

## JOURNAL OF THE SENATE

## Fifty-fourth Legislative Assembly

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Bismarck, March 20, 1995

The Senate convened at 10:30 a.m., with President Myrdal presiding.

The prayer was offered by Rev. Klaus Raab, Dean of the Lonetree Conference W.N.D.S., Evangelical Lutheran Trinity Parish, Harvey.

The roll was called and all members were present except Senators Grindberg and Lindaas.

A quorum was declared by the President.

## MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: HB 1058, HB 1183, HB 1239, HB 1417, HB 1425, HB 1440, HB 1450, HB 1451, HB 1458, HB 1484, HCR 3008, HCR 3020, HCR 3022, HCR 3045.

## MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: HB 1077, HB 1136, HB 1195, HB 1206, HB 1238, HB 1251, HB 1277, HB 1299, HB 1302, HB 1321, HB 1324, HB 1327, HB 1338, HB 1340, HB 1361, HB 1365, HB 1370, HB 1377, HB 1384, HB 1393, HB 1397.

## MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2001, SB 2002, SB 2007, SB 2041, SB 2054, SB 2160, SB 2263, SB 2283, SB 2344, SB 2460.

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2203, SB 2213, SB 2215, SB 2216, SCR 4025, SCR 4058.

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has failed to pass: SB 2140, SB 2193.

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2021, SB 2075, SB 2101, SB 2115, SB 2181, SB 2204, SB 2425, SCR 4049.

## HOUSE AMENDMENTS TO SENATE BILL NO. 2021

Page 1, line 14, replace "769,700" with "979,700"

Page 2, line 2, replace "23,293,656" with "23,503,656"

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 720 - GAME AND FISH DEPARTMENT

HOUSE - This amendment increases the capital improvements line item by \$210,000 of other funds for the construction of an addition to the Dickinson Game and Fish Department regional office building as follows:

|   | SENATE<br>VERSION   | ADDITIONAL<br>FUNDS FOR<br>CAPITAL<br>IMPROVEMENTS | TOTAL<br>CHANGES | HOUSE<br>VERSION    |
|---|---------------------|--|------------------|---------------------|
| Salaries and wages                      | \$10,322,211        |  |                  | \$10,322,211        |
| Operating expenses                      | 6,800,000           |  |                  | 6,800,000           |
| Equipment                               | 594,400             |  |                  | 594,000             |
| Capital improvements                    | 769,700             | \$210,000 <sup>1</sup>                             | \$210,000        | 979,700             |
| Grants                                  | 1,866,500           |  |                  | 1,866,500           |
| Noxious weed control                    | 200,000             |  |                  | 200,000             |
| Land habitat and<br>deer depredation    | 900,000             |  |                  | 900,000             |
| Wildlife habitat                        | 650,000             |  |                  | 650,000             |
| Small and big game<br>restoration trust | 200,000             |  |                  | 200,000             |
| Grants, gifts, and<br>donations         | 100,000             |  |                  | 100,000             |
| Nongame wildlife                        | 120,000             |  |                  | 120,000             |
| Lonetree Reservoir                      | <u>770,000</u>      |  |                  | <u>770,000</u>      |
| Total                                   | \$23,293,656        | \$210,000  | \$210,000        | \$23,503,656        |
| General fund                            |                     |  |                  |                     |
| Special funds                           | <u>\$23,293,656</u> | <u>\$210,000</u>                                   | <u>\$210,000</u> | <u>\$23,503,656</u> |
| Total                                   | \$23,293,656        | \$210,000  | \$210,000        | \$23,503,656        |
| FTE                                     | 126                 |  |                  | 126                 |

<sup>1</sup> A corresponding reduction is anticipated to Senate Bill No. 2030, which includes \$210,000 other funds authority for the expansion to the department's Dickinson regional office.

#### HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2075

Page 1, line 7, after the fourth comma insert "19-14-02, subsections 3 and 4 of section 19-14-03, sections 19-14-04, 19-14-05, 19-14-06, 19-14-07,"

Page 1, line 17, after the first comma insert "livestock medicine,"

Page 11, after line 15, insert:

"SECTION 13. AMENDMENT. Section 19-14-02 of the North Dakota Century Code is amended and reenacted as follows:

**19-14-02. Registration of livestock medicine.** The department commissioner of agriculture, upon the application of the manufacturer or distributor ~~hereof~~ of livestock medicine and the payment of the registration fee prescribed in section 19-14-04, shall register any livestock medicine ~~which that~~ which does not violate ~~any of the provisions of~~ this chapter. ~~Such~~ The registration expires on June thirtieth of each year unless it is canceled sooner because a change is made in the ingredients or formula of manufacture or in the name, brand, or trademark under which the medicine is sold. In the event of any ~~such~~ change, ~~such~~ the medicine must be registered anew in the same manner as upon an original application.

SECTION 14. AMENDMENT. Subsections 3 and 4 of section 19-14-03 of the North Dakota Century Code is amended and reenacted as follows:

3. Which has not been registered by the ~~department~~ commissioner of agriculture for sale in this state. The certificate of registration must include a disclosure of the name and

quantity or proportion of each active ingredient, and the names of the inert ingredients or fillers.

4. Which does not have printed or written upon the label of each package sold at retail, in type not less than one-fourth the size of the largest type on the package:
  - a. The common name in English of all active ingredients in the order of their predominance in the product;
  - b. A statement of the actual percentage or relative amounts of each ingredient active and inert. In the case of certain products (such as coated medicinal tablets), it may be impractical to state the quantity or proportion of inert ingredients and exemptions must be established by ~~regulations issued~~ rules adopted by the ~~food commissioner and chemist~~;
  - c. The net contents, by weight, measure, or numerical count of ~~such~~ the package;
  - d. The name and principal address of the manufacturer or person responsible for placing ~~such~~ the livestock medicine on the market; and
  - e. Complete and explicit directions for use of ~~such~~ the medicine.

**SECTION 15. AMENDMENT.** Section 19-14-04 of the North Dakota Century Code is amended and reenacted as follows:

**19-14-04. Registration fee.** Prior to each annual registration, a registration fee of ten dollars must be paid to the ~~department commissioner of agriculture~~ commissioner of agriculture for each livestock medicine ~~which that~~ is registered.

**SECTION 16. AMENDMENT.** Section 19-14-05 of the North Dakota Century Code is amended and reenacted as follows:

**19-14-05. ~~Department Commissioner~~ Commissioner may cancel registration.** The ~~department commissioner of agriculture~~ commissioner of agriculture may cancel the registration of any livestock medicine ~~which that~~ is sold subsequent to its registration in violation of ~~any of the provisions of~~ this chapter. The ~~department commissioner of agriculture~~ commissioner of agriculture may cancel ~~such~~ the registration whenever a change is made in the ingredients or formula of the manufacture or in the name, brand, or trademark under which the medicine is sold, unless ~~such~~ the medicine has been reregistered.

**SECTION 17. AMENDMENT.** Section 19-14-06 of the North Dakota Century Code is amended and reenacted as follows:

**19-14-06. ~~Department Commissioner~~ Commissioner may adopt rules and regulations, take testimony, grant public hearings.** The ~~department commissioner of agriculture~~ commissioner of agriculture may adopt rules and ~~regulations pursuant to chapter 28-32~~ governing applications for registration, the submission of samples for analysis, and all other matters necessary to give effect to this chapter. ~~† The commissioner of agriculture may take expert and other testimony whenever † the commissioner~~ deems such testimony advisable and, upon request, shall grant a public hearing prior to the cancellation of a registration and also to any manufacturer or distributor whose request for registration of any livestock medicine has been denied.

**SECTION 18. AMENDMENT.** Section 19-14-07 of the North Dakota Century Code is amended and reenacted as follows:

**19-14-07. Enforcement of chapter.** The department commissioner of agriculture shall enforce ~~the provisions of~~ this chapter by inspection, chemical analysis, and any other appropriate method. All samples for analysis must be taken from stocks held within, or intended for sale in, this state. The department commissioner of agriculture may call upon any manufacturer or distributor applying for registration of a medicine to supply samples ~~thereof of the medicine~~ for analysis."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2101**

Page 3, line 11, after "made" insert "and the statement alleged to be false and defamatory was not made with actual malice"

Page 6, line 11, after "unless" insert "the statement was made with actual malice or"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2115**

In lieu of the amendments adopted by the House as printed on pages 950-951 of the House Journal, Senate Bill No. 2115 is amended as follows:

Page 2, line 1, after "contract" insert ", twenty percent of"

Page 2, line 3, after "be" insert "paid to the city, ten percent paid to the county treasury, and seventy percent"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2181**

Page 1, line 1, after "50-06-05.6" insert ", a new section to chapter 50-06.1, and a new section to chapter 54-34.3"

Page 1, line 2, after "aging" insert ", the committee on employment of people with disabilities, and the commission on the status of women" and remove the first "and"

Page 1, line 3, remove "50-26-01, 50-26-02, 50-26-03, 50-26-05,"

Page 1, line 5, after "administration" insert a semicolon and after "and" insert "to repeal chapter 50-26 of the North Dakota Century Code, relating to"

Page 1, line 11, overstrike "the" and remove "committee on"

Page 1, overstrike lines 12 and 13

Page 1, line 14, overstrike "the status of women;"

Page 4, replace lines 11 through 29 with:

"**SECTION 3.** A new section to chapter 50-06.1 of the North Dakota Century Code is created and enacted as follows:

Committee on employment of people with disabilities - Appointment - Expenses - Duties. There is established a committee on employment of people with disabilities. The committee consists of three members. The governor shall appoint each member for a term of three years, staggered so that the term of one member expires July first of each year. A vacancy occurring other than by reason of the expiration of a term must be filled in the same manner as original appointments, except that the appointment may be made for only the remainder of the unexpired term. The members are entitled to be paid for mileage and

actual expenses incurred in attending meetings and in performance of their official duties in amounts provided by law for other state officers and employees. The committee shall coordinate activities and serve as a clearinghouse for information relating to the employment of people with disabilities. The committee shall prepare for and perform followup duties in connection with state, regional, and national conferences, encourage interest, participation, and cooperation with state departments, agencies, and other organizations in developing needed services, facilities, and opportunities, and provide consultant help to local organizations created for the purpose of coordinating activities for the employment of people with disabilities."

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 29

Page 9, line 2, overstrike "50-26-01", remove the underscored comma, and after the second comma insert "section 3 of this Act, section 7 of this Act,"

Page 9, line 24, overstrike "governor's council" and insert immediately thereafter "committee", overstrike "human resources" and insert immediately thereafter "aging"

Page 9, line 25, after the first period insert "The committee on employment of people with disabilities.

t. The commission on the status of women.

u."

Page 9, line 26, overstrike "t." and remove "The committee on aging."

Page 9, line 27, replace "u." with "v."

Page 9, line 28, replace "v" with "w"

Page 9, line 29, replace "w" with "x"

Page 10, line 1, replace "x" with "y"

Page 10, after line 1, insert:

"SECTION 7. A new section to chapter 54-34.3 of the North Dakota Century Code is created and enacted as follows:

Commission on the status of women - Appointment - Expenses - Duties. There is established a commission on the status of women. The commission consists of five members. The governor shall appoint each member for a term of four years, staggered so that the term of at least one member expires July first of each year. A vacancy occurring other than by reason of the expiration of a term must be filled in the same manner as original appointments, except that the appointment may be made for only the remainder of the unexpired term. The members are entitled to be paid for mileage and actual expenses incurred in attending meetings and in performance of their official duties in amounts provided by law for other state officers and employees. The commission shall coordinate activities and serve as a clearinghouse and an advisory group to the department for information relating to economic development programs that focus on career development for women. The commission shall prepare for and perform followup duties in connection with state, regional, and national conferences, encourage interest, participation, and cooperation with state departments, agencies, and other organizations in developing needed services, facilities, and opportunities, and provide consultant help to local

organizations created for the purpose of coordinating activities for the economic and career development of women.

**SECTION 8. REPEAL.** Chapter 50-26 of the North Dakota Century Code is repealed."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2204**

Page 1, line 1, remove "subsection to section 61-02-02"

Page 1, line 2, remove "and a new"

Page 1, line 4, remove "61-02-47,"

Page 1, line 6, remove "61-02-59," remove "and", and after "61-02-64.1" insert ", and 61-24.6-01"

Page 1, remove lines 11 through 14

Page 1, line 17, remove the overstrike over "~~Commission~~" and remove "Industrial commission"

Page 1, line 19, remove "industrial"

Page 2, line 4, remove "industrial" and after "may" insert "provide for the"

Page 2, line 5, replace "refund and refinance its" with "refunding and refinancing of the"

Page 2, line 7, remove "Before the industrial commission may issue bonds under this chapter"

Page 2, remove lines 8 and 9

Page 2, line 10, remove "to issue the bonds."

Page 2, line 23, remove "industrial commission or the"

Page 2, line 27, remove "and the funds, if any, to be appropriated by"

Page 2, line 28, remove "the legislative assembly"

Page 2, line 29, remove "industrial commission or the"

Page 3, remove lines 3 through 10

Page 3, line 13, remove the overstrike over "~~Commission~~" and remove "Industrial commission"

Page 3, line 14, remove "industrial"

Page 3, line 20, remove ", including the Bank of"

Page 3, line 21, remove "North Dakota", overstrike "by the", remove "industrial", and overstrike "commission"

Page 3, line 22, remove "industrial"

Page 3, line 28, remove "industrial commission or the"

Page 4, line 6, remove the overstrike over "~~Commission~~" and remove "industrial commission"

Page 4, line 7, remove "industrial"

Page 4, line 15, remove "industrial commission and the"

Page 4, line 16, remove "industrial"

Page 4, line 17, overstrike "sell" and insert immediately thereafter "provide for the sale of"

Page 4, line 23, remove "industrial commission"

Page 4, line 24, remove "and the"

Page 5, line 14, remove "industrial"

Page 5, line 15, after "issue" insert "or provide for the issuance of"

Page 5, line 27, remove "industrial"

Page 6, line 5, remove "industrial"

Page 6, line 8, remove "industrial"

Page 6, line 11, remove "industrial"

Page 6, line 13, remove ", including the Bank of North Dakota,"

Page 6, line 15, remove "industrial"

Page 6, line 23, remove "industrial"

Page 6, line 24, remove "industrial"

Page 6, line 28, remove "industrial"

Page 7, remove lines 15 through 21

Page 8, line 17, remove "industrial commission and"

Page 8, line 21, remove "industrial"

Page 8, line 22, remove "commission and the"

Page 8, line 28, remove "industrial commission or the"

Page 9, line 13, remove "industrial commission or the"

Page 9, line 22, remove "industrial commission or the"

Page 9, line 25, remove "industrial commission or the"

Page 10, line 3, remove ", including the Bank of North Dakota,"

Page 10, line 5, remove "industrial commission or"

Page 10, line 6, remove "the"

Page 10, line 28, remove "industrial commission"

Page 10, line 29, remove "and the"

Page 11, line 8, remove "industrial commission or"

Page 11, line 21, remove "industrial"

Page 11, line 23, remove "industrial"

Page 11, line 24, remove "commission or the"

Page 12, line 13, replace "by" with "under"

Page 12, line 14, remove "the industrial commission as authorized by"

Page 12, line 26, remove "industrial"

Page 13, line 1, remove "by the"

Page 13, line 2, remove "industrial commission"

Page 13, line 3, remove "industrial" and remove "or the"

Page 13, line 4, remove "commission"

Page 13, line 5, remove "Funds appropriated by the legislative assembly."

