

JOURNAL OF THE HOUSE

Fifty-seventh Legislative Assembly

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Bismarck, March 26, 2001

The House convened at 1:00 p.m., with Speaker Bernstein presiding.

The prayer was offered by Rep. Skip Drovdal, District 39.

The roll was called and all members were present except Representative L. Thoreson.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Forty-fourth Day and Fifty-first Day and recommends they be corrected as follows and when so corrected, recommends they be approved as follows:

Page 901, after line 37, insert:

"SB 2294 and SB 2308 were rereferred to **Appropriations Committee.**"

Page 1062, line 21, replace "Eckre, Grande," with "Grande, Kingsbury, Eckre"

Page 1062, line 22, remove "Kingsbury"

Page 1063, line 3, after "Brusegaard," insert "Meier, Hanson"

Page 1063, line 4, remove "Hanson, Meier"

Page 1063, line 33, remove "Froelich," and after "Kretschmar," insert "Grande,"

Page 1063, line 36, remove "Brekke, Fairfield," and after "Wrangham," insert "Brekke, Fairfield"

Page 1082, line 11, replace "**Human Services**" with "**Natural Resources**"

REP. KRETSCHMAR MOVED that the report be adopted, which motion prevailed.

MOTION

REP. BELTER MOVED that SB 2032 and SB 2354 on the Sixth Order be heard seperately, which motion prevailed.

SIXTH ORDER OF BUSINESS

REP. BELTER MOVED that the amendments on the Sixth order of business to SB 2088 SB 2117, SB 2222, SB 2223, SB 2244, SB 2345, SB 2388, SB 2413, SB 2415, SB 2427, SB 2436, and SB 2449 be adopted, which motion prevailed.

SB 2088 SB 2117, SB 2222, SB 2223, SB 2244, SB 2345, SB 2388, SB 2413, SB 2415, SB 2427, SB 2436, and SB 2449, as amended, were placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SIXTH ORDER OF BUSINESS

SB 2032: REP. BERG (Industry, Business and Labor Committee) MOVED that the amendments be adopted and then be **REREFERRED** to the **Appropriations Committee** which motion prevailed.

SIXTH ORDER OF BUSINESS

SB 2354: REP. PORTER (Human Services Committee) MOVED that the amendments be adopted.

REQUEST

REP. KERZMAN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2354, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2354, the roll was called and there were 44 YEAS, 53 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Brandenburg; Brusegaard; Byerly; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Froseth; Galvin; Glassheim; Gunter; Haas; Hawken; Herbel; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kingsbury; Klein, M.; Koppang; Maragos; Meier; Monson; Nelson; Nottestad; Pietsch; Pollert; Porter; Price; Severson; Svedjan; Thorpe; Tieman; Timm; Weiler; Weisz; Wentz; Winrich; Speaker Bernstein

NAYS: Aarsvold; Bellew; Boehm; Boucher; Brekke; Carlisle; Carlson; Clark; Cleary; Delzer; Eckre; Ekstrom; Fairfield; Froelich; Grande; Grosz; Grumbo; Gullerson; Hanson; Huether; Hunskor; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Klein, F.; Klemin; Kliniske; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Martinson; Metcalf; Mueller; Nicholas; Niemeier; Onstad; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Skarphol; Solberg; Thoreson, B.; Wald; Warner; Wikenheiser; Wrangham

ABSENT AND NOT VOTING: Thoreson, L.

The motion to adopt the amendments to SB 2354 failed to pass.

MOTION

REP. BELTER MOVED that SB 2354, which is on the Sixth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Belter's motion, SB 2354 was rereferred.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. FROSETH MOVED that the House do concur in the Senate amendments to HB 1114 as printed on HJ pages 1027-1028, which motion prevailed on a voice vote.

HB 1114, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1114: A BILL for an Act to authorize the department of human services to convey certain land in Stutsman County, North Dakota, to the city of Jamestown; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Skarphol; Thoreson, L.

Engrossed HB 1114 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do concur in the Senate amendments to HB 1168 as printed on HJ page 1055, which motion prevailed on a voice vote.

HB 1168, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1168: A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to a statement regarding interest on unpaid child

support; and to amend and reenact subsection 6 of section 14-09-25 of the North Dakota Century Code, relating to interest on unpaid child support.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 89 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Schmidt; Severson; Skarphol; Solberg; Thoreson, B.; Thorpe; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Bellew; Ekstrom; Fairfield; Klein, F.; Sandvig; Svedjan; Wald

ABSENT AND NOT VOTING: Carlson; Thoreson, L.

