FROM GOVERNOR JOHN HOEVEN**

This is to inform you that on March 21, 2001, I have signed the following: SB 2063, SB 2073, SB 2084, SB 2103, SB 2148, SB 2151, SB 2154, SB 2172, SB 2206, SB 2209, SB 2212, SB 2215, SB 2253, SB 2259, SB 2274, SB 2280, SB 2334, SB 2390, SB 2396, and SB 2404.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 21, 2001: SCR 4018, SCR 4019.

**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 1114.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1066, HB 1189, HB 1206, HB 1245, HB 1289, HB 1322, HB 1391, HB 1409, HB 1423, HB 1437, HB 1459.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2102 and SB 2197 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2102:** Sens. Lyson; Flakoll; Christenson

**SB 2197:** Sens. Lee; Watne; D. Mathern

**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 1331, HB 1448.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2091, SB 2143, SB 2180, SB 2190, SCR 4024.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2027, SB 2195, SB 2201, SB 2273, SB 2289, SB 2291, SB 2309, SB 2314.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2027**

Page 1, line 7, replace "three different" with "Bowman, Emmons, and McKenzie" and remove "of the state"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2195**

Page 1, line 9, after "fame" insert "for defraying capital construction costs"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Dept. 605 - Department of Commerce - House Action**

This amendment provides that the \$100,000 grant provided to the North Dakota Cowboy Hall of Fame is to be used for capital construction costs.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2201**

Page 2, line 7, remove "Any transfer or transaction under section 1 or 2 of this Act of land that is"

Page 2, remove line 8

Page 2, line 9, remove "the property and gravel, clay, and scoria."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2273**

Page 5, line 21, replace "six" with "four"

Page 5, line 28, remove ", which policy must be a minimum of three hundred thousand dollars of"

Page 5, line 29, remove "coverage"

Page 10, line 20, remove "The dealer's primary and"

Page 10, line 21, remove "secondary display lots must be surfaced with asphalt, concrete, or gravel."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2289**

Page 1, line 7, replace "A private" with "An"

Page 1, line 8, remove "private"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2291**

Page 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of the transfer of credits among institutions of higher education."

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY - TRANSFER OF CREDITS AMONG INSTITUTIONS OF HIGHER EDUCATION.** During the 2001-02 interim, the legislative council shall study the transfer of credits to and from state institutions of higher education. 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

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2309**

Page 1, line 11, after "carriers" insert "that carry employees by contract with the employer"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2314**

Page 1, line 1, after the comma insert "or in the alternative to amend and reenact section 43-10.1-03.1 of the North Dakota Century Code as created by section 3 of House Bill No. 1126, as approved by the fifty-seventh legislative assembly,"

Page 1, line 4, replace "Section" with "If House Bill No. 1126 does not become effective, section"

Page 2, line 3, remove the first "pre-need" and after "purchaser" insert "of a pre-need funeral service contract"

Page 2, line 6, remove the first "pre-need" and replace "The pre-need purchaser has forty-five days from" with "A purchaser of a pre-need funeral service contract has forty-five days from entering the contract to cancel the irrevocable part of the contract by giving notice to the cemetery association or licensed funeral establishment with whom the contract was entered. Any pre-need funeral service contract held by a cemetery association or a licensed funeral establishment must be fully transferable to another cemetery association or funeral establishment licensed under chapter 43-10 or a substantially similar law of another jurisdiction which agrees to accept the obligations."

Page 2, remove line 7

Page 2, after line 19, insert:

**"SECTION 2. AMENDMENT.** If House Bill No. 1126 becomes effective, section 43-10.1-03.1 of the North Dakota Century Code, as created by section 3 of House Bill No. 1126, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