Page 13, line 6, remove "3." and remove "industrial commission or the"

Page 13, after line 7, insert:

**"SECTION 17. AMENDMENT.** Section 61-24.6-01 of the 1993 Supplement to the North Dakota Century Code, as amended by section 1 of Senate Bill No. 2148, as approved by the fifty-fourth legislative assembly, is amended and reenacted as follows:

**61-24.6-01. Findings and declaration of policy.** It is hereby found and declared by the legislative assembly that many areas and localities in northwestern North Dakota do not enjoy safe drinking water, and that the water in these areas and localities contains iron, sulfates, alkali, salt, nitrates, fluoride, and other hazardous and discoloring substances. It is also found and declared that other areas and localities in northwestern North Dakota do not have sufficient quantities of water to ensure a dependable, long-term supply. It is further found and declared that supplementation of the water resources of northwestern North Dakota with water supplies from the Missouri River, utilizing a pipeline transmission and delivery system, may be the only alternative to provide northwestern North Dakota with a safe, good quality, dependable source, and adequate quantity of water.

It is further declared that effective development and utilization of the land and water resources of this state; the opportunity for greater economic security; the protection of health, property, enterprise, and the preservation of the benefits from the land and water resources of this state; and the promotion of the prosperity and general welfare of all of the people of North Dakota involve, necessitate, and require the exercise of the sovereign powers of the state and concern a public purpose. Therefore, in order to accomplish this public purpose, it is hereby declared necessary that a project be pursued that would supply and distribute water to the people of northwestern North Dakota through a pipeline transmission and delivery system for purposes including domestic, rural water districts, municipal, livestock, light industrial, mining, and other uses, with primary emphasis on domestic, rural water district, and municipal uses. In furtherance of this public purpose, the ~~industrial~~ state water commission may issue provide for the issuance of bonds in accordance with chapter 61-02 to finance the costs of the project.

The provisions of this chapter may not be construed to abrogate or limit the rights, powers, duties, and functions of the state water commission or the state engineer, but must be considered supplementary to those rights, powers, duties, and functions."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2425**

Page 1, line 2, remove "and allowing"

Page 1, remove line 3

Page 1, line 4, remove "elections with counties"

Page 1, line 16, remove "with a population"

Page 1, line 17, remove "greater than one hundred", remove the overstrike over "~~enter into an agreement~~", and remove "and the governing body"

Page 1, line 18, remove "of a city with a population of one hundred or less may agree"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION NO. 4049**

Page 2, line 1, replace "a" with "children; and analyze case data on the application of, and deviations from, the guidelines to ensure that deviations from the guidelines are limited"

Page 2, line 2, remove "child"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2090, SB 2343.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2090**

Page 1, line 3, remove the first "and"

Page 1, line 5, after "provided" insert "; and to declare an emergency"

Page 2, after line 15, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2343**

Page 2, line 16, remove "and"

Page 2, line 17, after "person" insert "; and to declare an emergency"

Page 104, after line 28, insert:

"SECTION 81. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1412.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

MADAM PRESIDENT: The Speaker has signed: SB 2150, SCR 4010, SCR 4021, SCR 4027, SCR 4031, SCR 4033, SCR 4047, SCR 4050, SCR 4052, SCR 4053.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

MADAM PRESIDENT: The Speaker has signed: SCR 4029, SCR 4030, SCR 4040.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

MADAM PRESIDENT: The Speaker has signed: SB 2001, SB 2002, SB 2007, SB 2041, SB 2054, SB 2160, SB 2263, SB 2283, SB 2344, SB 2460.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2538.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4023.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

MR. SPEAKER: The President has signed: HB 1412.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

MR. SPEAKER: The Senate has passed unchanged: HB 1334.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

MR. SPEAKER: The Senate has failed to pass: HB 1117, HB 1292.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**

MR. SPEAKER: The Senate has passed unchanged: HB 1030, HB 1074, HB 1075, HB 1160, HB 1180, HB 1218, HB 1264, HB 1269, HB 1271, HB 1279, HB 1287, HB 1315, HB 1328, HB 1330, HB 1331, HB 1332.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 9:09 a.m., March 20, 1995: SCR 4029, SCR 4030, SCR 4040.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 10:18 a.m., March 20, 1995: SCR 4010, SCR 4021, SCR 4027, SCR 4031, SCR 4033, SCR 4047, SCR 4050, SCR 4052, SCR 4053.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 12:58 p.m., March 20, 1995: SB 2001, SB 2002, SB 2007, SB 2041, SB 2054, SB 2150, SB 2160, SB 2263, SB 2283, SB 2344, SB 2460.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 17, 1995, I signed the following: SB 2070, SB 2089, SB 2093, SB 2109, SB 2111, SB 2118, SB 2127, SB 2130, SB 2132, SB 2146, SB 2180, SB 2251, SB 2268, SB 2330, SB 2429, SB 2447, SB 2448, SB 2454, SB 2456, SB 2457, SB 2458, SB 2462, SB 2472, SB 2481, SB 2484, and SB 2490.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 20, 1995, I signed the following: SB 2154 and SB 2410.

**MOTION**

SEN. GOETZ MOVED that HB 1052, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

**MOTION**

SEN. GOETZ MOVED that after action taken on the Sixth order today, the rules be suspended and all bills, with the exception of SCR 4064 and HCR 3038, move directly to the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

HB 1291, as engrossed: SEN. TENNEFOS (Finance and Taxation Committee) MOVED that the amendments on SJ page 975 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1291: A BILL for an Act to amend and reenact subsection 8 of section 57-38-01 and subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to computation of state individual, estate, and trust income tax liability if federal income taxes are substantially reduced; to provide an appropriation; to provide an effective date; 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 18 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Freborg; Goetz; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Nalewaja; Nelson, G.; Sand; Stenehjem, W.; Tallackson; Tennefos; Thane; Traynor; Urlacher; Watne

NAYS: Bowman; Christmann; DeMers; Heinrich; Heitkamp; Holmberg; Kelsh; Krauter; LaFountain; Langley; Mathern; Mushik; Mutch; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tomac; Wanzek; Wogsland; Yockim

ABSENT AND NOT VOTING: Grindberg; Lindaas; Naaden

Engrossed HB 1291, as amended, lost.

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## CONSIDERATION OF AMENDMENTS

SCR 4064: SEN. HEINRICH (Education Committee) MOVED that the amendments on SJ page 1011 be adopted and then be placed on the CONSENT CALENDAR with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

HB 1031, as engrossed: SEN. YOCKIM (Human Services Committee) MOVED that the amendments on SJ pages 1011-1012 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1031: A BILL for an Act to create and enact a new section to chapter 14-08.1 of the North Dakota Century Code, relating to suspension of motor vehicle operator's license for nonpayment of child support; and to amend and reenact section 39-06-19 of the North Dakota Century Code, relating to suspension of a motor vehicle operator's license for nonpayment of 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 42 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; DeMers; Freborg; Goetz; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Scherber; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Andrist; Sand; Schobinger; Solberg

**ABSENT AND NOT VOTING:** Grindberg; Lindaas; Naaden

Engrossed HB 1031, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1032, as engrossed: SEN. W. STENEHJEM (Judiciary Committee) MOVED** that the amendments on SJ pages 1012-1013 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1032:** A BILL for an Act to create and enact a new chapter to title 14 and a new section to chapter 14-09 of the North Dakota Century Code, relating to the establishment of paternity; to amend and reenact section 14-17-11 of the North Dakota Century Code, relating to the use of genetic tests in paternity proceedings; to provide an effective 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Grindberg; Lindaas; Naaden

Engrossed HB 1032, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**HB 1116, as engrossed: SEN. MUTCH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 1013-1014 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1116:** A BILL for an Act to amend and reenact section 18-09-02, subsection 2 of section 23-13-02.3, and section 23-13-16 of the North Dakota Century Code, relating to liquefied petroleum gas regulations, self-service motor fuel dispensing facilities, and limitations on aboveground petroleum storage tanks.

#### 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; Bowman; Christmann; DeMers; Freborg; Goetz; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Grindberg; Lindaas; Naaden

Engrossed HB 1116, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

HB 1134: SEN. TOMAC (Finance and Taxation Committee) MOVED that the amendments on SJ page 1014 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1134: A BILL for an Act to provide limitations on production incentives for ethanol plants; to amend and reenact section 57-43.1-03.1 of the North Dakota Century Code and section 6 of chapter 404 of the 1991 Session Laws, relating to reductions of refunds of motor vehicle fuels taxes on fuel used for agricultural purposes and the duration of motor vehicle registration fees; 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 42 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Freborg; Goetz; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lips; Mathern; Mushik; Mutch; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Trayncr; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Christmann; Malewaja; Solberg; Stenehjem, B.

ABSENT AND NOT VOTING: Grindberg; Lindaas; Naaden

HB 1134, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

HB 1138: SEN. MATHERN (Political Subdivisions Committee) MOVED that the amendments on SJ pages 1014-1015 be adopted and then be placed on the Fourteenth order with **DO PASS**.

#### REQUEST

SEN. DEMERS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1138, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the amendments to HB 1138, the roll was called and there were 39 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lips; Mathern; Mutch; Malewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: DeMers; Heinrich; Kelsh; LaFountain; Mushik; O'Connell; Yockim

ABSENT AND NOT VOTING: Grindberg; Lindaas; Naaden

The motion to adopt the amendments to HB 1138 passed.

#### MOTION

SEN. GOETZ MOVED that HB 1138, as amended, be laid over one legislative day, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

HB 1151, as engrossed: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 1016 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1151: A BILL for an Act to amend and reenact subsection 10 of section 27-20-02 and section 39-20-01 of the North Dakota Century Code, relating to the definition of unruly child and to implied consent to determine alcohol and drug content of blood.

#### 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; Bowman; Christmann; DeMers; Freborg; Goetz; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Grindberg; Lindaas; Tennefos

Engrossed HB 1151, as amended, passed and the title was agreed to.

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#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1045, HB 1291, HB 1487.

#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1027, HB 1031, HB 1036, HB 1083, HB 1116, HB 1172, HB 1246, HB 1309, HCR 3017.

#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1032, HB 1050, HB 1134.

#### MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2024, SB 2135, SB 2230, SB 2280, SB 2290, SB 2295, SB 2297, SB 2302, SB 2356, SB 2362, SCR 4006, SCR 4013, SCR 4062.

#### MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2296.

#### MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has failed to pass: SB 2303, SB 2308.

#### MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and failed to pass: SB 2237, SB 2327, SB 2435.

#### MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and failed to pass: SB 2242.

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2351, SB 2463.

## HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2351

Page 8, line 8, replace "3" with "4"

Renumber accordingly

## HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2463

Page 1, line 3, after the second semicolon insert "to provide an expiration date;"

Page 2, line 25, remove "in the general fund in the state treasury, not otherwise appropriated,"

Page 2, line 26, remove the first "and" and remove "federal funds and"

Page 3, line 4, replace "all" with "special" and after "funds" insert "appropriation"

Page 3, replace lines 5 and 6 with:

"SECTION 4. RESOURCES TRUST FUND - TRANSFER. The amount of \$87,900, or so much of the funds as may be necessary, included in the special funds appropriation in section 3 of this Act is from the resources trust fund and shall be transferred to the state water commission for the purposes of this Act during the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 5. EXPIRATION DATE. This Act is effective through June 30, 1997, and after that date is ineffective."

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 770 - STATE WATER COMMISSION

HOUSE - This amendment makes the following changes:

|                       | SENATE<br>VERSION | CHANGE           | HOUSE<br>VERSION |
|-----------------------|-------------------|------------------|------------------|
| Total appropriation   | \$117,200         |                  | \$117,200        |
| Less estimated income | <u>58,600</u>     | <u>\$ 58,600</u> | <u>117,200</u>   |
| Total general fund    | \$ 58,600         | \$(58,600)       | \$ 0             |

Of the \$117,200, the House version provides \$87,900 from the resources trust fund and \$29,300 from local funds. Also, an expiration date of June 30, 1997, is added with the intent that funding be provided only for the 1995-97 biennium and not continued in future bienniums.

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2309, SB 2349, SB 2406, SB 2477, SB 2520.

## HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2309

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 37-19.1-01 and subsection 5 of section 37-19.1-02 of the North Dakota Century Code, relating to definitions under the veterans' preference laws.

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

**SECTION 1. AMENDMENT.** Section 37-19.1-01 of the North Dakota Century Code is amended and reenacted as follows:

**37-19.1-01. Definitions.** As used in this chapter:

1. "Agency" or "governmental agency" means all political subdivisions and any state agency, board, bureau, commission, department, officer, and any state institution or enterprise authorized to employ persons either temporarily or permanently.
2. "Chief deputy" means the person who is appointed by an elected or appointed official under express statutory authority to hire a chief deputy and who is authorized to act on behalf of that official. The term does not include a person appointed to a position that must be filled under an established personnel system."
3. "Disabled veteran" means a veteran who is found to be entitled to a service-connected disability rating as determined by the United States veterans' administration.
- ~~3- 4.~~ "Personnel system" means a personnel system based on merit principles.
- ~~4- 5.~~ "Political subdivision" means counties, cities, townships, and any other governmental entity created by state law which employs persons either temporarily or permanently.
6. "Private secretary" means the person who is appointed by an elected or appointed official under express legal authority to hire a private secretary or administrative assistant and who is authorized to handle correspondence, keep files, schedule appointments, and do other clerical work of a more personal and confidential nature for that official, but does not include a person appointed to a position that must be filled under an established personnel system."
- ~~5- 7.~~ "Veteran" means a wartime veteran as defined in subsection 2 of section 37-01-40."