Engrossed HB 1168 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do not concur in the Senate amendments to HB 1189 as printed on HJ page 1025 and that a conference committee be appointed to meet with a like committee from the Senate.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1189: Reps. R. Kelsch, Hawken, Schmidt.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. FROSETH MOVED that the House do concur in the Senate amendments to HB 1206 as printed on HJ page 1025, which motion prevailed on a voice vote.

HB 1206, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1206: A BILL for an Act to amend and reenact subsection 2 of section 57-23-06 of the North Dakota Century Code, relating to the hearing on an application for the abatement or refund of taxes upon real property; and to provide for a legislative council study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Thoreson, L.

Engrossed HB 1206 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do not concur in the Senate amendments to HB 1245 as printed on HJ page 1025 and that a conference committee be appointed to meet with a like committee from the Senate.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1245: Reps. Pollert, Dosch, Thorpe.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do concur in the Senate amendments to HB 1289 as printed on HJ page 1026, which motion prevailed on a voice vote.

HB 1289, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1289: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to motor vehicle number plates bearing a logo identifying members of the North Dakota firemen's association.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Thoreson, L.

Engrossed HB 1289 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. FROSETH MOVED that the House do concur in the Senate amendments to HB 1409 as printed on HJ page 1026, which motion prevailed on a voice vote.

HB 1409, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1409: A BILL for an Act to create and enact two new sections to chapter 57-40.6 of the North Dakota Century Code, relating to the dispatching of ambulances and standards and guidelines for 911 telephone systems.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Thoreson, L.

Engrossed HB 1409 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. M. KLEIN MOVED that the House do concur in the Senate amendments to HB 1423 as printed on HJ pages 1026-1027, which motion prevailed on a voice vote.

HB 1423, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1423: A BILL for an Act to amend and reenact sections 18-12-25 and 54-21.3-03 of the North Dakota Century Code, relating to the state building code; and to provide for transition.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Thoreson, L.

Engrossed HB 1423 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do concur in the Senate amendments to HB 1437 as printed on HJ page 1027, which motion prevailed on a voice vote.

HB 1437, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1437: A BILL for an Act to create and enact a new section to chapter 15.1-19 of the North Dakota Century Code, relating to religious and secular speech in schools; and to repeal section 15.1-19-03 of the North Dakota Century Code, relating to periods of silence during a schoolday.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

NAYS: Ekstrom; Keiser; Winrich

ABSENT AND NOT VOTING: Thoreson, L.

Engrossed HB 1437 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WEISZ MOVED that the House do concur in the Senate amendments to HB 1459 as printed on HJ page 1027, which motion prevailed on a voice vote.

HB 1459, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1459: A BILL for an Act to create and enact a new section to title 39 of the North Dakota Century Code, relating to theft of motor fuels; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 69 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Brekke; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Disrud; Dosch; Eckre; Ekstrom; Fairfield; Glasheim; Grande; Grumbo; Haas; Hanson; Hawken; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Speaker Bernstein

NAYS: Aarsvold; Bellew; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Delzer; Devlin; Drovdal; Froelich; Froseth; Galvin; Grosz; Gulleon; Gunter; Herbel; Keiser; Klein, F.; Lemieux; Lloyd; Niemeier; Nottestad; Skarphol; Timm; Wald; Warner; Wrangham

ABSENT AND NOT VOTING: Thoreson, L.

Engrossed HB 1459 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2086: Reps. Drovdal, Grosz, Kroeber.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2097: Reps. Devlin, Tieman, Niemeier.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2187: Reps. Porter, Dosch, Sandvig.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2361: Reps. Galvin, Pollert, Niemeier.

MOTION

REP. DEKREY MOVED that the House reconsider its action whereby SB 2389 passed, which motion prevailed on a verification vote.

REQUEST

REP. DEKREY REQUESTED to put the Emergency Clause on SB 2389, which motion prevailed

MOTION

REP. BELTER MOVED that SB 2389 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2389: A BILL for an Act to amend and reenact section 4-10-06.1 of the North Dakota Century Code, relating to transfers of certified seed potatoes; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Delzer; Thoreson, L.