**43-10.1-03.1. Payments on pre-need funeral contracts to be deposited - Depository shall keep record of deposit - Personal property storage.** Whenever payments are made to any person upon pre-need funeral service contracts, one hundred percent of the funds collected under the contracts for the sale of professional service or personal property to be used in funeral services and fifty percent of the funds collected under the contracts for the sale of cemetery merchandise must be deposited in or transferred to a trust company in this state or to a federally insured bank, credit union, or savings and loan association in this state, within ten days. The deposit must be placed in a federal deposit insurance corporation or national credit union administration insured certificate of deposit or negotiable debt obligation of the United States government. Payments received from the sale of professional service or personal property to be used in funeral services or cemetery merchandise which cannot or would not be serviced by a licensed funeral establishment or cemetery association in the area where the service or property was sold are specifically included, whether or not the sales might otherwise be considered pre-need funeral service contracts, within the payments to be deposited under this section. The funds may be released or transferred by the bank, credit union, savings and loan association, or trust company to the depositor upon the death of the person for whose benefit the funds were paid. A certified copy of the certificate of death must be furnished to the bank, credit union, savings and loan association, or trust company as prima facie evidence of death. The funds may be released or transferred by the bank, credit union, savings and loan association, or trust company to the person making the payment, before the death of the person for whose benefit the funds are paid, upon a five-day written notice by registered or certified mail made by the bank, credit union, savings and loan association, or trust company to the depositor or transferor at the request of the person making the payment. Upon written request, however, a purchaser of a pre-need funeral service contract may make a certain amount of the pre-need funds irrevocable. The irrevocable amount may not exceed the amount of the allowable asset exclusion used for determining eligibility for medical assistance under section 50-24.1-02.3 at the time the contract is entered. A purchaser of a pre-need funeral service contract has forty-five days from entering the contract to cancel the irrevocable part of the contract by giving notice to the cemetery association or licensed funeral establishment with whom the contract was entered. Any pre-need funeral service contract held by a cemetery association or a licensed funeral establishment must be fully transferable to another cemetery association or funeral establishment licensed under chapter 43-10 or a substantially similar law of another jurisdiction which agrees to accept the obligations.

A bank, credit union, savings and loan association, or trust company receiving such a deposit or transfer shall keep a complete record of the deposit or transfer, showing the name of the depositor or transferor, name of the person making payment, name of the person for whose benefit payment is made, and any other pertinent information.

Any personal property to be used in funeral services or cemetery merchandise which is sold to a purchaser on the basis that it will be identified and marked as



belonging to such purchaser, and stored or warehoused for the purchaser, must be stored or warehoused at some location within this state."

Renumber accordingly

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

**MR. PRESIDENT:** The House has failed to pass: SCR 4040, SCR 4041.

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

**MR. PRESIDENT:** The House has amended and subsequently failed: SB 2245.

**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 1331.

**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 1182 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1182:** Reps. Brusegaard; Nelson; Mueller

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, March 22, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1043, as reengrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1043 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1105, as reengrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed HB 1105 was placed on the Sixth order on the calendar.

Page 97, line 19, after "under" insert "subdivision e of"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1157, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1157 was placed on the Sixth order on the calendar.

Page 1, line 7, after the period insert "a."

Page 1, line 8, replace "a." with "(1)"

Page 1, line 9, replace "b." with "(2)"

Page 1, line 10, replace "c." with "(3)"

Page 1, line 11, replace "d." with "(4)"

Page 1, replace lines 12 through 17 with:

- "(5) Four gubernatorial appointees, one of whom must hold a teaching license, one of whom must be a school board member, and one of whom must represent nonpublic schools.
- (6) One member of the house of representatives, appointed by the legislative council.
- (7) One member of the senate, appointed by the legislative council.

b."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1197, as engrossed: 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). Engrossed HB 1197 was placed on the Sixth order on the calendar.

Page 1, line 16, overstrike "thirty-five" and insert immediately thereafter "seventy"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

SENATE - This amendment increases from 35 cents to 70 cents per mile the reimbursement rate for state employee travel by private airplane.

#### REPORT OF STANDING COMMITTEE

**HB 1201: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1201 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1218, as amended, Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1218, as amended, was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1233, as engrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1233 was placed on the Sixth order on the calendar.

Page 1, line 12, remove the overstrike over "a" and remove the underscored colon

Page 1, remove lines 13 through 16

Page 1, line 17, remove "(2) A"

Page 1, line 22, remove "claims review and processing or"

Page 2, line 3, remove the overstrike over "A" and remove "Except as specified in section 26.1-36-12.4 and this subsection, a"

Page 2, line 5, replace "A written medical records release" with:

"3. It is not a prohibited practice as defined in chapter 26.1-04 for health insurance companies with participating provider agreements to require that subscribers or members are responsible for providing the insurer copies of medical records used for claims processing when using nonparticipating providers."