**SECTION 2. AMENDMENT.** Subsection 5 of section 37-19.1-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. The provisions of this section do not apply when the position to be filled is that of a superintendent of schools, teacher, or the chief deputy or private secretary of an elected or appointed official, the chancellor and vice chancellors of the board of higher education, presidents or executive deans, vice presidents, assistant to the president, provosts, and instructors of board institutions. Temporary committees and individual or group appointments made by the governor or legislative assembly are also excepted from the provisions of this section."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2349**

Page 5, line 6, after the period insert "The secretary of state, or any employee or legal representative of the secretary of state, may not disclose the information reported under subsections 6, 7, and 8 to any person, except a person who is verified to be a shareholder of the

corporation for which information is requested or to the tax commissioner or any employee or legal representative of the tax commissioner, who may not disclose the information and may use the information only for the administration of the tax laws."

Page 7, line 20, after "hundred" insert "thirty-five"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2406**

Page 1, line 3, after "counselors" insert "; and to amend and reenact subsections 3 and 4 of section 43-47-01, section 43-47-04, subsections 1 and 6 of section 43-47-05, and subsections 1, 3, and 6 of section 43-47-06 of the North Dakota Century Code, relating to the counselors and licensed associate professional counselors"

Page 1, after line 4, insert:

**SECTION 1. AMENDMENT.** Subsections 3 and 4 of section 43-47-01 of the North Dakota Century Code are amended and reenacted as follows:

3. "Counselor" means a person who has been granted either a professional counselor or associate professional counselor license by the board.
4. "Licensed associate professional counselor" means a person who has been granted an associate professional license by the board to offer and conduct counseling under the supervision of a licensed professional counselor or such other person meeting the requirements of supervising professional set by the board.

**SECTION 2. AMENDMENT.** Section 43-47-04 of the North Dakota Century Code is amended and reenacted as follows:

**43-47-04. Representation to the public.** Only persons licensed under this chapter may use the title "professional counselor" or "associate professional counselor", or the abbreviations "LPC" or "LAPC". The license issued by the board must be prominently displayed at the principal place of business of the counselor.

**SECTION 3. AMENDMENT.** Subsections 1 and 6 of section 43-47-05 of the North Dakota Century Code are amended and reenacted as follows:

1. This chapter does not prevent any person licensed by the state from doing work within the standards and ethics of that person's profession, if that person does not represent to the public that the person is a professional counselor or associate professional counselor.
6. This chapter does not prevent the employment of, or volunteering by, individuals in nonprofit agencies or community organizations if these persons do not hold themselves out to the public as professional counselors or associate professional counselors.

**SECTION 4. AMENDMENT.** Subsections 1, 3, and 6 of section 43-47-06 of the North Dakota Century Code are amended and reenacted as follows:

1. Except as otherwise provided in this chapter, no person may engage in counseling in this state unless that person is a licensed professional counselor or licensed associate professional counselor.

3. The board shall issue a license as a licensed associate professional counselor to each applicant who files an application upon a form and in a manner the board prescribes, accompanied by the required fee, and who furnishes sufficient evidence to the board that the applicant:
  - a. Has received a master's degree from an accredited school or college in counseling or other program that meets the academic and training standards adopted by the board;
  - b. Has provided personal and professional recommendations that meet the requirements adopted by the board and has satisfied the board that the applicant will adhere to the standards of the profession of counseling; and
  - c. Has provided a written plan for supervised experience which meets the requirements adopted by the board.
  
6. An associate professional counselor initially licensed under this chapter may be licensed for no more than two years. The associate professional counselor's license may be extended beyond two years only upon recommendation of the associate professional counselor's supervisor and three other counselors, at least one of whom must be a professor from the associate professional counselor's training program."

Page 1, underscore lines 7 through 14

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2477**

Page 1, line 12, remove "private"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2520**

Page 5, line 6, replace the second "services" with "relationship"

Page 5, line 7, replace "described in writing and signed by the parties" with "disclosed"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2104, SB 2134, SB 2176, SB 2212, SB 2404, SB 2405, SB 2452, SB 2500.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2104**

Page 2, line 19, after "1999" insert ", or upon the effective date of a vacancy of the office of commissioner of labor if before January 1, 1999"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2134**

Page 1, line 1, replace "section" with "sections 52-01-03 and"

Page 1, line 2, after "to" insert "disclosure of information and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 52-01-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**52-01-03. Disclosure of information.** Except as otherwise provided in this section, information obtained from any employing unit or individual pursuant to the administration of the North Dakota Unemployment Compensation Law and determinations as to the benefit rights of any individual must be held confidential and may not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or claimant's legal representative must be supplied with information from the records of the job insurance division, to the extent necessary for the proper presentation of the claimant's claim in any proceeding under the North Dakota Unemployment Compensation Law with respect to ~~such~~ the claim. Subject to ~~such~~ restrictions as the bureau by rule may prescribe, ~~such~~ the information may be made available to any agency of this or any other state, or any federal agency, charged with the administration of any unemployment compensation law or the maintenance of a system of public employment offices, or the bureau of internal revenue of the United States department of the treasury, and information obtained in connection with the administration of the employment service may be made available to persons or agencies for purposes appropriate to the operation of a public employment service. Upon a request, the bureau shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, and may furnish to any state agency similarly charged, the name, address, ordinary occupation, and employment status of each recipient of benefits and ~~such~~ the recipient's rights to further benefits under the North Dakota Unemployment Compensation Law. The bureau may request the comptroller of the currency of the United States to cause an examination of the correctness of any return or report of any national banking association, rendered pursuant to the North Dakota Unemployment Compensation Law, and in connection with ~~such~~ the request, may transmit any ~~such~~ report or return to the comptroller of the currency of the United States as provided in subsection c of section 3305 of the federal Internal Revenue Code. The bureau shall request and exchange information for purposes of income and eligibility verification to meet the requirements of section 1137 of the Social Security Act.

The bureau may provide the workers compensation bureau, the state ~~labor~~ commissioner of labor, the department of economic development and finance, ~~and~~ the state tax commissioner, and the North Dakota occupational information coordinating committee with information obtained pursuant to the administration of the North Dakota Unemployment Compensation Law. Any information so provided may be used only for the purpose of administering the duties of the workers compensation bureau, the state ~~labor~~ commissioner of labor, the state department of economic development and finance, ~~and~~ the state tax commissioner, and the North Dakota occupational information coordinating committee. The bureau may provide any state agency or a private entity with the names and addresses of employing units for the purpose of jointly publishing or distributing publications or other information as provided in section 54-06-04.3. Any information so provided may only be used for the purpose of jointly publishing or distributing publications or other information as provided in section 54-06-04.3.

Whenever the bureau obtains information on the activities of a contractor doing business in this state of which officials of the secretary of state, workers compensation bureau, or the tax commissioner may be unaware and that may be relevant to duties of those officials, the bureau shall provide any relevant information to those officials for the purpose of administering their duties.

The bureau shall request and exchange information as required of the bureau under federal law with any specified governmental agencies. Any information so provided may be used only for the purpose of administering the duties of such governmental agencies."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2176**

Page 3, line 14, remove "In July of each year, one-half of the amount appropriated"

Page 3, replace line 15 with "Collections from this tax"

Page 3, line 17, overstrike "and the remaining"

Page 3, line 18, overstrike "revenue from the tax imposed upon policies for any" and overstrike "line of"

Page 3, line 19, overstrike "insurance" and insert immediately thereafter "but not in an amount exceeding one-half of the biennial amount appropriated for distribution under section 18-04-05 in any fiscal year. Collections from this tax exceeding the amount deposited in the insurance tax distribution fund each fiscal year"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 401 - INSURANCE DEPARTMENT

HOUSE - This amendment clarifies the provisions relating to the allocation of insurance premium tax collections between the insurance tax distribution fund and the general fund by providing that insurance premium tax collections equal to one-half of the biennial appropriation for payments to fire departments be deposited in the insurance tax distribution fund rather than only July collections. All remaining insurance premium tax collections are deposited in the general fund.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2212**

Page 1, line 14, overstrike "to provide pharmaceutical care"

Page 1, line 15, after "provider" insert "of pharmaceutical care"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2404**

Page 1, line 7, replace "by persons" with "in a licensed hospital or a nursing home by a person"

Page 1, line 8, after "compensation" insert "or by a nurse's assistant"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2405**

Page 3, line 8, after "avoid" insert "a"

Page 3, line 9, replace "action of the legislative assembly" with "appropriations measure"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2452**

Page 1, line 1, after "to" insert "provide for the sale of controlled substance tax stamps as novelties by the tax commissioner; to"

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

Page 1, after line 3, insert:

"SECTION 1. Sale of tax stamps as novelties. The tax commissioner may sell controlled substance tax stamps that have been made pursuant to chapter 57-36.1 as novelties for not more than ten dollars per stamp, inclusive of sales tax."

Page 1, after line 5, insert:

"SECTION 3. EXPIRATION DATE. Section 1 of this Act is effective through June 30, 1997, and after that date is ineffective."

Reumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2500**

Page 1, line 9, overstrike ", the" and remove "mortgagee"

Page 1, line 10, remove the overstrike over "~~owner of the property~~", remove "mortgagor", and after the comma insert "the owners of the mortgage or other lien"

Page 1, line 13, replace the first "mortgagor" with "owner of the property" and replace the second "mortgagor" with "owner of the property"

Page 1, line 14, remove the overstrike over "~~mortgage or~~"

Page 1, line 16, remove the overstrike over "~~owner of the property~~" and remove "mortgagor"

Reumber accordingly

**MOTION**

SEN. GOETZ MOVED that HB 1256, which is on the Fourteenth order, be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, HB 1256 was rereferred.

**REPORT OF STANDING COMMITTEE**

HB 1432, as reengrossed: **Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1432 was placed on the Fourteenth order on the calendar.

**MOTION**

SEN. GOETZ MOVED that HB 1432 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, HB 1432 was rereferred.

**POINT OF PERSONAL PRIVILEGE**

SEN. WANZEK: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

**REMARKS OF SENATOR WANZEK**

I would like to take this opportunity to congratulate the state class B basketball champions, the Carrington Cardinals, and again congratulate the Carrington Cardinals for winning the state class B wrestling championship two weeks ago.

I would like to point out there were two teams in the state class "B" basketball tournament from the 29th legislative district. So I also want to commend the Litchville-Marion-Montpelier team for their fine efforts in the state tournament.

I wish to commend all the other teams: Grenora and Mr. Basketball Hunter Berg; Mayville-Portland-Clifford-Galesburg; Munich and their coach of the year, Jack DeMaine; Oakes; Halliday; and Rhame. Congratulations on a fine job. I am sure all your schools are proud.

The Carrington Cardinals and all the teams exhibited fine athleticism, enthusiasm, and most importantly, sportsmanship. Again, congratulations to

all, and especially to coach Jim Jeske and the Carrington Cardinals, the 1995 state class B basketball champions.

#### REQUEST

SEN. WOGSLAND REQUESTED that the record reflect that the reason Sens. Mushik and Wogsland were absent the last three days was that they were attending a NCSL meeting on leadership in Washington, D.C., which request was granted.

#### MOTION

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

#### MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth and Sixteenth orders of business and at the conclusion of those orders, the Senate stand in recess until 3:00 p.m., at which time there will be a Joint Session in the House Chambers, and after the Joint Session, the Senate will stand adjourned until 9:30 a.m., Tuesday, March 21, 1995, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

SCR 4065: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4065 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "classified" with "all"

Page 1, line 12, replace "any class of" with "all"

Page 1, line 14, remove "classes of"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SCR 4066: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4066 was placed on the Sixth order on the calendar.

Page 1, line 2, after "consolidating" insert "functions of"

Page 1, line 21, remove the first "the"

Page 2, line 5, after "Council" insert "direct the Employee Benefits Committee to"

Page 2, line 6, after "consolidating" insert "functions of"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1004, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). Engrossed HB 1004 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "1,620,212" with "1,701,697"

Page 1, line 15, replace "4,325,876" with "4,407,361"

Page 1, line 16, replace "3,919,165" with "4,000,650"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 627 - TRANSPORTATION INSTITUTE

SENATE - This amendment makes the following changes:

|                    | HOUSE<br>VERSION | RESTORE<br>VACANT<br>POSITION | LOGISTICS<br>PROGRAM<br>POSITIONS | TOTAL<br>CHANGES | SENATE<br>VERSION  |
|--------------------|------------------|-------------------------------|-----------------------------------|------------------|--------------------|
| Salaries and wages | \$1,620,212      | \$81,485 <sup>1</sup>         |                                   | \$81,485         | \$1,701,697        |
| Operating expenses | 1,310,664        |                               |                                   |                  | 1,310,664          |
| Equipment          | 45,000           |                               |                                   |                  | 45,000             |
| Grants             | <u>1,350,000</u> |                               |                                   |                  | <u>1,350,000</u>   |
| Total              | \$4,325,876      | <u>\$81,485</u>               | <u>\$0</u>                        | <u>\$81,485</u>  | <u>\$4,407,361</u> |
| General fund       | \$ 406,711       |                               |                                   |                  | \$ 406,711         |
| Special funds      | <u>3,919,165</u> | <u>81,485</u>                 | <u>—</u>                          | <u>\$81,485</u>  | <u>4,000,650</u>   |
| Total              | \$4,325,876      | \$81,485                      | \$0                               | \$81,485         | \$4,407,361        |
| FTE                | 11               | 1                             | 2 <sup>2</sup>                    | 3                | 14                 |

<sup>1</sup> Restores one FTE vacant research position removed by the House.

<sup>2</sup> Adds two FTE positions relating to the logistics program.

## REPORT OF STANDING COMMITTEE

HB 1008, 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 1008 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and the adjutant general for the civil air patrol"

Page 1, remove lines 19 through 21

Page 2, remove lines 1 through 9

Reumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

SENATE - This amendment removes the appropriation to the Adjutant General for the Civil Air Patrol because it has also been added to the Adjutant General's appropriation contained in Senate Bill No. 2017.