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

MOTION

REP. BELTER MOVED that SB 2414 be laid over one legislative day, which motion prevailed.

MOTION

REP. BELTER MOVED that SB 2053 be moved to the bottom of the calendar, which motion prevailed.

MOTION

REP. BELTER MOVED that SB 2223 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2223: A BILL for an Act to amend and reenact sections 61-24.5-04, 61-24.5-08, and subsection 7 of section 61-35-12 of the North Dakota Century Code, relating to the board of directors of the southwest water authority and the reimbursement of water district employee expenses; and to repeal section 61-24.5-05 of the North Dakota Century Code, relating to the initial board of directors of the southwest water authority.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Cleary; Delmore; Delzer; Devlin; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kelsch, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Boehm; Brusegaard; DeKrey; Dosch; Hanson; Kasper; Keiser; Kelsch, R.; Lemieux; Porter; Renner; Ruby; Warner; Weisz

ABSENT AND NOT VOTING: Thoreson, L.

Engrossed SB 2223 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2420: A BILL for an Act to authorize the state historical society of North Dakota to reimburse Pembina County for certain land in Pembina County; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thorpe; Tieman; Timm; Wald; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Bernstein

NAYS: Boehm; Delzer; Kasper; Klein, M.; Lloyd; Renner; Ruby; Skarphol; Weiler; Wrangham

ABSENT AND NOT VOTING: Delmore; Thoreson, L.

Engrossed SB 2420 passed and the title was agreed to.

MOTION

REP. BELTER MOVED that SB 2222 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 59 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boucher; Brandenburg; Brekke; Carlisle; Carlson; Cleary; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Grumbo; Gulleon; Gunter; Haas; Herbel; Huether; Johnson, D.; Johnson, N.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppang; Koppelman; Lemieux; Mahoney; Metcalf; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Rennerfeldt; Sandvig; Schmidt; Skarphol; Solberg; Thorpe; Tieman; Timm; Wald; Warner; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Bellew; Boehm; Brusegaard; Byerly; Clark; DeKrey; Delzer; Devlin; Dosch; Glassheim; Grande; Grosz; Hanson; Hawken; Hunskor; Jensen; Kasper; Keiser; Kelsch, R.; Kliniske; Kretschmar; Kroeber; Lloyd; Maragos; Martinson; Meier; Monson; Mueller; Porter; Price; Renner; Ruby; Severson; Svedjan; Thoreson, B.; Weiler; Weisz

ABSENT AND NOT VOTING: Delmore; Thoreson, L.

Engrossed SB 2222 passed and the title was agreed to.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2055, SB 2074, SB 2129, SB 2160, SB 2169, SB 2175, SB 2176, SB 2196, SB 2234, SB 2235, SB 2256, SB 2288, SB 2327, SB 2330, SB 2344, SB 2375, SB 2381, SB 2393, SB 2406, SB 2408, SB 2424, SB 2426, SB 2431, SB 2441, SB 2451.

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

MR. PRESIDENT: The Speaker has signed: SB 2055, SB 2074, SB 2129, SB 2160, SB 2169, SB 2175, SB 2176, SB 2196, SB 2234, SB 2235, SB 2256, SB 2288, SB 2327, SB 2330, SB 2344, SB 2375, SB 2381, SB 2393, SB 2406, SB 2408, SB 2424, SB 2426, SB 2431, SB 2441, SB 2451.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1201, HB 1296, HB 1304, HB 1306, HB 1354, HB 1370, HB 1390, HB 1408, HB 1474, HCR 3001, HCR 3002, HCR 3017, HCR 3026, HCR 3033, HCR 3036, HCR 3043, HCR 3044, HCR 3050, HCR 3054, HCR 3056, HCR 3058, HCR 3065, HCR 3067, HCR 3068.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1141, HB 1261, HB 1267, HB 1350, HB 1358, HB 1385, HB 1401, HB 1455.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1141

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact three new sections to chapter 15.1-12 of the North Dakota Century Code, relating to school district reorganization; and to amend and reenact section 15.1-12-11.1 of the North Dakota Century Code, relating to school district reorganization bonuses.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15.1-12 of the North Dakota Century Code is created and enacted as follows:

Reorganization plan - Building fund levy.The reorganization plan required by section 15.1-12-09 may propose the inclusion of up to ten mills as a building fund levy. If the reorganization plan is approved by a majority of electors residing within the boundaries of the proposed new district, the building fund levy becomes effective, notwithstanding any other voter approval requirement in section 57-15-16.