Page 2, remove lines 6 through 9

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1234, as engrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1234 was placed on the Sixth order on the calendar.

Page 1, line 21, after the period insert "a." and after "26.1-36-12.4" insert "or subsection 3"

Page 1, overstrike line 22

Page 1, line 23, overstrike "writing by the patient" and insert immediately thereafter "is valid for the period of time specified in the release or three years, whichever is shorter" and replace "A written medical records release does not expire after" with:

"b. A patient or any person authorized by the patient may revoke a medical records release at any time by providing written notification to the medical provider.

3. Notwithstanding the period of validity under subdivision a of subsection 2, a signed medical records release authorizes a medical provider to forward a patient's medical records to another medical provider during the period of time necessary to complete the patient's course of treatment and to conclude all medical and financial aspects of the case."

Page 1, remove line 24

Page 2, remove lines 1 and 2

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1270: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1270 was placed on the Sixth order on the calendar.

Page 5, line 23, replace "Any legislative" with "Legislative assembly", after "members" insert "also", and replace the second "and" with "at the rate provided in section 54-35-10."

Page 5, remove lines 24 and 25

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1304, as engrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1304 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1419, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1419 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1444, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1444 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide loans to individuals preparing to teach at grade levels or in content areas having declared teacher shortages.

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

#### SECTION 1. Loans - Teacher shortages - Repayment.

1. The state board of higher education shall administer a student loan program for individuals preparing to teach at grade levels or in content areas identified as having teacher shortages.
2. The board shall annually identify the elementary and high school grade levels or content areas in which teacher shortages exist.
3. Any individual may apply to the state board of higher education for a student loan, payable in the amount of one thousand dollars for each year the individual is enrolled as a full-time student in a teacher preparation program, with the declared intention to teach at a grade level or in a content area identified by the board as one in which teacher shortages

exist. An individual may receive a maximum of five one thousand dollar loans under this section.

4. The board shall consider all applications under this section in chronological order.
5. The board shall annually forgive one thousand dollars of any amount loaned to an individual under this section upon notification that the individual has completed a full year of teaching in a school district or nonpublic school in this state at a grade level or in a content area identified by the board as one in which teacher shortages exist.
6. If an individual does not meet the requirements of subsection 5 with respect to forgiveness of a loan, the individual shall proceed with loan repayments at the time and in the manner set forth by the board."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1460: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1460 was placed on the Sixth order on the calendar.

Page 3, line 5, after the period insert "If an investor redeems an investment more than ten years after the date of that investment in a renaissance zone corporation and at least eighty percent of that investment has not been invested by the renaissance zone corporation in zone projects or in financing zone projects, the credit under subsection 5 is disallowed for that investment and any credit previously taken by that investor with respect to that investment must be repaid. For purposes of this subsection, a renaissance zone corporation shall file a report with the tax commissioner by April first of each year showing the amount and date of receipt by the renaissance zone corporation of each investment by each investor and the date and amount of each investment by the renaissance zone corporation in zone projects or in financing zone projects. Investments received by the renaissance zone corporation are presumed to be invested by the renaissance zone corporation in zone projects or in financing zone projects in the order in which they were received.

11."

Page 3, line 7, overstrike "11." and insert immediately thereafter "12."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1462, as engrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1462 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1465, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1465 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to provide for a mental retardation credential;"

Page 1, line 3, after "credential" insert "; and to provide an expiration date"

Page 1, line 11, after "and" insert "specific"

Page 1, line 19, after "or" insert "specific"

Page 2, line 5, after "and" insert "specific"

Page 2, line 13, after "or" insert "specific"

Page 2, after line 16, insert:

**"SECTION 5. MENTAL RETARDATION CREDENTIAL.** In addition to any other credential, the superintendent of public instruction may implement a mental retardation credential effective August 1, 2001. Any individual who obtains a mental retardation credential and meets all other teacher licensure requirements imposed by statute may provide special education services in the area of mental retardation.

**SECTION 6. EXPIRATION DATE.** Section 5 of this Act is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3043, as engrossed: Appropriations Committee (Sen. Nething, Chairman)**  
recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING).  
Engrossed HCR 3043 was placed on the Fourteenth order on the calendar.

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

**WILLIAM R. HORTON, Secretary**