## REPORT OF STANDING COMMITTEE

HB 1009, 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 1009 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "4,262,842" with "4,297,842"

Page 1, line 15, replace "82,500" with "92,500"

Page 1, line 16, replace "448,401" with "1,054,801"

Page 1, line 17, replace "6,259,363" with "6,910,763"

Page 1, line 18, replace "4,297,440" with "4,938,840"

Page 1, line 19, replace "1,961,923" with "1,971,923"

Page 2, line 1, replace "339,076" with "390,670"

Page 2, replace line 3 with:

|                                  |             |
|----------------------------------|-------------|
| "Total all funds                 | \$ 467,401  |
| Less estimated income            | 51,594      |
| Total general fund appropriation | \$ 415,807" |

Page 2, line 4, replace "2,377,730" with "2,387,730"

Page 2, line 5, replace "4,297,440" with "4,990,434"

Page 2, line 6, replace "6,675,170" with "7,378,164"

Reumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 313 - VETERANS HOME

SENATE - This amendment makes the following changes:

|                       | HOUSE<br>VERSION | SENATE<br>CHANGES          | SENATE<br>VERSION |
|-----------------------|------------------|----------------------------|-------------------|
| Salaries and wages    | \$4,262,842      | \$ 35,000 <sup>1</sup>     | \$4,297,842       |
| Operating expenses    | 1,465,620        |                            | 1,465,620         |
| Equipment             | 82,500           | 10,000 <sup>2</sup>        | 92,500            |
| Capital improvements  | <u>448,401</u>   | <u>606,400<sup>3</sup></u> | <u>1,054,801</u>  |
| Total                 | \$6,259,363      | \$651,400                  | \$6,910,763       |
| Less estimated income | <u>4,297,440</u> | <u>641,400</u>             | <u>4,938,840</u>  |
| General fund          | \$1,961,923      | \$ 10,000                  | \$1,971,923       |
| FTE                   | 77.71            | 0                          | 77.71             |

<sup>1</sup> Adds \$35,000 for workers' compensation premiums from other funds.

<sup>2</sup> Adds \$10,000 from the general fund for equipment.

<sup>3</sup> Adds \$606,400 from other funds to provide funding for an air-conditioning system and window replacement previously funded in Senate Bill No. 2030.

The capital improvements line item, as amended, is summarized as follows:

|                            |               |
|----------------------------|---------------|
| Air-conditioning system    | \$ 447,000    |
| Window replacement         | 159,400       |
| Bond payments              | 266,901       |
| Roof repairs               | 42,000        |
| Nurses' station renovation | 54,000        |
| Draperies - Basic care     | 34,000        |
| Whirlpool                  | 29,000        |
| Garage                     | 10,000        |
| Other                      | <u>12,500</u> |

Total \$1,054,801

#### DEPARTMENT 321 - VETERANS AFFAIRS

SENATE - This amendment makes the following changes:

|                       | HOUSE<br>VERSION | ADD FUNDS<br>FOR GRANT<br>ADMINISTRATOR | SENATE<br>VERSION |
|-----------------------|------------------|---|-------------------|
| Salaries and wages    | \$339,076        | \$51,594                                | \$390,670         |
| Operating expenses    | <u>76,731</u>    | <u>          </u>                       | <u>76,731</u>     |
| Total                 | \$415,807        | \$51,594                                | \$467,401         |
| Less estimated income | <u>0</u>         | <u>51,594</u>                           | <u>51,594</u>     |
| General fund          | \$415,807        | \$ 0                                    | \$415,807         |
| FTE                   | 5                | 1                                       | 6                 |

#### REPORT OF STANDING COMMITTEE

HB 1010: 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). HB 1010 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "15,000" with "50,000"

Page 1, line 15, replace "2,791,670" with "2,826,670"

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 413 - DEPARTMENT OF BANKING AND FINANCIAL INSTITUTIONS

SENATE - This amendment increases the contingency line item by \$35,000 of special funds authority due to additional examinations that the agency may have to conduct during the 1995-97 biennium pursuant to House Bill No. 1236, which relates to trust companies operating multiple offices. The additional funds required will be obtained through the collection of fees from institutions under examination. The number of institutions that will require examination is unknown. The amendment makes the following changes:

|                    | HOUSE<br>VERSION   | INCREASE<br>CONTINGENCY<br>LINE ITEM | TOTAL<br>CHANGES | SENATE<br>VERSION  |
|--------------------|--------------------|--------------------------------------|------------------|--------------------|
| Salaries and wages | \$2,274,425        |                                      |                  | \$2,274,425        |
| Operating expenses | 480,751            |                                      |                  | 480,751            |
| Equipment          | 21,494             |                                      |                  | 21,494             |
| Contingency        | <u>15,000</u>      | <u>\$35,000</u>                      | <u>\$35,000</u>  | <u>50,000</u>      |
| Total              | \$2,791,670        | \$35,000                             | \$35,000         | \$2,826,670        |
| General fund       |                    |                                      |                  |                    |
| Special funds      | <u>\$2,791,670</u> | <u>\$35,000</u>                      | <u>\$35,000</u>  | <u>\$2,826,670</u> |
| Total              | \$2,791,670        | \$35,000                             | \$35,000         | \$2,826,670        |
| FTE                | 24                 |                                      |                  | 24                 |

## REPORT OF STANDING COMMITTEE

HB 1012: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1012 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1020: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1020 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1026, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1026 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 37-03 of the North Dakota Century Code, relating to biennial reports; to amend and reenact sections 2-05-04, 4-02.1-26, 4-05.1-04, 4-27-11, 6-01-10, 13-03-10, 13-03.1-10, 13-05-08.1, 15-02-08, 15-10-14.1, 15-20.1-21, 15-21-14, 15-52-28, 18-01-29, 20.1-02-04, 23-01-06, 24-02-01.5, 24-02-10, 26.1-01-03, 26.1-21-22, 34-05-01, 34-06-20, 36-01-11, 37-03-05, 37-14-09, 37-15-19, 43-01-06, 43-04-19, 43-09-05, 43-10-08, 43-13-09, 43-15-12, 43-17-12, 43-23-02, 43-28-09, 46-02-04, 49-01-13, 52-02-03, 52-10-09, 54-06-03, 54-06-04, 54-09-02, 54-10-01, 54-11-01, 54-12-05, 54-17-06, 54-36-06, 54-42-05, 54-44.3-07, 54-46-11, 57-01-02, 61-03-04, 61-04.1-10, and 65-02-09 of the North Dakota Century Code, relating to reports to the governor and the secretary of state; and to repeal section 54-06-05 of the North Dakota Century Code, relating to the condensing of reports and copies of reports.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 2-05-04 of the North Dakota Century Code is amended and reenacted as follows:

**2-05-04. Commission organization - Reports - Offices.** ~~The~~ Within thirty days after its appointment, the commission shall, within thirty days after its appointment, organize, and make such adopt rules and regulations for its administration as it may deem determine to be expedient. The commission shall may submit a biennial report to the governor and office of management and budget in the manner prescribed by the secretary of state in accordance with section 54-06-04. The commission shall maintain its office in the state capitol.

**SECTION 2. AMENDMENT.** Section 4-02.1-26 of the North Dakota Century Code is amended and reenacted as follows:

**4-02.1-26. Annual report.** ~~The secretary or other officer charged with such the duty shall to compile an annual report of the proceedings of the state fair association and its financial condition for the preceding fiscal year. Such report must be prepared so as to be available for by the annual meeting. A shall file a copy of such report must be filed in the office of the commissioner of agriculture, who. The commissioner shall include it, in whole or in part, in his the commissioner's biennial report to the governor and the office of management and budget secretary of state.~~

**SECTION 3. AMENDMENT.** Section 4-05.1-04 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-05.1-04. Reports to director and state board of higher education.** ~~Each superintendent shall submit a biennial report to the director on or before the first day of August of each odd-numbered year. Each report must set forth in detail the investigations and experiments made during the preceding fiscal biennium, recommendations for the welfare of the center, the financial condition of the center, how all moneys have been expended, and the results of experiments. The director shall submit these reports, with a biennial report of the North Dakota state university main research station, to the board of higher education on or before the first day of September of each odd-numbered year. In addition to any requirements established under If the board of higher education submits a biennial report to the governor and the secretary of state in accordance with section 54-06-04, the board of higher education shall the report must include a composite of the reports from the research station and each research center in its biennial report to the governor and the office of management and budget.~~

**SECTION 4. AMENDMENT.** Section 4-27-11 of the North Dakota Century Code is amended and reenacted as follows:

**4-27-11. Biennial report and audit of commission.** ~~The commission shall may submit a biennial report to the governor and the office of management and budget as prescribed by secretary of state in accordance with section 54-06-04. The state auditor shall audit biennially the books, records, and accounts must be audited biennially by the state auditor, of the commission. The commission shall pay the cost of such the audit to be paid from the funds of the commission.~~

**SECTION 5. AMENDMENT.** Section 6-01-10 of the North Dakota Century Code is amended and reenacted as follows:

**6-01-10. Commissioner to keep records and make reports - Biennial report of the department.**

1. The assistant commissioner shall act as secretary and keep all proper records and files pertaining to the duties and

work of the office of the assistant commissioner and the proceedings of the board. The commissioner shall report to the board annually, touching on all the commissioner's official acts and those of the deputy examiners, giving abstracts of statistics and of the conditions of the various institutions to which the commissioner's duties relate, and making such recommendations and suggestions as the commissioner may deem determine proper.

2. The state banking board shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, ~~there must be included in the~~ banking board's report must include a summary or abstract of the reports of the commissioner.
3. The commissioner shall report to the state credit union board annually in the same manner as this section provides for the commissioner's report to the state banking board. The state credit union board shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04, and in addition, ~~there must be included in the~~ credit union board's report must include a summary or abstract of the reports of the commissioner.
4. The biennial reports of the state banking board and the state credit union board shall be published in the form of a combined biennial report of the department of banking and financial institutions. The biennial report of the department shall be submitted to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04. The biennial report of the department must include all other biennial reports which the commissioner or the boards are required by law to submit to the governor and the office of management and budget.

**SECTION 6. AMENDMENT.** Section 13-03-10 of the North Dakota Century Code is amended and reenacted as follows:

**13-03-10. Books and records - Annual reports - Biennial reports report.**

1. Each licensee shall ~~keep and use in his business such books and accounting~~ maintain records ~~as are in accord~~ conformity with ~~sound and~~ generally accepted accounting principles and practices and as may be prescribed by the commissioner of banking and financial institutions. ~~Such~~ The licensee shall preserve ~~such the~~ books and accounting records for at least two years after making the final entry on any loan recorded ~~therein~~ in the books and records.
2. The parent company of each licensee shall file annually on or before the July thirty-first day of ~~July~~ file a report for the preceding fiscal year with the commissioner. ~~Such~~ The report must give composite information on the financial condition of its licensees and must include all information requested by the commissioner. ~~Such~~ The report must be made under oath and must be in the form prescribed by the commissioner ~~who,~~ The commissioner may make and publish annually an analysis and recapitulation of ~~such the~~ reports.
3. The commissioner shall submit a biennial report to the governor and the ~~office of management and budget as~~

~~prescribed by secretary of state in accordance with section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, there must be included in the commissioner's report must include a summary or abstract of the annual reports filed with the commissioner.~~

**SECTION 7. AMENDMENT.** Section 13-03.1-10 of the North Dakota Century Code is amended and reenacted as follows:

**13-03.1-10. Records - Annual reports - Biennial report.**

1. Every licensee shall maintain records in conformity with generally accepted accounting principles and practices in a manner that will enable the administrator to determine whether the licensee is complying with the provisions of this chapter. The recordkeeping system of a licensee is sufficient if the licensee makes the required information reasonably available. The records pertaining to any loan need not be preserved for more than two years after making the final entry relating to the loan, but in the case of a revolving loan account the two years is measured from the date of each entry.
2. On or before July thirty-first each year the parent company of each licensee shall file with the administrator a composite annual report in the form prescribed by the administrator relating to all loans made by its licensees. The administrator shall consult with comparable officials in other states for the purpose of making the kinds of information required in annual reports uniform among the states. The administrator may make and publish annually an analysis and recapitulation of such reports.
3. The administrator shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, ~~there must be included in the administrator's report~~ must include a summary or abstract of the annual reports filed with the administrator.

**SECTION 8. AMENDMENT.** Section 13-05-08.1 of the North Dakota Century Code is amended and reenacted as follows:

**13-05-08.1. Biennial report.** The commissioner of banking and financial institutions shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04.

**SECTION 9. AMENDMENT.** Section 15-02-08 of the North Dakota Century Code is amended and reenacted as follows:

**15-02-08. Commissioner to keep record of permanent funds - Biennial report to governor and office of management and budget.** The commissioner shall keep a record in suitable books showing a detailed quarterly statement of the condition of all of the permanent funds under the control of the board of university and school lands, the amount of each fund, how invested, when due, interest paid, and all acts connected with the management of such funds. All records and record books ~~must be~~ are open at all times for inspection by the public. The commissioner shall ~~may~~ submit a biennial report to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04. ~~In addition to any requirements established pursuant to section 54-06-04 if submitted,~~ the report must show all investments of such the several funds, the

work done during the preceding fiscal biennium, the number of acres [hectares] of land sold or leased by the department, the amount received therefor, the amount of interest received to the credit of the several funds, the expense of administration of the department, and all ~~such~~ other matters relating to ~~his~~ the commissioner's office as are necessary to disclose fully the operation of the department.

**SECTION 10. AMENDMENT.** Section 15-10-14.1 of the North Dakota Century Code is amended and reenacted as follows:

**15-10-14.1. Biennial report of the state board of higher education.** ~~The state board of higher education shall biennially make may submit a biennial report to the governor and to the office of management and budget secretary of state for the educational institutions under its control as provided by law. The If submitted, the report must cover enrollments, major functions and programs, and major goals and objectives, and the extent of achievement of those goals and objectives. The report must also include summaries of financial reports, a narrative explaining the significance of that data, and such other information as the board may choose.~~

**SECTION 11. AMENDMENT.** Section 15-20.1-21 of the North Dakota Century Code is amended and reenacted as follows:

**15-20.1-21. Report of state board to governor and office of management and budget Biennial report.** ~~The state board shall may submit a biennial report to the governor and the office of management and budget as prescribed by secretary of state in accordance with section 54-06-04. In addition to any requirements established pursuant to section 54-06-04 If submitted, the report must set forth the condition of vocational education in the state, a list of the schools to which federal and state aid for vocational education has been given, and a detailed statement of the expenditures of federal and state funds for that purpose.~~

**SECTION 12. AMENDMENT.** Section 15-21-14 of the North Dakota Century Code is amended and reenacted as follows:

**15-21-14. Biennial report - Contents.** ~~The superintendent of public instruction shall submit a biennial report to the governor and the office of management and budget as prescribed by secretary of state in accordance with section 54-06-04 a biennial report which, in addition to any requirements established pursuant to section 54-06-04, The report must show:~~

1. The number of school districts in the state and the number of teachers employed, and pupils taught therein, the attendance of pupils, and the studies pursued by them.
2. The financial condition of the various public schools, their receipts and expenditures, the value of schoolhouses and property, the costs of tuition, and the salaries of teachers.
3. The condition, educational and financial, as far as it can be ascertained, of the private schools and academies of the state.
4. Such general matters, information, and recommendations relating to the educational interests of the state ~~as he may deem deemed~~ important.

