

JOURNAL OF THE SENATE

Fifty-ninth Legislative Assembly

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Bismarck, April 8, 2005

The Senate convened at 8:00 a.m., with President Dalrymple presiding.

The prayer was offered by Senator Wardner.

The roll was called and all members were present except Senators Andrist, Bowman, and Seymour.

A quorum was declared by the President.

MOTION

SEN. CHRISTMANN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1012, HB 1021, and HB 1522, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1012: Sens. Fischer, Kilzer, Mathern.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1021: Sens. Fischer, Holmberg, Robinson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT ANNOUNCED the following appointments to a Conference Committee on Engrossed HB 1522: Sens. Cook, Urlacher, Bercier.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2050 as printed on SJ page 828 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2050: Sens. Cook, Urlacher, Every.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do not concur in the House amendments to SB 2359 as printed on SJ page 829 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 2359: Sens. Cook, Urlacher, Every.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2050 and SB 2359 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2050: Sens. Cook; Urlacher; Every

SB 2359: Sens. Cook; Urlacher; Every

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 1012: Sens. Fischer; Kilzer; Mathern

HB 1021: Sens. Fischer; Holmberg; Robinson

HB 1522: Sens. Cook; Urlacher; Bercier

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for approval on April 8, 2005: SB 2304.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has passed unchanged: SCR 4040.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1526.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1154 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1154: Reps. R. Kelsch; Haas; Mueller

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2008, SB 2009, SB 2341.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report on: SB 2026, SB 2133.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2303.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: HB 1005, HB 1007, HB 1014, HB 1022, HB 1024, HB 1043, HB 1061, HB 1062, HB 1069, HB 1076, HB 1094, HB 1104, HB 1105, HB 1121, HB 1136, HB 1163, HB 1204, HB 1206, HB 1235, HB 1238.

MOTION

SEN. CHRISTMANN MOVED that the Senate stand in recess until 2:00 p.m., which motion prevailed.

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. J. LEE MOVED that the Senate do concur in the House amendments to Reengrossed SB 2342 as printed on SJ page 1140, which motion prevailed on a voice vote.

Reengrossed SB 2342, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2342: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to developmental disabilities service providers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bercier; Brown; Christmann; Cook; Dever; Erbele; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nothing; O'Connell; Robinson; Schobinger; Stenehjelm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Andrist; Bowman; Espgaard; Mutch; Seymour

Reengrossed SB 2342 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Engrossed SB 2251 be placed at the bottom of the Seventh order, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. TRENBEATH MOVED that the conference committee report on Engrossed SB 2200 as printed on SJ pages 1400-1401 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2200, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2200: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to recording devices on motor vehicles; and to provide for application.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bercier; Brown; Christmann; Cook; Dever; Erbele; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Stenehjem; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Andrist; Bowman; Espegard; Mutch; Seymour

Reengrossed SB 2200 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2031: Your conference committee (Sens. Holmberg, Christmann, Tallackson and Reps. Carlisle, Timm, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 928, adopt amendments as follows, and place SB 2031 on the Seventh order:

That the House recede from its amendments as printed on page 928 of the Senate Journal and pages 1165 and 1166 of the House Journal and that Senate Bill No. 2031 be amended as follows:

Page 1, line 2, after "providers" insert "; and to provide for a report to the budget section"

Page 1, after line 8, insert:

"SECTION 2. BUDGET SECTION REPORT. The highway patrol shall provide a report to the budget section after July 1, 2006, regarding the progress of the training program provided for in this Act."

Renumber accordingly

SB 2031 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. HOLMBERG MOVED that the conference committee report on SB 2031 be adopted, which motion prevailed on a voice vote.

SB 2031, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2031: A BILL for an Act to provide an appropriation for providing training for law enforcement officers and other emergency service providers; and to provide for a report to the budget section.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 33 YEAS, 9 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bercier; Christmann; Cook; Dever; Erbele; Every; Fairfield; Fischer; Freborg; Grindberg; Heitkamp; Krauter; Krebsbach; Kringstad; Lee, G.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Syverson; Tallackson; Taylor; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

NAYS: Brown; Flakoll; Hacker; Holmberg; Kilzer; Klein; Lee, J.; Stenehjem; Thane

ABSENT AND NOT VOTING: Andrist; Bowman; Espegard; Mutch; Seymour

Engrossed SB 2031 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. ESPEGARD MOVED that the conference committee report on SB 2111 as printed on SJ page 1400 be adopted, which motion prevailed on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that HB 1011 be placed at the bottom of the Seventh order, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. THANE MOVED that the conference committee report on Engrossed HB 1017 as printed on SJ pages 1401-1403 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1017, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1017: A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general; to provide an exemption to section 54-44.1-11 of the North Dakota Century Code, relating to unexpended appropriations; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bercier; Brown; Christmann; Cook; Dever; Erbele; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Andrist; Bowman; Espegard; Mutch; Seymour

Engrossed HB 1017, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. SYVERSON MOVED that the conference committee report on HB 1290 as printed on SJ pages 1403-1404 be adopted, which motion prevailed on a voice vote.