SECTION 2. A new section to chapter 15.1-12 of the North Dakota Century Code is created and enacted as follows:

Reorganization plan - Interim fund balance.

1. The reorganization plan must specify whether the balance in the interim fund of each district participating in the reorganization is to be wholly or partially allocated to the general fund of the newly reorganized district.
2. If the reorganization plan provides that the balance in the interim fund of each district participating in the reorganization is to be wholly allocated to the general fund of the newly reorganized district, the reorganization plan may also provide that the general fund mill levy applicable to property in those participating districts having a general fund mill levy that is lower than the proposed general fund mill levy for the reorganized district may be raised incrementally, over a period of five years, to the level proposed for the reorganized district.
3.
 - a. If the reorganization plan provides that the balance in the interim fund of each district participating in the reorganization is to be partially allocated to the general fund of the newly reorganized district, then each participating district shall divide the amount of its interim fund balance on the day preceding the effective date of the reorganization by the number of students in average daily membership in the district during the school year concluding on the day preceding the effective date of the reorganization.
 - b. The participating district having the lowest per student interim fund balance must contribute the total amount of its interim fund balance to the general fund of the newly reorganized district.
 - c. Each of the other participating districts shall multiply the lowest district's per student interim fund amount by the number of students in average daily membership in their respective districts during the school year concluding on the day preceding the effective date of the

reorganization. Each of the other participating districts must contribute the lesser of the amount arrived at under this subdivision or the total amount in its interim fund to the general fund of the newly reorganized district.

- d. If after complying with the requirements of subdivision c, a participating district has a balance available in its interim fund, the reorganization plan must allow that balance to be used by or on behalf of property owners residing within the boundaries of that participating district, as a proportionate credit against any property taxes owed by the property owners. The reorganization plan must determine the manner in which the proportionate credit must be used. The credit may be used either in its entirety on a single occasion or applied to several taxable years. The credit may not be used beyond the fifth taxable year.

SECTION 3. AMENDMENT. Section 15.1-12-11.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15.1-12-11.1. Reorganization bonus - Eligibility - Distribution.

1. If a school district reorganizes with one or more contiguous school districts or portions of districts, the newly reorganized district is entitled to receive a reorganization bonus, provided at least one of the reorganizing districts is a high school district and that the newly reorganized district consists:
 - a. Consists of at least eight hundred square miles [207198 hectares]; or
 - b. Consists of at least five hundred square miles [129499 hectares], has a student enrollment of at least five hundred twenty, and had no practical reorganization alternatives that would have allowed it to meet the requirements of subdivision a.
2. The total reorganization bonus to which a newly reorganized district is eligible consists of:
 - a. Fifty thousand dollars per one hundred square mile [25899 hectares] block, or a major portion thereof, included within the reorganized district and calculated by determining the lesser of the total square mileage [hectares] of the reorganized district or one thousand four hundred square miles [362597 hectares], and subtracting from that amount the square mileage [hectares] of the largest district or portion of a district involved in the reorganization;
 - b. One thousand dollars per student calculated by determining the lesser of the total fall enrollment of the newly reorganized district or seven hundred fifty and subtracting from that amount the fall enrollment in the district or portion of the district that had the largest student population of those districts or portions of districts participating in the reorganization during the school year immediately preceding the effective date of the reorganization; and
 - c. Fifty thousand dollars for each whole school district that formed the reorganized district.
3. The superintendent of public instruction shall distribute the reorganization bonus to each eligible reorganized district during the month of December, following the effective date of the district's reorganization.

SECTION 4. A new section to chapter 15.1-12 of the North Dakota Century Code is created and enacted as follows:

Reorganization bonus - Advanced payment.

1. If the boards of two or more school districts vote to study the feasibility and desirability of reorganizing with each other, the boards may apply to the superintendent of public instruction for an advanced reorganization payment.