**SECTION 13. AMENDMENT.** Section 15-52-28 of the North Dakota Century Code is amended and reenacted as follows:

**15-52-28. Biennial report.** The board of higher education shall ~~may~~ submit a biennial report ~~as prescribed by~~ to the governor and the secretary of state in accordance with section 54-06-04 ~~to the governor and the office of management and budget.~~

**SECTION 14. AMENDMENT.** Section 18-01-29 of the North Dakota Century Code is amended and reenacted as follows:

**18-01-29. Biennial report of fire marshal.** The state fire marshal shall ~~may~~ submit a biennial report ~~as prescribed by~~ to the governor and the secretary of state in accordance with section 54-06-04 ~~to the governor and the office of management and budget.~~

**SECTION 15. AMENDMENT.** Section 20.1-02-04 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-02-04. Duties of director.** The director shall:

1. Maintain an office in Bismarck.
2. Adopt rules necessary to the conduct of the department.
3. Keep an accurate record of all the transactions and expenditures of the department and submit a biennial report to the governor and the office of management and budget ~~a biennial report as prescribed by~~ secretary of state in accordance with section 54-06-04.
4. Enforce state laws involving wildlife.
5. Collect and distribute statistics and information germane to this title and publish information and reports, including a monthly bulletin, for the education of the public in conservation matters.
6. Examine all waters of the state and, wherever suitable waters are found, arrange to plant, stock, or deposit available fish, spawn, or fry.
7. Cooperate with the United States fish and wildlife service, or any other appropriate federal agency, and make applications for fish, spawn, and fry, to apportion and deposit in waters of the state.
8. Cooperate with and assist clubs and individuals in stocking the waters of this state with fish.
9. Remove or take from any public waters containing a surplus of fish, any reasonable quantity of fish for stocking other public waters, for hatching or propagating purposes, or for exchange with other states and countries.
10. Control, construct, mark, designate, manage, and have charge of all state fish hatcheries, state game farms, game refuges, and game reserves owned, leased, or controlled for the propagation and protection of game birds, game animals, and fish.
11. Supervise the breeding, propagation, capture, distribution, and preservation of game birds, game animals, and fish as the director deems advisable.
12. Adopt rules necessary for carrying out section 20.1-10-01 and these rules have the force of law after one publication in the daily newspapers of this state.

13. Provide the necessary blank forms for making applications for licenses of all kinds and distribute them among those authorized to sell licenses.
14. Keep a record of all permits issued for the purpose of propagation and domestication of game birds or protected animals.

**SECTION 16. AMENDMENT.** Section 23-01-06 of the North Dakota Century Code is amended and reenacted as follows:

**23-01-06. ~~Report of state health officer~~ Biennial report - Contents.** The state health officer shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by secretary of state in accordance with section 54-06-04.~~ In addition to any requirements established pursuant to section 54-06-04, the report must cover the following subjects:

1. The activities of the various divisions, the work accomplished during the two years covered by the report, and an analysis of the program of each of the divisions.
2. The expenditures of the state department of health and consolidated laboratories.
3. The expenditures in each county board of health or the district board of health.
4. Any reports relating to the hospital program as required by the health council.

**SECTION 17. AMENDMENT.** Section 24-02-01.5 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**24-02-01.5. Department of transportation - Administrative rules.** The department of transportation may adopt the administrative rules necessary to carry out its responsibilities and functions as created and transferred by sections 24-02-01.1 through 24-02-01.5, ~~according to chapter 28-32.~~ Rules adopted by the agencies whose functions relate to the functions or agencies created, transferred, or covered by sections 2-05-03, 24-02-01.1 through 24-02-01.5, subsections 7 and 11 of section 24-01-01.1, sections 24-02-13, 24-03-03, 24-16-02, 24-17-02, subsections 8, 12, and 13 of section 39-01-01, subsection 1 of section 39-16-01, subsection 7 of section 39-24-01, subsection 2 of section 49-17.1-01, subsection 1 of section 54-06-04, subsection 1 of section 54-27-19, subsection 6 of section 57-40.3-01, subsection 1 of section 57-43.1-01, section 57-43.1-44, subsection 2 of section 57-43.2-01, and section 57-43.2-37 shall remain in effect until they are specifically amended or repealed by the department.

**SECTION 18. AMENDMENT.** Section 24-02-10 of the North Dakota Century Code is amended and reenacted as follows:

**24-02-10. Biennial report.** The director shall submit a biennial report to the governor and the ~~office of management and budget a biennial report as prescribed by secretary of state in accordance with section 54-06-04.~~

**SECTION 19. AMENDMENT.** Section 26.1-01-03 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-01-03. Duties of commissioner.** The commissioner shall:

1. See that all the laws of this state respecting insurance companies and benevolent societies are executed faithfully.
2. Report in detail to the attorney general any violation of law relative to insurance companies and their officers or agents.
3. File the articles of incorporation of all insurance companies organized or doing business in this state, and on application furnish a certified copy thereof.
4. Furnish the insurance companies required to make reports to the commissioner and the benevolent societies the necessary blank forms for required statements and reports. The commissioner is not required to send blank forms to those insurance companies which submit their reports on printed forms conforming to those furnished by the commissioner.
5. Preserve in permanent form a full record of the commissioner's proceedings and a concise statement of each company or agency visited or examined.
6. Furnish at the request of any person, upon the payment of the required fee, certified copies of any record or paper in the commissioner's office, if the commissioner deems it not prejudicial to the public interests to do so, and give such other certificates as may be provided by law.
7. Submit a biennial report as prescribed by section 54-06-04 to the governor and the ~~office of management and budget secretary of state~~. In addition to the requirements of section 54-06-04, the report must contain an abstract only of the reports of the various insurance companies doing business in this state showing the condition of the companies.
8. Send a copy of the commissioner's annual report to the insurance commissioner, or other similar officer, of every other state and to each company doing business in this state.
9. Communicate, on request, to the insurance commissioner of any other state any facts ~~which~~ that by law it is the commissioner's duty to ascertain respecting companies of this state doing business within that state.
10. Manage, control, and supervise the state bonding fund.
11. Manage, control, and supervise the state fire and tornado fund and the insurance of public buildings in that fund.

**SECTION 20. AMENDMENT.** Section 26.1-21-22 of the North Dakota Century Code is amended and reenacted as follows:

**26.1-21-22. Publication of statement of fund - Biennial report** ~~to governor and office of management and budget~~. The commissioner, on or about the December first day of December in each odd-numbered year ~~after the regular session of the legislative assembly~~, shall publish in four newspapers of general circulation within the state a copy of the statement of the commissioner's work and of the condition of the fund during the two preceding fiscal years. The commissioner shall submit a biennial report ~~as prescribed by~~ to the governor and the secretary of state in accordance with section 54-06-04 ~~to the governor and to the office of management and budget~~.

**SECTION 21. AMENDMENT.** Section 34-05-01 of the North Dakota Century Code is amended and reenacted as follows:

**34-05-01. Statistics relating to the employment of labor.** The commissioner of labor shall collect, systematize, and present submit in biennial reports ~~as prescribed by to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget~~ statistical details relating to the employment of labor in the state. The statistics may be classified as the commissioner of labor ~~deems~~ determines best.

**SECTION 22. AMENDMENT.** Section 34-06-20 of the North Dakota Century Code is amended and reenacted as follows:

**34-06-20. Biennial report of commissioner.** The commissioner shall submit a biennial report ~~as prescribed in to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget.~~

**SECTION 23. AMENDMENT.** Section 36-01-11 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**36-01-11. Reports of board Biennial report.** The state board of animal health ~~shall~~ may submit a report ~~as prescribed by to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget.~~

**SECTION 24. AMENDMENT.** Section 37-03-05 of the North Dakota Century Code is amended and reenacted as follows:

**37-03-05. General duties of adjutant general.** The adjutant general ~~shall be~~ is in active control of the military department of this state and shall:

1. Perform ~~such the~~ the duties ~~as pertain~~ pertaining to the adjutant general and other chiefs of staff departments under the regulations and customs of the United States army.
2. Superintend the preparation of all military returns and reports required by the United States from this state.
3. Keep a register of all the officers of the militia and national guard of this state.
4. Keep in ~~his~~ the office of the adjutant general all records and papers required to be kept and filed ~~therein~~ in the office.
5. Submit a biennial report ~~as prescribed by section 54-06-04 to the governor and the office of management and budget. In addition to any requirements established pursuant to section 54-06-04, the report must include a detailed statement of all the expenditures for military purposes during the preceding two fiscal years.~~
6. Cause to be prepared and issued all necessary blank books, blanks, forms, and notices required to carry into full effect ~~the provisions of this title.~~ All such books and blanks ~~shall be and remain~~ are the property of this state.
7. ~~5.~~ 6. Make ~~such~~ Adopt any regulations relating to the preparation of reports and returns, and to the care and preservation of military property belonging to this state and to the United States, as in ~~his~~ the adjutant general's opinion the conditions demand. ~~Such~~ The regulations are operative ~~and in force~~ when promulgated in the form of general orders, circulars, or letters of instruction.

- 8- 7. Render annually to the governor a statement in detail showing the acquisition and disposition of all clothing, ordnance, arms, ammunition, and other military property on hand or issued.
- 9- 8. Keep in his the office of the adjutant general a list of the retired officers of the organized militia, showing age, military experience, and training of each.
- 10- 9. Perform ~~such all~~ other duties ~~as are~~ prescribed for ~~him the~~ adjutant general by law.

SECTION 25. A new section to chapter 37-03 of the North Dakota Century Code is created and enacted as follows:

Biennial report. The adjutant general may submit a biennial report to the governor and the secretary of state in accordance with section 54-06-04. If submitted, the report must include a detailed statement of all the expenditures for military purposes during the preceding two fiscal years.

SECTION 26. AMENDMENT. Section 37-14-09 of the North Dakota Century Code is amended and reenacted as follows:

~~37-14-09. Records - Report to governor and office of management and budget~~ Biennial report. The department of veterans' affairs shall keep full records and files of all transactions, applications, advancements, and business pertaining to the veterans' aid fund and ~~shall.~~ The department may submit a biennial report as prescribed by to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget.

SECTION 27. AMENDMENT. Section 37-15-19 of the North Dakota Century Code is amended and reenacted as follows:

~~37-15-19. Report of commandant to governor and office of management and budget~~ Biennial report. The commandant of the veterans' home shall may submit a biennial report to the governor and the ~~office of management and budget~~ a biennial report as prescribed by secretary of state in accordance with section 54-06-04.

SECTION 28. AMENDMENT. Section 43-01-06 of the North Dakota Century Code is amended and reenacted as follows:

~~43-01-06. Board to make biennial~~ Biennial report. The board shall may submit a biennial report to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04.

SECTION 29. AMENDMENT. Section 43-04-19 of the North Dakota Century Code is amended and reenacted as follows:

~~43-04-19. Report to governor and office of management and budget~~ Biennial report. The board shall may submit a biennial report ~~as prescribed by to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget.~~

SECTION 30. AMENDMENT. Section 43-09-05 of the North Dakota Century Code is amended and reenacted as follows:

~~43-09-05. Powers and duties of state electrical board - Report~~ Biennial report. The board shall adopt a seal and may make adopt reasonable rules to carry out ~~the provisions of~~ this chapter. The board shall may submit a biennial report ~~as prescribed by to the~~

~~governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget. The board shall appoint qualified inspectors, who. The inspectors shall inspect, within fifteen days after notice of completion of any electrical wiring installation involving a value of three hundred dollars or more in municipalities having ordinances requiring such inspection, inspect such the electrical installation and approve or condemn the same. A The inspector shall make a report thereof must be made of the inspection on forms prescribed by the board.~~

**SECTION 31. AMENDMENT.** Section 43-10-08 of the North Dakota Century Code is amended and reenacted as follows:

~~43-10-08. Board to report to governor and office of management and budget Biennial report. The board shall may submit a biennial report as prescribed by to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget.~~

**SECTION 32. AMENDMENT.** Section 43-13-09 of the North Dakota Century Code is amended and reenacted as follows:

~~43-13-09. Report to governor and office of management and budget Biennial report. The board shall may submit a biennial report to the governor and the office of management and budget as prescribed by secretary of state in accordance with section 54-06-04.~~

**SECTION 33. AMENDMENT.** Section 43-15-12 of the North Dakota Century Code is amended and reenacted as follows:

~~43-15-12. State board of pharmacy - Report. The board shall may submit a biennial report to the governor and the office of management and budget, and secretary of state in accordance with section 54-06-04. The board shall submit an annual report to the North Dakota pharmaceutical association rendering an account of all moneys received and disbursed by it. The report to the governor and the office of management and budget must be as prescribed by section 54-06-04.~~

**SECTION 34. AMENDMENT.** Section 43-17-12 of the North Dakota Century Code is amended and reenacted as follows:

~~43-17-12. Board to make biennial Biennial report to governor and office of management and budget. The board shall may submit a biennial report to the governor and the office of management and budget as prescribed by secretary of state in accordance with section 54-06-04.~~

**SECTION 35. AMENDMENT.** Section 43-23-02 of the North Dakota Century Code is amended and reenacted as follows:

~~43-23-02. Commission - Term - Duties - Records. The members governor shall appoint each member of the commission must be appointed by the governor for a term of five years. Terms must be staggered so the term of one member expires each year. At the expiration of the term of any member of the commission, the governor shall appoint a successor for a term of five years. In the event of a vacancy on the commission for any reason the governor shall appoint a member for the unexpired term of that member.~~

~~A majority of the commission, in a duly assembled meeting duly assembled, may perform and exercise all of the duties and powers devolving on the commission. The commission shall may submit a biennial report as prescribed by to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget.~~

The commission shall adopt a seal with North Dakota real estate commission engraved ~~thereon~~ on the seal, by which it shall authenticate its proceedings. Copies of all records and papers in the office of the commission, duly certified and authenticated by the seal of such commission, must be received in evidence in all courts equally and with like effect as the original.