HB 1290, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1290: A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to bail bonds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bercier; Brown; Christmann; Cook; Dever; Erbele; Every; Fairfield; Fischer; Flakoll; Freborg; Grindberg; Hacker; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee, G.; Lee, J.; Lindaas; Lyson; Mathern; Nelson; Nething; O'Connell; Robinson; Schobinger; Stenehjerm; Syverson; Tallackson; Taylor; Thane; Tollefson; Traynor; Trenbeath; Triplett; Urlacher; Wardner; Warner

ABSENT AND NOT VOTING: Andrist; Bowman; Espegard; Mutch; Seymour

HB 1290, as amended, passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that Engrossed HB 1011 be moved to the top of the Seventh order, which motion prevailed.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

SEN. BOWMAN MOVED that the conference committee report on Engrossed HB 1011 as printed on SJ page 1401 be adopted, which motion prevailed on a voice vote.

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 2342.

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

MR. SPEAKER: The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1017.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1290.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1011.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2031, SB 2200.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: SB 2111.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1417, HB 1434, HB 1453.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SCR 4021.

MESSAGE TO THE SENATE FROM THE HOUSE (BRADLEY C. FAY, CHIEF CLERK)

MR. PRESIDENT: Your signature is respectfully requested on: HB 1314.

MOTION

SEN. CHRISTMANN MOVED that Senate Rule 338 be further amended to read "sixty-seventh" in place of "sixty-fifth", thereby extending the deadline for reporting bills out of committee, which motion prevailed.

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, Seventh, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Monday, April 11, 2005, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2047, as engrossed: Your conference committee (Sens. Trenbeath, Nething, Bercier and Reps. Ruby, Weiler, S. Meyer) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 948 and place SB 2047 on the Seventh order.

Engrossed SB 2047 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2174, as engrossed: Your conference committee (Sens. Krebsbach, Mutch, Heitkamp and Reps. Dosch, Dietrich, Thorpe) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 771 and place SB 2174 on the Seventh order.

Engrossed SB 2174 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2187: Your conference committee (Sens. Krebsbach, Nething, Fairfield and Reps. N. Johnson, Ruby, Thorpe) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 785, adopt further amendments as follows, and place SB 2187 on the Seventh order:

That the Senate accede to the House Amendments as printed on page 785 of the Senate Journal and page 943 of the House Journal and that Senate Bill No. 2187 be further amended as follows:

Page 2, line 23, after "bond" insert "or proof of insurance satisfactory to the commissioner"

Renumber accordingly

SB 2187 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2251, as engrossed: Your conference committee (Sens. Syverson, Hacker, Triplett and Reps. Maragos, Charging, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 786-787, adopt amendments as follows, and place SB 2251 on the Seventh order:

That the House recede from its amendments as printed on pages 786 and 787 of the Senate Journal and pages 944 and 945 of the House Journal and that Engrossed Senate Bill No. 2251 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact chapter 51-30 of the North Dakota Century Code, relating to requiring disclosure to consumers of a breach in security by businesses maintaining personal information in electronic form;"

Page 1, line 4, remove "and" and after "penalty" insert "; to provide an effective date; and to declare an emergency"

Page 1, line 15, overstrike "39-04-14" and insert immediately thereafter "39-06-14"

Page 1, line 20, overstrike "or"

Page 1, line 21, after "institution" insert "; or"

Page 1, line 24, after "individual" insert ", living or deceased,"

Page 2, after line 27, insert:

"SECTION 3. Chapter 51-30 of the North Dakota Century Code is created and enacted as follows:

51-30-01. Definitions. In this chapter, unless the context or subject matter otherwise requires:

1. "Breach of the security system" means unauthorized acquisition of computerized data when access to personal information has not been secured by encryption or by any other method or technology that renders the electronic files, media, or data bases unreadable or unusable. Good-faith acquisition of personal information by an employee or agent of the person is not a breach of the security of the system, if the personal information is not used or subject to further unauthorized disclosure.
2. a. "Personal information" means an individual's first name or first initial and last name in combination with any of the following data elements, when the name and the data elements are not encrypted:
 - (1) The individual's social security number;
 - (2) The operator's license number assigned to an individual by the department of transportation under section 39-06-14;
 - (3) A nondriver color photo identification card number assigned to the individual by the department of transportation under section 39-06-03.1;

- (4) The individual's financial institution account number, credit card number, or debit card number in combination with any required security code, access code or password that would permit access to an individual's financial accounts;
 - (5) The individual's date of birth;
 - (6) The maiden name of the individual's mother;
 - (7) An identification number assigned to the individual by the individual's employer; or
 - (8) The individual's digitized or other electronic signature.
- b. "Personal information" does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records.