2. The superintendent of public instruction shall advance a payment of fifteen thousand dollars to the board of each school district that voted to study the reorganization, provided that at least one of the participating districts is a high school district and that the districts, if reorganized, would qualify for a reorganization bonus under section 15.1-12-11.1.
3. If the school districts reorganize, the superintendent of public instruction shall deduct any money advanced under this section from the amount of the bonus due the newly reorganized district under section 15.1-12-11.1.
4. If the school districts fail to reorganize, each district must repay the amount advanced by the superintendent of public instruction under this section, at the time and in the manner determined by the superintendent of public instruction."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1261

In lieu of the amendments adopted by the Senate as printed on pages 907 and 908 of the Senate Journal, Engrossed House Bill No. 1261 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-04 and a new subsection to section 57-40.3-07 of the North Dakota Century Code, relating to registration of a motor vehicle.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

Failure to register upon gainful employment. A person operating a motor vehicle in violation of subdivision c or e of subsection 2 of section 39-04-18 shall purchase an annual registration for that motor vehicle for a fee that is not discounted from the appropriate amount listed in a table in section 39-04-19. A law enforcement officer may issue a registration for that vehicle and shall remit the registration fee to the department of transportation. The department shall provide for evidence of registration to be issued by a law enforcement officer enforcing subdivision c or e of subsection 2 of section 39-04-18.

SECTION 2. A new subsection to section 57-40.3-07 of the North Dakota Century Code is created and enacted as follows:

For a vehicle leased and registered or licensed in another state by a nonresident individual who is stationed as a member of the armed services of the United States in this state, the vehicle is exempt from tax imposed under this chapter and registration in this state must be issued upon application and payment of appropriate registration fees."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1267

Page 2, line 3, replace "this" with "section 1 of this Act, section 27-20-51, or section 27-20-52"

Page 2, line 4, remove "chapter" and after "eighteen" insert "or no longer attends the school, whichever occurs later"

Page 3, line 23, replace "Juvenile" with "A child's juvenile"

Page 3, line 25, after "enroll" insert "if the court finds that the child appears to present a danger to self or to the students or staff of the school"

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1350

Page 1, line 6, after the first "has" insert "been charged with,", after "to" insert a comma, and remove the second "has"

Page 1, line 7, after "felony" insert "in this state" and remove "from one correctional facility within the"

Page 1, line 8, remove "state to another"

Page 1, line 9, after "officers" insert "or correctional officers" and after the comma insert ""governmental agency" means an agency or department of this state or of any political subdivision of this state, of another state or of a political subdivision of another state, or of the United States."

Page 1, remove lines 10 through 13

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1358

Page 1, line 3, replace the second "subsection" with "subsections 2 and"

Page 12, line 2, remove "and"

Page 12, line 10, remove the overstrike over "~~and~~"

Page 12, line 11, remove the overstrike over "e-", after "The" insert "If the", remove the overstrike over "child is" and insert immediately thereafter "of sufficient age and understanding to comprehend the proceedings, the child must be", and remove the overstrike over "~~personally before the court at the provisional hearing~~"

Page 14, line 5, replace "Subsection" with "Subsections 2 and"

Page 14, line 6, replace "is" with "are"

Page 14, after line 6, insert:

- "2. An order of disposition committing a delinquent or unruly child to the division of juvenile services continues in force for not more than two years, excluding any period of time the child is on parole from an institution, or until the child is sooner discharged by an institution.
 - a. The court which made the order may extend its duration for additional two-year periods subject to like discharge, if:
 - (1) A hearing is held upon motion of the division, or on the court's own motion, prior to the expiration of the order;
 - (2) Reasonable notice of the hearing and an opportunity to be heard are given to the child and the parent, guardian, or other custodian; and
 - (3) The court finds that the extension is necessary for the treatment or rehabilitation of the child.
 - b. A permanency hearing must be conducted within thirty days after a court determines that ~~reasonable efforts~~ aggravated circumstances of the type described in subdivisions a, c, d, or e of subsection 2 3 of section ~~27-20-32.2 are not required~~ 27-20-02 exist, or within twelve months after a child, subject to an order of disposition under this subsection, is considered to have entered foster care, or is continued in foster care following a previous permanency hearing. The permanency hearing may be conducted:
 - (1) By the division of juvenile services as a placement hearing under chapter 27-21; or
 - (2) By the court, if the court requires, or if it appears that an appropriate permanency plan could not be carried out without exceeding the authority of the division of juvenile services."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1385

Page 1, line 8, overstrike "If" and remove "the"

Page 1, line 9, remove "department proposes to place", overstrike "a child", and overstrike "in an out-of-home treatment program"

Page 1, line 10, overstrike "established under this section,", remove "without the consent of the child's parent or legal guardian,", and overstrike "the"

Page 1, line 11, overstrike "juvenile court must make a judicial determination as to whether the", remove "proposed", and overstrike "placement is in"

Page 1, line 12, overstrike "the best interests of the child."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1401

Page 1, line 18, after the period insert "No written notice or hearing is required if the withdrawal of funds is being made to meet the inmate's child support obligation."