**SECTION 36. AMENDMENT.** Section 43-28-09 of the North Dakota Century Code is amended and reenacted as follows:

~~43-28-09. Report to governor and office of management and budget Biennial report. The board shall may submit a report as prescribed by to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget.~~

**SECTION 37. AMENDMENT.** Section 46-02-04 of the North Dakota Century Code is amended and reenacted as follows:

**46-02-04. Classes of printing - Contracts.** The printing of the state is divided into the following classes:

1. The printing of ~~legislative documents for the use~~ bills and resolutions of the legislative assembly constitutes the first class. ~~For the purposes of this subsection, the words "legislative documents" mean bills and resolutions. However, certain bills and resolutions may be excepted from this class, as directed by officers of the legislative assembly or as provided for in the rules of the senate and the house of representatives.~~
2. The printing and binding of the journals of the senate and the house of representatives constitutes the second class.
3. The printing and binding of the reports and other documents ~~required by state law to be that are~~ prepared and submitted to the governor and ~~the office of management and budget secretary of state, and which make up the governmental biennial reports as prescribed by~~ in accordance with sections 54-06-03 and 54-06-04, constitutes the third class. This class does not include the official budget report.
4. The printing and binding of the volumes of laws and legislative resolutions constitutes the fourth class.
5. All printing not included in the foregoing classes constitutes the sixth class.

Separate contracts for classes 3 and 4 must be let by the office of management and budget under competitive bidding in accordance with this title. Contracts for classes 1 and 2 must be let by competitive bidding by the office of management and budget in accordance with the rules of the senate and the house of representatives of the previous legislative session or as directed by the legislative council.

**SECTION 38. AMENDMENT.** Section 49-01-13 of the North Dakota Century Code is amended and reenacted as follows:

~~49-01-13. Biennial report to governor and department of accounts and purchases. The commission shall submit a report as prescribed by to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the department of accounts and purchases.~~

**SECTION 39. AMENDMENT.** Section 52-02-03 of the North Dakota Century Code is amended and reenacted as follows:

~~52-02-03. Bureau to Biennial report biennially to governor and office of management and budget - Contents of report - Recommendations by bureau. The bureau shall submit a biennial report to the governor and the office of management and budget a biennial report as prescribed by secretary of state in accordance with section 54-06-04. Whenever the bureau believes that a change in contribution or benefit rates shall become necessary to protect the solvency of the fund, it shall inform the governor and the legislative assembly promptly and make recommendations with respect thereto.~~

**SECTION 40. AMENDMENT.** Section 52-10-09 of the North Dakota Century Code is amended and reenacted as follows:

~~52-10-09. Studies and reports. The state agency shall submit a biennial report as prescribed by to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget.~~

**SECTION 41. AMENDMENT.** Section 54-06-03 of the North Dakota Century Code is amended and reenacted as follows:

~~54-06-03. Report of state officers and boards. Except as otherwise provided by law, all officers, departments, boards, commissions, and state institutions which are required to that make and transmit reports annually or biennially to the governor and the office of management and budget secretary of state shall submit such their reports to the governor and the office of management and budget secretary of state not later than December first of the year in which such the report is required to be made.~~

**SECTION 42. AMENDMENT.** Section 54-06-04 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-06-04. Form and number of reports to be submitted.**

1. The following executive and administrative officers and departments shall submit to the governor and the ~~office of management and budget~~ secretary of state reports covering their operations for the two preceding fiscal years, except as otherwise provided by law, not later than the first day of December each year after the regular session of the legislative assembly:
  - a. Secretary of state.
  - b. State auditor.
  - c. Commissioner of insurance.
  - d. Attorney general.
  - e. Commissioner of agriculture.
  - f. Superintendent of public instruction.
  - g. State tax commissioner.
  - h. Public service commission.
  - i. ~~State board of higher education.~~
  - j. Department of corrections and rehabilitation.
  - k- j. Department of transportation.

- ~~k.~~ k. State department of health and consolidated laboratories.
- ~~m.~~ l. Department of human services.
- ~~n.~~ m. Workers compensation bureau.
- ~~o.~~ n. ~~Director of the office~~ Office of management and budget.
- ~~p.~~ o. State treasurer.
- ~~q.~~ p. Commissioner of labor.
  - q. Department of banking and financial institutions.
  - r. Department of economic development and finance.
  - s. Game and fish department.
  - t. Industrial commission.
  - u. Job service North Dakota.
  - v. Board of university and school lands.
- 2. A committee composed of the superintendent of the state historical board, the state librarian, and the ~~director of the office of management and budget~~ secretary of state, or such other persons as may be designated by such persons to represent them, shall meet at the call of the ~~director of the office of management and budget~~ secretary of state to set the requirements which must be prescribed by the office of management and budget for form, style, materials, and content of biennial reports required by law.
- 3. The ~~director of the budget and the legislative council~~ shall make biennial reports as prescribed by law, which may, at their discretion, be included in the governmental biennial reports.
- 4. This section does not prohibit the executive and administrative officers and departments enumerated in subsection 1 from receiving such additional copies of their reports as may be available and printed in pamphlet form by the ~~office of management and budget~~ for the purpose of distribution as the administrative officers and departments shall deem necessary.
- 5- 4. All officers, departments, boards, commissions, and state institutions ~~required to that~~ submit reports covering their operations for the two preceding fiscal years to the governor and the ~~office of management and budget~~ secretary of state shall submit copies of their reports in the form and style, using the materials, and having the content prescribed under the provisions of subsection 2 on or before the first day of December in each year after the regular session of the legislative assembly. ~~One if submitted, one~~ copy of each report must be submitted to the governor and two copies to the ~~office of management and budget.~~ The office of management and budget shall cause to be prepared twenty five copies of each report submitted under the provisions of this subsection which must be distributed to the following agencies:
  - a. Governor's office.

- b. ~~Attorney general's office.~~
- ~~e.~~ Legislative council.
- c. Office of management and budget.
- d. State law library.
- e. The libraries of each state institutions institution of higher education.
- f. State library.
- g. Two copies of each report must be placed in the office of to the secretary of state archivist for official and public use.

~~The reports included in this subsection may not be further printed or reproduced except as provided for in this subsection and section 54-06-05.~~

- 6- 5. All executive and administrative officers and departments responsible for ~~submitting~~ that submit reports under the provisions of this section shall bear the costs of the preparation and any printing of the reports.
7. Any executive and administrative officers and departments not required to submit a report by law, but electing to do so, shall ~~submit such report under the provisions of subsection 5.~~

**SECTION 43. AMENDMENT.** Section 54-09-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-09-02. Duties of secretary of state.** In addition to the duties prescribed by the constitution, the secretary of state shall:

1. Attend every session of the legislative assembly for the purpose of receiving bills and resolutions therefrom, and shall perform such other duties as may devolve upon ~~him~~ the secretary of state by resolution of the two houses, or either of them.
2. Keep a register of and attest the official acts of the governor.
3. Affix the great seal with ~~his~~ the secretary of state's attestation to commissions and other public instruments to which the official signature of the governor is required.
4. Record in proper books all conveyances made to the state and all articles of incorporation filed in ~~his~~ the secretary of state's office.
5. Receive and record in the proper books the official bond of any state official who furnishes in lieu of the bond furnished by the state bonding fund a bond by a duly authorized surety company.
6. Take and file ~~in his office~~ receipts for all books distributed by ~~him~~ the secretary of state and direct the county auditor of each county to do the same.
7. Furnish on demand to persons paying the fees therefor a certified copy of all or any part of any law, record, or

other instrument filed, deposited, or recorded in his the secretary of state's office.

8. Keep a fee book in which ~~shall~~ must be entered all the fees, commissions, and compensation of whatever nature or kind by ~~him~~ earned, collected, or charged by the secretary of state, with the date, name of payor, and the nature of the services in each case. ~~Such~~ The book must be verified annually by ~~his~~ affidavit of the secretary of state entered therein.
9. Biennially report to the governor with copies filed in ~~his the secretary of state's~~ office as prescribed by section 54-06-04 all moneys received from any source for services performed, and accompany such report with a detailed statement under oath of the manner in which the appropriations for ~~his the secretary of state's~~ office have been expended during the preceding two fiscal years.
10. Immediately after the laws, resolutions, and journals of the legislative assembly are bound, distribute the laws, resolutions, and journals to the persons entitled thereto by law or rules of the senate and house of representatives.
11. Keep a registry of cities.
12. Indicate on each bill passed by the legislative assembly the date of filing in the secretary of state's office.
13. Perform ~~such~~ all other duties as are prescribed by law.

**SECTION 44. AMENDMENT.** Section 54-10-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-10-01. Powers and duties of state auditor.** The state auditor shall:

1. Be vested with the duties, powers, and responsibilities involved in performing the postaudit of all financial transactions of the state government, detecting and reporting any defaults, and determining that expenditures have been made in accordance with law and appropriation acts.
2. Perform or provide for the audit of the general purpose financial statements and a review of the material included in the comprehensive annual financial report of the state and perform or provide for the audits and reviews of state agencies, including occupational or professional boards provided for by law. The state auditor shall audit or review each state agency once every two years. The state auditor shall determine the contents of the audits and reviews of state agencies. The state auditor may conduct any work required by the federal government. The state auditor shall charge an amount equal to the cost of the audit and other services rendered by the state auditor to all agencies that receive and expend moneys from other than the general fund. This charge may be reduced for any agency that receives and expends both general fund and nongeneral fund moneys. The state auditor shall require any agency in the executive branch of government, which includes an institution of higher education, to pay for a contract for the audit or review of that agency. Except for an audit or review of an occupational or professional board, the state auditor shall execute any contract under this subsection. The governing board of any occupational or professional board shall provide for an audit once every two years by a certified public

accountant or licensed public accountant who shall submit the audit report to the state auditor's office. If the report is in the form and style as prescribed by the state auditor, the state auditor may not audit that board. Audits and reviews may be conducted at more frequent intervals if requested by the governor or legislative audit and fiscal review committee.

3. Perform or provide for performance audits of state agencies as determined necessary by the state auditor or the legislative audit and fiscal review committee. A performance audit must include reviewing elements of compliance, economy and efficiency, and program results to determine whether an agency is complying with applicable laws and legislative intent and is managing its resources efficiently, and whether the agency's programs are achieving desired results.
4. Be responsible for the above functions and report thereon to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04 or more often as circumstances may require.
5. Perform ~~such~~ all other duties as prescribed by law.

**SECTION 45. AMENDMENT.** Section 54-11-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-11-01. Duties of state treasurer.** The state treasurer shall:

1. Receive and keep all the moneys belonging to the state not required to be received and kept by some other person.
2. Register the orders or certificates of the office of management and budget delivered to ~~him~~ the state treasurer when moneys are paid or to be paid into the treasury.
3. Prepare a receipt for each deposit of money into the treasury. The receipt must show the amount, the source from which the money accrued, and the funds into which it is paid. The receipts must be numbered in order. Duplicates, if requested, must be delivered to the office of management and budget and the person paying money into the treasury.
4. Pay warrants drawn by the office of management and budget and signed by the state auditor out of the funds upon which they are drawn, and in the order in which they are presented.
5. Keep an account of all moneys received and disbursed.
6. Keep separate accounts of the different funds.
7. Keep a record of all revenues and expenditures of state agencies and all moneys received and disbursed by the treasurer in accordance with the requirements of the state's central accounting system.
8. Receive in payment of public dues the warrants drawn by the office of management and budget and signed by the state auditor in conformity with law.
9. Redeem warrants drawn by the office of management and budget and signed by the state auditor in conformity with law, if there is money in the treasury appropriated for that purpose.

10. Report to the office of management and budget on the last day of each month the amount disbursed for the redemption of bonds and the payment of warrants during the month, ~~such reports to~~. The report must show:
  - a. The date and number of each bond and warrant;
  - b. The fund out of which each was paid; and
  - c. The balance in cash on hand in the treasury to the credit of each fund.
11. At the request of either house of the legislative assembly, or of any committee thereof, give information in writing as to the condition of the treasury, or upon any subject relating to the duties of his office.
12. Submit a biennial report to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the report must show the exact balance in the treasury to the credit of the state. The report also must show in detail the receipts and disbursements, together with a summary thereof, the balances in the various funds at the beginning and ending of the biennium, and also must show where the funds of the state are deposited. It must be certified by the state treasurer and approved by the governor.
13. Authenticate with ~~his~~ the official seal of the state treasurer all writings and papers issued from ~~his~~ the treasurer's office.
14. Keep a book in which ~~he~~ the state treasurer shall enter all warrants paid, giving the name of the owner and the number and amount of each warrant.
15. Keep and disburse all moneys belonging to the state in the manner provided by law.
16. Keep ~~his~~ books of the state treasurer open at all times for the inspection of the governor, the state auditor, the commissioner of banking and financial institutions, the office of management and budget, and any committee appointed to examine them by either house of the legislative assembly.
17. Unless otherwise specified by law, credit all income earned on the deposit or investment of all state moneys to the state's general fund; ~~provided that this provision.~~ This subsection does not apply to:
  - a. Income earned on state moneys that are deposited or invested to the credit of the industrial commission or any agency, utility, industry, enterprise, or business project operated, managed, controlled, or governed by the industrial commission.
  - b. Income earned by the Bank of North Dakota for its own account on state moneys that are deposited in or invested with the Bank.
  - c. Income earned on college and university funds not deposited in the state treasury.
18. Perform ~~such~~ all other duties as are prescribed by law.

**SECTION 46. AMENDMENT.** Section 54-12-05 of the North Dakota Century Code is amended and reenacted as follows:

**54-12-05. ~~Report of attorney general to governor and office of management and budget~~ Biennial report.** The attorney general shall make submit a biennial report to the governor and the office of management and budget as prescribed by secretary of state in accordance with section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, the The report must state:

1. The number, character, condition, and result of the actions prosecuted or defended by ~~him~~ the attorney general in behalf of the state.
2. The cost of prosecuting or defending each action.
3. The amount of fines and penalties collected.

He The attorney general also shall direct attention to any defect in the practical operations of the law relating to revenue and criminal offenses, and shall suggest ~~such~~ amendments and changes as in ~~his~~ the attorney general's judgment are necessary to subserve the public interest.