51-30-02. Notice to consumers. Any person that conducts business in this state, and that owns or licenses computerized data that includes personal information, shall disclose any breach of the security of the system following discovery or notification of the breach in the security of the data to any resident of the state whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person. The disclosure must be made in the most expedient time possible and without unreasonable delay, consistent with the legitimate needs of law enforcement, as provided in section 51-30-04, or any measures necessary to determine the scope of the breach and to restore the integrity of the data system.

51-30-03. Notice to owner or licensee of personal information. Any person that maintains computerized data that includes personal information that the person does not own shall notify the owner or licensee of the information of the breach of the security of the data immediately following the discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

51-30-04. Delayed notice. The notification required by this chapter may be delayed if a law enforcement agency determines that the notification will impede a criminal investigation. The notification required by this chapter must be made after the law enforcement agency determines that the notification will not compromise the investigation.

51-30-05. Method of notice. Notice under this chapter may be provided by one of the following methods:

- 1. Written notice;
- 2. Electronic notice, if the notice provided is consistent with the provisions regarding electronic records and signatures set forth in section 7001 of title 15 of the United States Code; or
- 3. Substitute notice, if the person demonstrates that the cost of providing notice would exceed two hundred fifty thousand dollars, or that the affected class of subject persons to be notified exceeds five hundred thousand, or the person does not have sufficient contact information. Substitute notice consists of the following:
 - a. E-mail notice when the person has an e-mail address for the subject persons;
 - b. Conspicuous posting of the notice on the person's web site page, if the person maintains one; and
 - c. Notification to major statewide media.

51-30-06. Alternate compliance. Notwithstanding section 51-30-05, a person that maintains its own notification procedures as part of an information security policy for the treatment of personal information and is otherwise consistent with the timing requirements of this chapter is deemed to be in compliance with the notification requirements of this chapter if the person notifies subject individuals in accordance with its policies in the event of a breach of security of the system. A financial institution, trust company, or credit union that is subject to, examined for, and in compliance with the

federal interagency guidance on response programs for unauthorized access to customer information and customer notice is deemed to be in compliance with this chapter.

51-30-07. Enforcement - Powers - Remedies - Penalties. The attorney general may enforce this chapter. The attorney general, in enforcing this chapter, has all the powers provided in chapter 51-15 and may seek all the remedies in chapter 51-15. A violation of this chapter is deemed a violation of chapter 51-15. The remedies, duties, prohibitions, and penalties of this chapter are not exclusive and are in addition to all other causes of action, remedies, and penalties under chapter 51-15, or otherwise provided by law.

SECTION 4. EFFECTIVE DATE. This Act becomes effective on June 1, 2005.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2251 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2302, as engrossed: Your conference committee (Sens. Syverson, Hacker, Triplett and Reps. Maragos, Bernstein, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1089, adopt amendments as follows, and place SB 2302 on the Seventh order:

That the House recede from its amendments as printed on page 1089 of the Senate Journal and pages 1241 and 1242 of the House Journal and that Engrossed Senate Bill No. 2302 be amended as follows:

Page 1, line 13, replace "two" with "three"

Page 1, line 14, replace "whole number" with "one-half"

Renumber accordingly

Engrossed SB 2302 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2372, as engrossed: Your conference committee (Sens. Wardner, Tollefson, Every and Reps. Nelson, Uglem, Sandvig) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1117, adopt amendments as follows, and place SB 2372 on the Seventh order:

That the House recede from its amendments as printed on page 1117 of the Senate Journal and page 1245 of the House Journal and that Engrossed Senate Bill No. 2372 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 relating to efforts to discourage alcohol and drug abuse and tobacco use.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

LEGISLATIVE COUNCIL COORDINATION OF EFFORTS TO DISCOURAGE DESTRUCTIVE BEHAVIOR STUDY. The legislative council shall study, during the 2005-06 interim, the feasibility and desirability of establishing an organization or ombudsman to support and coordinate federal, tribal, state, including institutions of higher education, and local government and private efforts to discourage destructive behavior, including alcohol and drug abuse and tobacco use. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

Engrossed SB 2372 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1417, as engrossed: Your conference committee (Sens. Hacker, Dever, Triplett and Reps. Kretschmar, Dietrich, Ekstrom) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1454, adopt amendments as follows, and place HB 1417 on the Seventh order:

That the Senate recede from its amendments as printed on page 1454 of the House Journal and page 1059 of the Senate Journal and that Engrossed House Bill No. 1417 be amended as follows:

Page 7, line 30, after the underscored period insert "The county canvassing board must be comprised of at least five members, and both political parties must be represented. Each political party from each legislative district within a county may request representation on the canvassing board if there is equal representation from each of the political parties."