Page 2, after line 17, insert:

"5. This section does not limit or alter the provisions of chapter 14-09 relating to income withholding orders for child support."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1455

Page 1, line 2, remove "subsection 1 of section 28-34-01," and remove the second "section"

Page 1, line 4, remove "and appeals from decisions of local"

Page 1, line 5, remove "governing bodies"

Page 1, line 15, remove ", and the provisions of subsection 5 do not apply"

Page 4, line 12, remove "notice of appeal may include a request for de novo review by the district court. If"

Page 4, line 13, remove "there is no request for de novo review, a"

Page 4, after line 27, insert:

"7. The findings of fact made by the agency do not sufficiently address the evidence presented to the agency by the appellant.

8. The conclusions of law and order of the agency do not sufficiently explain the agency's rationale for not adopting any contrary recommendations by a hearing officer or an administrative law judge."

Page 4, remove lines 30 and 31

Page 5, remove lines 1 through 5

Page 5, line 14, after the third comma insert "the tax commissioner,"

Page 5, line 31, overstrike "An agency may request"

Page 6, overstrike lines 1 and 2

Page 6, remove lines 3 through 18

Page 6, line 19, replace "4" with "3"

Page 6, line 22, replace "5" with "4"

Page 7, line 1, replace "6" with "5"

Page 7, line 5, replace "7" with "6"

Renumber accordingly

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1218, HB 1416.

SENATE AMENDMENTS TO HOUSE BILL NO. 1218

Page 2, line 5, overstrike "and" and insert immediately thereafter an underscored semicolon

Page 2, line 6, after "dollars" insert "; and an order for addiction evaluation by an appropriate licensed treatment program"

Page 2, line 10, after "sentence" insert ", except for ten days' imprisonment,"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1416

Page 1, line 2, after "chance" insert "; to provide an effective date; and to declare an emergency"

Page 1, line 7, replace "fifty-one" with "fifty-three"

Page 1, after line 14, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on July 1, 2001.

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

Renumber accordingly

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1046.

SENATE AMENDMENTS TO HOUSE BILL NO. 1046

Page 1, line 7, after "15.1-09-34" insert ", 15.1-09-44"

Page 1, line 12, after "contracts" insert ", schoolbuses"

Page 9, after line 23, insert:

"SECTION 18. AMENDMENT. Section 15.1-09-44 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15.1-09-44. Schoolbuses - Use of nonprofit organizations. The board of a school district may make a schoolbus available to a nonprofit organization for use in conjunction with the organization's activities. The board shall negotiate the terms of usage with the organization. The terms must address rental charges and insurance coverage. The driver of a schoolbus used by a nonprofit organization under this section must satisfy the requirements for a schoolbus driver set forth in section ~~15.1-07-24~~ 15.1-07-20."

Renumber accordingly

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

MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3061.

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3061

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Council to study the delivery of elementary and secondary education during the ensuing 5, 10, and 20 years, with emphasis on a review of the current school district structure, reorganization options, the potential for creating alternate administrative units, and the equitable distribution of state aid to school districts and to obtain the information necessary for this study through a variety of means, including testimony from school district superintendents and business managers.

WHEREAS, elementary and secondary education has long been valued in this state; and

WHEREAS, declining enrollment has necessitated changes in the way elementary and secondary education is delivered; and

WHEREAS, anticipated demographic changes in the ensuing 5, 10, and 20 years will contribute to fundamental changes in the delivery and organizational structure of elementary and secondary education; and

WHEREAS, issues of local versus state control in the delivery and organizational structure of elementary and secondary education need to be addressed; and

WHEREAS, regardless of the demographic changes and the structural changes, the state role in funding elementary and secondary education will continue to be significant; and

WHEREAS, the state has an obligation to ensure an equitable system for the funding of elementary and secondary education;

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

That the Legislative Council study the delivery of elementary and secondary education during the ensuing 5, 10, and 20 years, with emphasis on a review of the current school district structure, reorganization options, the potential for creating alternate administrative units, and the equitable distribution of state aid to school districts and obtain the information necessary for this study through a variety of means, including testimony from school district superintendents and business managers; and

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

Renumber accordingly

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1276.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4048.