**SECTION 47. AMENDMENT.** Section 54-17-06 of the North Dakota Century Code is amended and reenacted as follows:

**54-17-06. ~~Biennial report of commission.~~** The industrial commission shall submit a biennial report ~~as prescribed by~~ to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget. In addition to any requirements established pursuant to section 54-06-04, the The report must contain a meaningful financial statement of each utility, industry, enterprise, and business project under its control.

**SECTION 48. AMENDMENT.** Section 54-36-06 of the North Dakota Century Code is amended and reenacted as follows:

**54-36-06. ~~Report and recommendations.~~** The Indian affairs commission may submit its recommendations to the legislative assembly in the form of proposed legislation or resolutions and may submit a report ~~as prescribed by~~ to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget.

**SECTION 49. AMENDMENT.** Section 54-42-05 of the North Dakota Century Code is amended and reenacted as follows:

**54-42-05. ~~Biennial report.~~** The merit system council shall submit a biennial report ~~as prescribed by~~ to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget.

**SECTION 50. AMENDMENT.** Section 54-44.3-07 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-44.3-07. ~~Duties of board.~~** The primary responsibility of the board is to foster and assure a system of personnel administration in the classified service of state government. In carrying out this function ~~it,~~ the board shall:

1. ~~Promulgate such~~ Adopt any rules and hold ~~such~~ any hearings as are necessary to properly perform the duties, functions, and

powers imposed on or vested in ~~it~~ the board by law. The ~~promulgation~~ adoption of rules must be accomplished in accordance with ~~provisions of~~ chapter 28-32.

2. Review and hear comments from any concerned individuals, departments, or agencies, or their representatives, on any rules ~~or modifications thereof~~ adopted by the personnel division. ~~Such a~~ A rule ~~or modification will be~~ is effective upon implementation by the division; however, if the board finds that the rule constitutes poor administrative practice, is arbitrary, capricious, contrary to the spirit or intent of the personnel system, or otherwise contrary to law, it may disapprove the rule ~~or modification~~ on that basis, thus repealing the concerned rule ~~or modification~~.
3. Hear, consider, and determine appeals by nonprobationary employees in the classified service from agency grievance procedures under section 54-44.3-12.2 related to position classifications, pay grade assignments, merit system qualification, discrimination, reprisals, reduction-in-force, forced relocation, demotion with loss of pay, suspension without pay, and dismissal. The board may assign the initial hearing of an appeal to an administrative hearing officer for the receipt of evidence and the preparation of findings of fact, conclusions of law, and a recommended decision under chapter 28-32. The board's decision on an appeal shall resolve the issues presented between the employer and employee, and the board may order any needed remedy, including affirming, modifying, or reversing the employer's decision, vacating suspensions, directing back pay and adjustments to back pay, and reinstatement to the classified service.
4. Submit a biennial report as prescribed by section 54-06-04 of its activities and the operation of this state's personnel system.
5. Keep ~~such~~ minutes and maintain ~~such~~ records ~~as are~~ necessary to assure the equitable administration of this chapter.

**SECTION 51. AMENDMENT.** Section 54-46-11 of the North Dakota Century Code is amended and reenacted as follows:

**54-46-11. Biennial report.** The biennial report of the director of the office of management and budget ~~as required by~~ made in accordance with sections 54-06-04 and 54-44-04 must describe the status and progress of programs established pursuant to this chapter and must include the recommendations of the administrator for improvements in the management of records in the state government.

**SECTION 52. AMENDMENT.** Section 57-01-02 of the North Dakota Century Code is amended and reenacted as follows:

**57-01-02. Powers and duties.** The tax commissioner:

1. Shall perform all the duties ~~enjoined~~ imposed upon ~~him~~ the tax commissioner by law.
2. Shall exercise general supervision over all assessors of general property or other taxes, over township, county, and city boards of equalization and over all other assessing officers, in the performance of their duties, to the end that all assessments of property be made relatively just and equal in compliance with the laws of the state.

3. Shall direct actions and prosecutions to be instituted to enforce the laws relating to the penalties, liabilities, and punishments of persons, officers of corporations, limited liability companies, public officers, and others, for failure or neglect to comply with the provisions of law governing the returns, assessments, and taxation of property, income, or other objects of taxation, cause complaints to be made against officers for neglect or refusal to comply with the law, and generally shall enforce all tax proceedings and revenue laws of the state in the proper courts.
4. May require state's attorneys of the several counties to assist in the commencement and prosecution of actions and proceedings for the violation of any laws in respect to assessment or taxation.
5. May require township, city, county, and other public officers to report information as to the assessment and collection of property and other taxes, receipts from licenses and other sources, the expenditure of public funds for all purposes, and such other information as may be needful in the administration of the tax laws, in such form and upon such blanks as ~~he~~ the tax commissioner may prescribe.
6. May summon witnesses to appear and give testimony and produce books, records, papers, and documents relating to any matter which ~~he~~ the tax commissioner or the state board of equalization may have authority to investigate or determine, and may cause the depositions of witnesses residing within or without the state, or temporarily absent therefrom, to be taken, upon notice to the interested parties, if any, in like manner as depositions of witnesses are taken in civil actions in the district court.
7. May require a reassessment of property in any county to be made in accordance with chapter 57-14, whenever that is deemed necessary, or may require county auditors to place on the assessment rolls property which may be discovered and which has not been taxed according to law.
8. Shall examine carefully all cases where evasions or violations of the laws of assessment and taxation of property or other objects or subjects of taxation are alleged, complained of, or discovered, and shall ascertain wherein existing laws are defective or are administered improperly or negligently.
9. Shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04 the biennial. ~~The report must contain the biennial report of the commissioner and state board of equalization.~~
10. Shall visit other states and confer with taxing officials and attend tax or other economic conferences or conventions, in person or by ~~his~~ the tax commissioner's authorized agent.
11. Shall certify all levies, assessments, equalizations, or valuations made by ~~him~~ the tax commissioner or the state board of equalization, not more than thirty days after the same have been made, or at periods otherwise provided by law.
12. ~~Shall have the power to~~ May execute reciprocal agreements with the appropriate officials of any other state under which ~~he~~ the tax commissioner may waive all or any part of the

requirements imposed by the laws or statutes of this state upon those who use or consume in the this state of ~~North Dakota~~, gasoline, other motor vehicle fuel, or special fuel upon which the tax has been paid to ~~such that~~ other state; provided, that the officials of ~~such that~~ other state grant the equivalent privileges with respect to gasoline, other motor vehicle fuel, or special fuel used in ~~such that~~ other state upon which the tax has been paid to ~~the this~~ state of ~~North Dakota~~.

13. May maintain an accounting system ~~which that~~ includes a special category of accounts designated as noncurrent accounts. ~~Said The~~ noncurrent accounts ~~shall must~~ be those accounts ~~which that~~ are uncollectible as a matter of law or those accounts where all reasonable collection efforts over a period of six years have produced no results. After examination by the state auditor, and upon ~~his the state auditor's~~ recommendation for cause, specific accounts may be removed by the commissioner from noncurrent status and all records pertaining thereto immediately destroyed.
14. May ~~waive~~, upon a showing of good cause, ~~waive~~ any and all tax due. A lien must have been filed against the debtor's property prior to the request for a waiver. The attorney general shall approve the waiver ~~must be approved by the attorney general~~.
15. a. May require, consistent with the cash management policies of the office of management and budget, that any taxpayer owing one hundred thousand dollars or more in connection with any return, report, or other document to be filed with the commissioner shall pay the tax liability to the state no later than the date the payment is required by law to be made in funds which are immediately available to the state on the date of payment. Payment in immediately available funds may be made by wire transfer of funds through the federal reserve system or by any other means established by the commissioner which ensures the availability of the funds to the state on the date of payment. Evidence of the payment must be furnished to the commissioner on or before the due date of the tax as established by law. Failure to timely make the payment in immediately available funds or failure to provide evidence of payment in a timely manner subjects the taxpayer to penalty and interest as provided by law for delinquent or deficient tax payments. If payment is timely made in other than immediately available funds, penalty and interest must be added to the amount of tax due from the due date of the tax payment to the date that funds from the tax payment become available to the state.
- b. May establish by rule periodic filing and payment dates that are subsequent to the dates otherwise established by law for any taxes collected by the commissioner in those instances where the commissioner deems it to be in the best interest of the state, provided that the alternative date may not be later than the last day of the month in which the tax was otherwise due.
- c. May adopt rules necessary for the administration of this subsection.

**SECTION 53. AMENDMENT.** Section 61-03-04 of the North Dakota Century Code is amended and reenacted as follows:

~~61-03-04. Report of state engineer to governor and office of management and budget Biennial report. The state engineer shall may submit a biennial report to the governor and the office of management and budget as prescribed by secretary of state in accordance with section 54-06-04.~~

**SECTION 54. AMENDMENT.** Section 61-04.1-10 of the North Dakota Century Code is amended and reenacted as follows:

~~61-04.1-10. Report to governor Biennial report. The board shall may prepare and transmit a biennial report to the governor describing in accordance with sections 54-06-03 and 54-06-04. If submitted, the report must describe the research and development activities conducted during the biennium, and the outcome thereof, and other related work and activities. The report shall be submitted in accordance with sections 54-06-03 and 54-06-04.~~

**SECTION 55. AMENDMENT.** Section 65-02-09 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

~~65-02-09. General information to public - Biennial report of bureau. The bureau, from time to time, may publish and distribute among employers and employees general information as to the business transacted by the bureau as in its judgment may be useful. The director shall make submit a biennial report as prescribed by to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget. In addition to any requirements established pursuant to section 54-06-04, the The report must include:~~

1. A statement of the number of awards made by it.
2. A general statement of the causes of accidents leading to the injuries for which the awards were made.
3. A detailed statement of the disbursements from the fund.
4. A statement of the conditions of the various funds carried by the bureau.
5. Any other matters which the bureau wishes to call to the attention of the governor, including any recommendation for legislation or otherwise which it may have to make.

**SECTION 56. REPEAL.** Section 54-06-05 of the North Dakota Century Code is repealed."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1076, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1076 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1089, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1089 was placed on the Sixth order on the calendar.

Page 1, line 1, after "28-32" insert ", a new subdivision to subsection 2 of section 51-19-09, and a new subsection to section 51-23-20"

Page 1, line 2, replace "hearing officers" with "administrative law judges and hearings held by the securities commissioner"

Page 1, line 3, after "reenact" insert "section 10-04-12, subsection 1 of section 10-04-16, subsection 5 of section 28-32-01, subsection 1 of section 28-32-08.1, subsections 3 and 5 of section 54-57-01," and remove "subsection 1 of section"

Page 1, line 4, remove "section" and after "to" insert "administrative hearings and the"

Page 1, line 5, replace "hearing officers" with "law judges" and replace "section" with "sections 10-04-13 and"

Page 1, line 6, after "to" insert "appeals from orders of the securities commissioner and to"

Page 1, after line 8, insert:

"SECTION 1. AMENDMENT. Section 10-04-12 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**10-04-12. Hearings.** Before entering an order revoking the registration of any securities as provided in section 10-04-09, the commissioner shall send to the issuer of ~~such the~~ securities, and if the application for registration of ~~such the~~ securities was filed by a registered dealer, to ~~such the~~ registered dealer, a notice of opportunity for hearing. Before entering an order refusing to register any person as a dealer, salesman, investment adviser, or investment adviser representative, as provided in section 10-04-10, or revoking the registration of any person as a registered dealer, salesman, investment adviser, or investment adviser representative as provided in section 10-04-11, the commissioner shall send to ~~such that~~ person, and if ~~such that~~ person is a salesman or investment adviser representative or an applicant for registration as a salesman or investment adviser representative, to the registered dealer or investment adviser who employs or proposes to employ ~~such that~~ salesman or investment adviser representative, a notice of opportunity for hearing.

1. Notices of opportunity for hearing must be sent by registered ~~or certified~~ mail, returned receipt requested, to the addressee's business address, and ~~such the~~ notice ~~shall~~ must state:
  - a. The order ~~which~~ the commissioner proposes to issue.
  - b. The grounds for issuing ~~such the~~ proposed order.
  - c. That the person to whom ~~such the~~ notice is sent ~~will~~ may be afforded a hearing upon request to the commissioner if ~~such the~~ request is made within ten days after receipt of the notice.
2. Whenever a person requests a hearing in accordance with the ~~provisions of~~ this section, the commissioner shall immediately set a date, time, and place for ~~such the~~ hearing and shall forthwith notify the person requesting ~~such the~~ hearing ~~thereof~~. The date set for ~~such the~~ hearing must be within fifteen days, but not earlier than five days, after the request for hearing has been made, unless otherwise agreed to by both the commissioner and the person requesting ~~such the~~ hearing.
3. ~~For the purpose of conducting any hearing as provided in this section, the commissioner shall have the power to call any party to testify under oath at such hearings, to require the attendance of witnesses, the production of books, records,~~

and papers, and to take the depositions of witnesses; and for that purpose the commissioner is authorized, at the request of the person requesting such hearing or upon his own initiative, to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers, directed to the sheriff of the county where such witness resides or is found, which shall be served and returned. The fees and mileage of the sheriff and witnesses must be paid from the fund in the state treasury for the use of the commissioner in the same manner that other expenses of the commissioner are paid.