Renumber accordingly

Engrossed HB 1417 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1434: Your conference committee (Sens. G. Lee, Erbele, Taylor and Reps. Herbel, L. Meier, Hunsakor) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1135-1136, adopt amendments as follows, and place HB 1434 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1135 and 1136 of the House Journal and pages 791 and 792 of the Senate Journal and that House Bill No. 1434 be amended as follows:

Page 1, line 3, after "Act" insert "; and to amend and reenact section 54-35-21 of the North Dakota Century Code, relating to the interim no child left behind committee"

Page 1, replace lines 7 through 16 with:

"State accountability plan - Legislative review. Before the superintendent of public instruction may submit to the United States secretary of education any proposed changes in the state accountability plan required under the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301, et seq.], the superintendent shall present the proposed changes to the interim no child left behind committee. The committee shall review the proposed changes; accept testimony and documentary evidence regarding the impact of the proposed changes on the students, schools, school districts, and taxpayers of this state; and provide advice and recommendations regarding the proposed changes to the superintendent.

SECTION 2. AMENDMENT. Section 54-35-21 of the North Dakota Century Code is amended and reenacted as follows:

54-35-21. No Child Left Behind Act of 2001 - ~~Select~~ Interim committee - Appointment - Duties.

1. The legislative council shall appoint ~~a select an interim~~ committee consisting of five members of the senate and six members of the house of representatives ~~for the purpose of investigating the adoption of.~~ The committee shall study the No Child Left Behind Act of 2001 [Pub. L. 107-110; 115 Stat. 1425; 20 U.S.C. 6301 et seq.], ~~its rationale, the promulgation of any including amendments to the Act, changes to federal regulations implementing the No Child Left Behind Act of 2001, the direct and indirect impact of the Act and its regulations on the school districts of this state, and the financial impact of the Act and its regulations on the budget of this state and on the taxpayers of this state Act, and any policy changes and letters of guidance issued by the United States secretary of education.~~
2. The legislative council shall designate the chairman and vice chairman of the committee.
3. The committee shall operate under the rules applicable to other legislative council committees, except ~~that~~ the committee ~~has the power to~~ may communicate directly with the United States secretary of education,

employees of the United States department of education, and any other federal officials, both elected and appointed, regarding implementation of the ~~No Child Left Behind Act of 2001~~.

4. ~~When an agency files a notice of proposed rulemaking with the office of the legislative council under subsection 1 of section 28-32-10 on any matter governed by the No Child Left Behind Act of 2001, the agency shall provide a copy of the notice to the chairman of the committee. The chairman shall convene the committee within sixty days of receiving the notice, or as soon thereafter as practicable, for the purpose of receiving a presentation by the agency regarding the nature and scope of the proposed rules and for the purpose of receiving presentations by members of the public regarding the nature and scope of the proposed rules. The committee shall work with and encourage the testimony of public and private officials, including the superintendent of public instruction, the education standards and practices board, the state board of higher education, the North Dakota council of educational leaders, the North Dakota education association, the North Dakota school boards association, and the North Dakota Indian affairs commission. In addition, the committee shall actively seek the participation of students, parents, classroom teachers, school administrators, and other citizens of this state. The committee shall direct its efforts to ensuring that no child in this state is left behind and to further ensuring that no law or rule, be it federal or state, hinders or otherwise impedes the ability of this state's teachers, schools, and school districts to achieve this goal.~~
5. ~~The committee shall report to the fifty-ninth its findings and recommendations, together with any legislation required to implement the recommendations, to the legislative assembly if the committee determines the state is not in compliance with any requirement of the No Child Left Behind Act of 2001."~~

Renumber accordingly

HB 1434 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1453, as engrossed: Your conference committee (Sens. Syverson, Krebsbach, Nelson and Reps. Grande, Galvin, Potter) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1265, adopt amendments as follows, and place HB 1453 on the Seventh order:

That the Senate recede from its amendments as printed on page 1265 of the House Journal and page 933 of the Senate Journal and that Engrossed House Bill No. 1453 be amended as follows:

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

Page 1, line 6, replace "A member of the" with "The"

Page 1, after line 6, insert:

"SECTION 2. NORTH DAKOTA LEGISLATIVE ASSEMBLY EMBLEM - LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 2005-06 interim, the feasibility and desirability of creating an emblem for the sole use of the North Dakota legislative assembly, members of the legislative assembly, and the legislative council. The legislative council shall report its findings and recommendations of designs and usage, together with any legislation required to implement the recommendations, to the sixtieth legislative assembly."

Renumber accordingly

Engrossed HB 1453 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