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

MR. SPEAKER: The Senate has failed to pass: HB 1043, HB 1173, HB 1244, HB 1285, HB 1380, HB 1410, HB 1419, HCR 3032, HCR 3049, HCR 3051, HCR 3069.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1157.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1197.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1197

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

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

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause failed: HB 1269.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1269

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

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1105, HB 1233, HB 1234, HB 1270, HB 1465.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1105

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

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1233

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

Page 1, remove lines 13 through 16

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

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

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

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

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

Page 2, remove lines 6 through 9

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1234

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

Page 1, overstrike line 22

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

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

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

Page 1, remove line 24

Page 2, remove lines 1 and 2

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1270

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

Page 5, remove lines 24 and 25

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1465

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

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

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

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

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

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

Page 2, after line 16, insert:

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

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

Renumber accordingly

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

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

HB 1058: Sens. Cook; Wanzek; Christenson

HB 1182: Sens. Flakoll; Wanzek; O'Connell

HB 1363: Sens. Lyson; Trenbeath; C. Nelson

HB 1398: Sens. Trenbeath; Dever; C. Nelson

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

MR. PRESIDENT: The House has passed unchanged: SB 2081, SB 2163, SB 2290, SB 2383, SCR 4001, SCR 4014, SCR 4022, SCR 4027, SCR 4032, SCR 4033, SCR 4034, SCR 4042.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2276.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has passed, the emergency clause carried, unchanged: SB 2216.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass: SB 2394.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2249, SB 2294.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2098, SB 2121, SB 2183, SB 2220, SB 2229, SB 2308, SB 2359, SB 2370, SB 2371, SB 2386, SB 2419, SB 2455.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2201 and SB 2226 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2201: Sens. Traynor; Trenbeath; Watne

SB 2226: Sens. Watne; Dever; C. Nelson

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1102 and HB 1322.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1066 and HB 1283 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1066: Reps. Grande; Kingsbury; Eckre

HB 1283: Reps. Brusegaard; Meier; Hanson

REPORT OF STANDING COMMITTEE

SB 2106, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2106 was placed on the Sixth order on the calendar.

In lieu of the amendments as printed on pages 1033 and 1034 of the House Journal, Engrossed Senate Bill No. 2106 is amended as follows:

Page 1, line 4, after "districts" insert "; and to declare an emergency"

Page 2, line 19, after the second period insert:

"1."

Page 2, line 24, after the period insert:

"2."

Page 2, line 25, after the period insert:

"3. a."

Page 3, line 2, replace "For purposes of this section" with:

"b. For purposes of this subsection"

Page 3, line 3, after "school" insert "district"

Page 3, after line 4, insert:

"c. If any person believes that a school district has violated this subsection, the person may file a complaint with the superintendent of public instruction. Upon receipt of a complaint alleging a violation of

this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this subsection, the superintendent may withhold some or all of the transportation aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board of public school education. A decision by the state board of public school education is final."

Page 5, line 6, after the period insert "a."

Page 5, line 7, overstrike "or indirectly"

Page 5, after line 10, insert:

- "b. For purposes of this subsection, directly exerting influence means providing information about the school district to individuals who are not residents of that district unless the information is requested.
- c. If any person believes that a school district has violated this subsection, the person may file a complaint with the superintendent of public instruction. Upon receipt of a complaint alleging a violation of this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this subsection, the superintendent may withhold some or all of the transportation aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board of public school education. A decision by the state board of public school education is final."

Page 5, after line 19, insert:

"SECTION 7. EMERGENCY. Sections 3 and 6 of this Act are declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2166, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2166 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subdivision b of subsection 1 of section 15.1-06-05 and"

Page 1, line 2, after the first "to" insert "the modification of the school calendar and" and replace "; and to" with a period

Page 1, remove lines 3 and 4

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subdivision b of subsection 1 of section 15.1-06-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- b. In the opinion of the superintendent, the program offers educational opportunities equivalent to those available in a one-hundred-eighty-day school calendar and if there is no reduction in the total number of instructional days required by subsection 1 of section 15.1-06-04."