4. ~~At any Any hearing conducted under this section, a party or an affected person may appear in his own behalf or may be represented by an attorney. A stenographic record of the testimony and other evidence submitted must be taken unless the commissioner and the person requesting such hearing shall agree that such a stenographic record of the testimony shall not be taken. The commissioner shall pass upon the admissibility of evidence, but a party may at any time make objections to the rulings of the commissioner thereon, and if the commissioner refuses to admit evidence the party offering the same shall make a proffer thereof and such proffer must be made a part of the record of such hearing.~~
5. ~~In any hearing under this section, the commissioner may conduct such hearing or he may appoint a referee who shall have the same powers and authority in conducting such hearings as are in this section granted to the commissioner. Such referee shall have been admitted to the practice of law in this state and be possessed of such additional qualifications as the commissioner may require. If a hearing is conducted by a referee such referee shall submit to the commissioner a written report setting forth his findings of fact and conclusions of law and a recommendation of the action to be taken by the commissioner. A copy of such written report and recommendations must within five days of the time of filing thereof be served upon the person who requested the hearing, or his attorney or other representative of record, by registered or certified mail. That person or his attorney may, within ten days of receipt of the copy of such written report and recommendations, file with the commissioner written objections to the report and recommendations which must be considered by the commissioner before entering an order. No recommendations of the referee may be approved, modified, or disapproved by the commissioner until after ten days after service of such report and recommendations as herein provided. The recommendations of the referee may be approved, modified, or disapproved by the commissioner. The commissioner may order additional testimony to be taken or permit the introduction of further documentary evidence. A transcript of testimony and evidence, objections, if any, of the parties, and additional testimony and evidence, if any, shall have the same force and effect as if such hearing or hearings had been conducted by the commissioner. All recommendations of the referee to the commissioner are advisory only and do not have the effect of an order of the commissioner must be conducted in accordance with chapter 28-32.~~
- 6- 4. ~~If the commissioner does not receive a request for a hearing within the prescribed time, he the commissioner may enter the proposed a final order. If a hearing is requested and conducted with respect to a proposed order, the commissioner shall issue a written order which must set forth his the~~

findings with respect to the matters involved ~~and enter an order in accordance with his findings.~~

**SECTION 2. AMENDMENT.** Subsection 1 of section 10-04-16 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Issue any order including, ~~but not limited to,~~ cease and desist, stop, and suspension orders, which the commissioner deems necessary or appropriate in the public interest or for the protection of investors. The commissioner may, in addition to any other remedy authorized by this chapter, impose by order and collect a civil penalty against any person found in an administrative action to have violated any provision of this chapter, or any ~~regulation,~~ rule, or order adopted or issued under this chapter, in an amount not to exceed ten thousand dollars for each violation. The attorney general, upon the commissioner's request, may bring actions to recover penalties pursuant to this section in district court. However, any person aggrieved by an order issued pursuant to this subsection may request a hearing before the commissioner if ~~such~~ the request is made within ten days after receipt of the order. The provisions of subsections 2, 3, ~~and 4,~~ ~~and 5~~ of section 10-04-12 apply to any hearing conducted ~~hereunder~~ under this subsection. If, after a hearing, the commissioner ~~shall sustain~~ sustains an order previously issued, the sustaining order is subject to appeal to the district court of Burleigh County by serving on the commissioner within twenty days after the date of entry of the sustaining order a written notice of appeal signed by the appellant stating:
  - a. The order of the commissioner from which the appeal is taken.
  - b. The grounds upon which a reversal or modification of ~~such~~ the order is sought.
  - c. A demand for a certified transcript of the record of ~~such~~ the order.

~~The provisions of subdivisions a and b of subsection 3 of section 10-04-13 apply to an appeal hereunder."~~

Page 2, after line 17, insert:

**"SECTION 4. AMENDMENT.** Subsection 5 of section 28-32-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. "Hearing officer" means any agency head or one or more members of the agency head when presiding in an administrative proceeding, or, unless prohibited by law, one or more other persons designated by the agency head to preside in an administrative proceeding, an administrative law judge from the office of administrative hearings, or any other person duly assigned, appointed, or designated to preside in an administrative proceeding pursuant to statute or rule.

**SECTION 5. AMENDMENT.** Subsection 1 of section 28-32-08.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Any person or persons presiding for the agency in an administrative proceeding must be referred to individually or

collectively as hearing officer. Any person from the office of administrative hearings presiding for the agency as a hearing officer in an administrative proceeding must be referred to as an administrative law judge.

**SECTION 6.** A new subdivision to subsection 2 of section 51-19-09 of the North Dakota Century Code is created and enacted as follows:

If a hearing is requested or ordered under this section, it must be conducted in accordance with chapter 28-32.

**SECTION 7.** A new subsection to section 51-23-20 of the North Dakota Century Code is created and enacted as follows:

If a hearing is requested or ordered under this section, it must be conducted in accordance with chapter 28-32.

**SECTION 8. AMENDMENT.** Subsections 3 and 5 of section 54-57-01 of the 1993 Supplement to the North Dakota Century Code are amended and reenacted as follows:

3. The director of administrative hearings may preside as an administrative law judge at administrative hearings and may employ or appoint additional administrative ~~hearings officers~~ law judges to serve in the office as necessary to fulfill the duties of office as described in section 54-57-04 and section 3 of this Act and to provide administrative ~~hearings officers~~ law judges to preside at administrative hearings as requested by agencies. After the effective date of this Act, the director of administrative hearings may employ or appoint only such additional administrative law judges who are attorneys at law in good standing, admitted to the bar in the state, and currently licensed by the state bar board. The director may delegate to an employee the exercise of a specific statutory power or duty as deemed advisable, subject to the director's control, including the powers and duties of a deputy director. All administrative ~~hearings officers~~ law judges must be classified employees, except that the director of administrative hearings must be an unclassified employee who only may be removed, during a term of office, for cause. Each administrative ~~hearings officer~~ law judge must have a demonstrated knowledge of administrative practices and procedures and must be free of any association that would impair the ~~officer's person's~~ ability to function officially in a fair and objective manner.
5. The director of administrative hearings shall develop categories of positions in the classified service under class titles for the appointment or employment of ~~hearings officers~~ administrative law judges and support staff in consultation with and approved by the director of the central personnel division, including the salary to be paid for each position or category of position."

Page 2, line 20, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 2, line 21, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 2, line 23, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 2, line 24, replace "hearing officers" with "law judges"

- Page 2, line 28, overstrike "hearings officers" and insert thereafter immediately thereafter "law judges"
- Page 3, line 26, overstrike "a hearings officer" and insert immediately thereafter "an administrative law judge"
- Page 3, line 27, overstrike "a"
- Page 3, line 28, overstrike "hearings officer" and insert immediately thereafter "an administrative law judge"
- Page 4, line 5, overstrike "a hearings officer" and insert immediately thereafter "an administrative law judge"
- Page 4, line 11, overstrike "hearings officer" and insert immediately thereafter "administrative law judge"
- Page 4, line 14, overstrike "a hearings"
- Page 4, line 15, overstrike "officer" and insert immediately thereafter "an administrative law judge"
- Page 4, line 16, overstrike "hearings officers" and insert immediately thereafter "law judges"
- Page 4, line 18, overstrike "a hearings officer" and insert immediately thereafter "an administrative law judge"
- Page 4, line 21, overstrike "hearings officer" and insert immediately thereafter "law judge"
- Page 4, after line 27, insert:

"6. The department of transportation shall plan for all its administrative hearings to be conducted, effective August 1, 1997, by the office of administrative hearings. The planning must include budgetary, logistical, personnel, operational, equipment, and other considerations. The department shall submit the results of its planning in a written report, along with proposed legislation, to the governor and the office of administrative hearings no later than June 30, 1996."

- Page 5, line 1, overstrike "hearings officers" and insert immediately thereafter "law judges"
- Page 5, line 2, overstrike "hearings officers" and insert immediately thereafter "law judges"
- Page 6, line 3, replace "1" with "3"
- Page 6, line 7, replace "Subsection 1 of section" with "Section"
- Page 6, after line 9, insert:

"54-57-05. Uniform rules of administrative practice or procedure - Effective date - ~~Hearings officer~~ Administrative law judge rules."

- Page 6, after line 21, insert:

"2. The director of administrative hearings may adopt rules to further establish qualifications for ~~hearings officers~~ administrative law judges; to establish procedures for requesting and designating ~~hearings officers~~ administrative law judges; and to facilitate the performance of duties and responsibilities conferred by this chapter. Any rules

adopted by the director of administrative hearings pursuant to this subsection must be adopted in accordance with chapter 28-32."

Page 6, line 24, overstrike "hearings officers" and insert immediately thereafter "administrative law judges"

Page 6, line 27, overstrike "hearings officer" and insert immediately thereafter "law judge"

Page 7, line 4, overstrike "hearings officer" and insert immediately thereafter "administrative law judge"

Page 7, line 9, overstrike "hearings"

Page 7, line 10, overstrike "officer" and insert immediately thereafter "law judge"

Page 7, line 15, overstrike "hearings officer" and insert immediately thereafter "law judge"

Page 8, line 2, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 8, line 6, overstrike "hearings officer" and insert immediately thereafter "law judge"

Page 8, line 11, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 8, line 13, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 8, line 17, overstrike "hearings officers" and insert immediately thereafter "administrative law judges"

Page 8, line 19, after "Section" insert "10-04-13 of the North Dakota Century Code and section"

Page 8, line 20, replace "is" with "are"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1090, as engrossed: Agriculture Committee (Sen. Bowman, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1090 was rereferred to the Appropriations Committee.

#### REPORT OF STANDING COMMITTEE

HB 1129, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1129 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1177, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1177 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1245, as reengrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Reengrossed HB 1245 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1276, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1276 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1313: Agriculture Committee (Sen. Bowman, Chairman) recommends DO PASS (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1313 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1318, 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 1318 was placed on the Sixth order on the calendar.

Page 2, remove lines 10 through 15

Page 2, after line 18, insert:

"SECTION 3. REPORT TO BUDGET SECTION. The state trauma program coordinator shall be available to report on the implementation and effectiveness of the program to the budget section of the legislative council by October 1, 1996."

Renumber accordingly

## REPORT OF STANDING COMMITTEE

HB 1326, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1326 was placed on the Sixth order on the calendar.

Page 1, line 7, replace ", operate, manage, or conduct" with "more than forty-nine percent of"

Page 1, line 8, after the first comma insert "dental"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

HB 1349: Agriculture Committee (Sen. Bowman, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1349 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1367, as engrossed: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1367 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and"

Page 2, line 25, remove ", enclosed indoor"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

HB 1378: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1378 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1379, as engrossed: 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). Engrossed HB 1379 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "or board of directors member"

Page 1, line 8, replace "Companies" with "For-profit companies" and remove "or members of a board of directors"

Page 1, line 10, remove "or a member of a board of"

Page 1, line 11, remove "directors"

Page 1, line 19, after "allowed" insert "by this state" and remove "or members of a"

Page 1, line 20, remove "board of directors" and replace "The compensation must be" with "A proration of the total compensation for owners who perform services for this state and who perform services for other states must be made on the basis of individual time distribution records."

Page 1, remove line 21

Page 2, line 1, remove "owners, members of a board of directors, and their"

Page 2, line 5, remove "The compensation paid must be included as an"

Page 2, remove line 6

Page 2, after line 6, insert:

"The allowable compensation limit is inclusive of all salaries and related fringe benefits and may not be construed to be an addition nor enhancement to the current budgetary process in effect on the effective date of this Act."

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

HB 1385: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1385 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1392, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1392 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 create and enact a new chapter to title 39 of the North Dakota Century Code, relating to motor carriers of household goods.

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

SECTION 1. A new chapter to title 39 of the North Dakota Century Code is created and enacted as follows:

**Regulation of common motor carriers of household goods.** The department may regulate common motor carriers of household goods except for transportation provided wholly within a city in this state or within a distance beyond the corporate limits of a city as determined by the department.

**Motor Carrier - Certificate of public convenience - Fee.** A common motor carrier of household goods may not operate within this state without having obtained a certificate of public convenience and necessity from the department and paying a one hundred dollar application fee. Before granting a certificate to a common motor carrier under this chapter, the department shall consider the fitness of the applicant to provide service. The department shall remit monthly all fees collected by the department under this chapter to the state treasurer for deposit in the state highway fund.

**Motor carrier rates - Enforcement.** All charges by a common motor carrier of household goods must be reasonable and may not be unlawfully discriminatory. The consumer protection and antitrust division shall enforce this section.

**Insurance required of carrier - Liability of insurer.** The department, when granting a certificate to any common motor carrier, shall require the owner or operator first to procure public liability insurance. The conditions of the liability insurance must guarantee the payment of any loss or damage to property or on account of the death or injury to any person resulting from the negligence of the carrier. The carrier must file the insurance policy with the department and the policy must be kept in full force. Upon failure of a carrier to maintain insurance required by this section, the department shall cancel the certificate. A certificate of any company authorized to write liability or property damage insurance in the state, in a form approved by the department and certifying that there is in effect a liability insurance policy required by this section, may be filed instead of the policy."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1407, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1407 was placed on the Sixth order on the calendar.

Page 3, line 1, remove the overstrike over "or"

Page 3, line 2, remove ", and the application and"

Page 3, line 2, remove "removal of artificial nails"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1452, as engrossed: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1452 was placed on the Sixth order on the calendar.

Page 6, line 5, after "shall" insert "must" and remove the overstrike over "be advertised for by the governing body in the official newspaper of"

Page 6, line 6, remove the overstrike over "the municipality once each week for two consecutive weeks."

Page 6, line 22, after "bear" insert "All other provisions for proposals under this chapter"

Page 16, line 25, replace "When applicable, a" with "Multiple"

Page 16, line 26, remove "governing body shall allow a contractor to submit multiple"

Page 16, line 27, replace "contracts for competitive bids for public" with "portions of a project are required when any individual general, electrical, or mechanical contract is"

Page 16, line 28, remove "buildings estimated to cost"

Page 17, after line 10, insert:

"48-01.1-08. Coordination of work under multiple prime bids. After competitive bids for the general, electrical, and mechanical work are received as part of the multiple prime bids, the governing board may assign the electrical and mechanical contract and any other contracts to the general contractor for the project to facilitate the coordination and management of the work."

Page 18, line 12, overstrike "superintendents" and insert immediately thereafter "engineers"

Page 18, line 13, after "architect" insert "or engineer"

Page 18, line 14, overstrike "suitable" and insert immediately thereafter "qualified", overstrike ", who", remove "must", and overstrike "be a practical"

Page 18, line 15, overstrike "mechanic and builder with four years experience, as superintendent of" and insert immediately thereafter "to provide"

Page 18, line 16, overstrike "of the work" and insert immediately thereafter "administration and construction observation services"

Page 18, line 17, remove "The superintendent" and overstrike "shall have"

Page 18, overstrike line 18

Page 18, line 19, overstrike "direction of the architect and the governing", remove "body", and overstrike the period

Page 18, line 20, replace "superintendent" with "architect or engineer"

Page 18, line 22, remove the overstrike over "~~architect~~", overstrike "superintendent", and after "~~shall~~" insert "engineer"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

HB 1502, as engrossed: Agriculture Committee (Sen. Bowman, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1502 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HCR 3033: Agriculture Committee (Sen. Bowman, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3033 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HCR 3041: Agriculture Committee (Sen. Bowman, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3041 was placed on the Fourteenth order on the calendar.

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

William C. Parker, Secretary