Page 1, line 23, replace "one extension" with "extensions" and replace "The" with "Each"

Page 1, line 24, after the underscored period insert "A school or school district that operates for a period of three years under waivers granted in accordance with this section may apply to the superintendent of public instruction for permanent approval of the program."

Page 2, line 9, remove "If requested by the chairman of the"

Page 2, remove lines 10 and 11

Page 2, line 12, replace "Any waiver granted by" with "The" and replace "prior to the effective" with "shall adopt rules governing the submission of applications, the evaluation of applications, and any other matters necessary for the administration of waivers under this section."

Page 2, remove lines 13 through 20

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2251, as engrossed: Education Committee (Rep. R. Kelsch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2251 was placed on the Sixth order on the calendar.

In lieu of the amendments to Engrossed Senate Bill No. 2251 as printed on page 1035 of the House Journal, Engrossed Senate Bill No. 2251 is amended as follows:

Page 5, after line 24, insert:

- "j. The director of technology for the department of public instruction.
- k. A representative appointed by the governor from a list of three nominees submitted by the state association of non public schools."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2315, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2315 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 2, after "liability" insert "and to estrays"

Page 2, after line 24, insert:

"SECTION 6. A new section to chapter 58-13 of the North Dakota Century Code is created and enacted as follows:

Estray - Notification of North Dakota stockmen's association. If the poundmaster comes into possession of any animal that the poundmaster believes is an estray, the poundmaster shall contact the brand inspector and deliver or arrange for the delivery of the animal to a licensed livestock auction market. The brand inspector shall provide for the disposition of the animal under chapter 36-22. The poundmaster may recover charges and expenses for the delivery of the estray."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2397, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2397 was placed on the Sixth order on the calendar.

Page 2, line 1, overstrike "as described"

Page 2, line 2, overstrike "under subsection 1 or 2" and insert immediately thereafter "holding a valid manufacturer's or retailer's license issued by the state of its domicile"

Page 2, line 8, replace "permit" with "license"

- Page 2, line 13, remove "including invoices for each shipment" and replace "the price of the product" with "for each shipment"
- Page 2, line 14, replace the first "and" with ", the date" and remove "the customer's name and address."
- Page 2, line 15, replace "manufacturer or retailer of alcoholic beverages who violates" with "direct shipper is subject to section 5-03-06."
- Page 2, remove lines 16 through 18
- Page 2, line 19, remove "of that civil penalty upon violation of this subsection."
- Page 2, line 20, replace "a civil" with "an"
- Page 2, line 21, replace "to recover the civil penalty provided in this" with "may request award of"
- Page 2, line 22, remove "subsection, together with"
- Page 2, line 23, remove the first "treasurer"
- Page 2, line 26, replace "shall" with "may"
- Page 2, line 29, replace "shall" with "may"
- Page 3, line 22, overstrike "as described"
- Page 3, line 23, overstrike "under subsection 1 or 2" and insert immediately thereafter "holding a valid manufacturer's or retailer's license issued by the state of its domicile"
- Page 3, line 30, replace "before" with "within thirty days of" and replace "sale or" with "first"
- Page 4, line 3, remove "including invoices for each shipment" and replace "the price of the" with "for each shipment"
- Page 4, line 4, remove "product", replace the first "and" with ", the date", and remove "the customer's name and address."
- Page 4, line 5, replace "manufacturer or retailer of alcoholic beverages who" with "direct shipper is subject to section 5-03-06."
- Page 4, remove lines 6 through 8
- Page 4, line 9, remove "the imposition of that civil penalty upon violation of this subsection."
- Page 4, line 10, replace "a civil" with "an"
- Page 4, line 11, remove "to recover the civil penalty"
- Page 4, line 12, replace "provided in this subsection, together with" with "may request award of"
- Page 4, line 13, remove "tax commissioner"
- Page 4, line 16, replace "shall" with "may"
- Page 4, line 20, replace "shall" with "may"
- Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2407, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO PASS** (11 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2407 was placed on the Fourteenth order on the calendar.

MOTION

REP. MONSON MOVED that the absent member be excused, which motion prevailed.

MOTION

REP. MONSON MOVED that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, March 27, 2001, which motion prevailed.

The House stood adjourned pursuant to Representative Monson's motion.

MARK L. JOHNSON, Chief Clerk