

**JOURNAL OF THE HOUSE**

**Fifty-seventh Legislative Assembly**

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**Bismarck, April 3, 2001**

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

The prayer was offered by Pastor Tom Dunham, First Lutheran Church Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

**MOTION**

**REP. BELTER MOVED** that SB 2019, SB 2015 and HB 1020 be laid over one legislative day, which motion prevailed.

**SIXTH ORDER OF BUSINESS**

**REP. BELTER MOVED** that the amendments on the Sixth order of business to SB 2007 and SB 2017 be adopted, which motion prevailed.

SB 2007 and SB 2017, as amended, were placed on the Fourteenth order of business on the calendar.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. FROSETH MOVED** that the House do concur in the Senate amendments to HB 1215 as printed on HJ page 1226, which motion prevailed on a voice vote.

HB 1215, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1215:** A BILL for an Act to provide an appropriation to the adjutant general's office for maintenance and repair of political subdivision-owned armories and to provide a report to the budget section.

**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.; 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; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Nicholas

Engrossed HB 1215 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BERG MOVED** that the House do concur in the Senate amendments to HB 1400 as printed on HJ page 1228, which motion prevailed on a voice vote.

HB 1400, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1400:** A BILL for an Act to create and enact a new section to chapter 54-34.3 of the North Dakota Century Code, relating to a rural growth incentive program administered by the department of economic development and finance; and to provide for allocation of the North Dakota development fund.

**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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Reengrossed HB 1400 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. DEVLIN MOVED** that the conference committee report on Reengrossed SB 2097 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2097, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2097:** A BILL for an Act to amend and reenact subsection 1 of section 50-24.4-23 and section 50-24.4-08 of the North Dakota Century Code, relating to reporting requirements for nursing homes.

**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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Reengrossed SB 2097, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. SEVERSON MOVED** that the conference committee report on SB 2102 be adopted, which motion prevailed on a voice vote.

SB 2102, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2102:** A BILL for an Act to create and enact a new section to chapter 42-01 of the North Dakota Century Code, relating to the use of certain structures as a nuisance; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 7 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; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grumbo; Gullson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Delzer; Froelich; Grosz; Kerzman; Lemieux; Niemeier; Warner

**ABSENT AND NOT VOTING:** Fairfield

SB 2102 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. KRETSCHMAR MOVED** that the conference committee report on Reengrossed SB 2116 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2116, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2116:** A BILL for an Act to amend and reenact section 12.1-31-03, subsection 17 of section 27-20-02, and section 40-18-14 of the North Dakota Century Code, relating to the sale of tobacco to minors; 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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Gullson; 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.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

Reengrossed SB 2116, as amended, passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. PORTER MOVED** that the conference committee report on SB 2187 be adopted, which motion prevailed on a voice vote.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. SEVERSON MOVED** that the conference committee report on SB 2197 be adopted, which motion prevailed on a voice vote.

SB 2197, as amended, was placed on the Fourteenth order.

**SECOND READING OF SENATE BILL**

**SB 2197:** A BILL for an Act to amend and reenact subsection 1 of section 11-07-04 and section 44-02-05 of the North Dakota Century Code, relating to the terms of office of

members of the board of county commissioners and vacancies in boards of county commissioners.

#### 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; Gullekson; 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; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Price

SB 2197 passed and the title was agreed to.

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#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. KLEMIN MOVED** that the conference committee report on SB 2226 be adopted, which motion prevailed on a voice vote.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**REP. WRANGHAM MOVED** that the conference committee report on Reengrossed SB 2384 be adopted, which motion prevailed on a voice vote.

Reengrossed SB 2384, as amended, was placed on the Fourteenth order.

#### SECOND READING OF SENATE BILL

**SB 2384:** A BILL for an Act to amend and reenact sections 14-09-22 and 50-25.1-11 of the North Dakota Century Code, relating to child abuse and neglect and to authorized disclosures of confidential records.

#### 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; Gullekson; 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; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Niemeier

Reengrossed SB 2384, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and department of veterans' affairs; to provide for a performance audit of the veterans' home; to provide for a report to the legislative assembly; 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; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Niemeier

Engrossed SB 2007 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota; to create and enact a new section to chapter 52-08 of the North Dakota Century Code, relating to job task analysis services; to amend and reenact subdivision a of subsection 3 of section 52-04-05 and section 52-04-22 of the North Dakota Century Code and section 4 of chapter 433 of the 1999 Session Laws, relating to unemployment compensation employer rates, the federal advance interest repayment fund, and the unemployment compensation incentive fund; to provide a continuing appropriation; to provide for retroactive application; 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, 1 NAY, 0 EXCUSED, 1 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.; 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; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Delzer

**ABSENT AND NOT VOTING:** Niemeier

Engrossed SB 2017 passed and the title was agreed to.

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**REQUEST**

**REP. BELTER REQUESTED** that HB 1215 not be messaged over to the Senate.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bill and resolution: SB 2216, SCR 4006.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has signed: SB 2216, SCR 4006.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolutions: HB 1011, HB 1016, HB 1017, HB 1018, HB 1021, HB 1115, HB 1233, HB 1251, HB 1358, HB 1371, HB 1377, HB 1426, HB 1456, HCR 3027, HCR 3039, HCR 3048.

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1011, HB 1016, HB 1017, HB 1018, HB 1021, HB 1115, HB 1233, HB 1251, HB 1358, HB 1371, HB 1377, HB 1426, HB 1456, HCR 3027, HCR 3039, HCR 3048.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2114, SB 2117, SB 2121, SB 2144, SB 2223, SB 2359, SB 2370, SB 2371, SB 2420, SB 2443, SB 2444, SB 2446.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2097, SB 2102, SB 2116, SB 2197, SB 2384.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2287.

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

**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2007, SB 2017.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1442.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1442**

Page 1, line 1, remove "; and to declare an"

Page 1, line 2, remove "emergency"

Page 1, line 14, replace "justifying" with "from"

Page 1, line 15, replace "belief" with "allegation"

Page 1, line 16, replace "person's belief" with "allegation"

Page 1, line 21, replace "federal" with "state" and remove "having jurisdiction over that portion of this"

Page 1, line 22, remove "state in which the farmer's land is located"

Page 2, line 1, remove "Unless a shorter period of time is agreed to in writing or ordered by the federal"

Page 2, remove lines 2 and 3

Page 2, line 4, remove "court order."

Page 2, line 6, replace "An independent agent agreed to by both parties also must" with "If requested by the farmer or the person holding the patent, the state seed commissioner shall"

Page 2, line 7, after the period insert "The state seed commissioner may impose a fee for providing that service. The patent holder and the farmer shall each pay one-half of the fee charged by the commissioner."

Page 2, line 10, replace "federal" with "state"

Page 2, line 12, remove the first "crop", remove "only", and replace "or" with ", from"

Page 2, line 13, replace ". Upon a showing of good cause, the" with ", or"

Page 2, line 14, remove "person holding the patent may collect seed samples"

Page 2, line 18, replace "independent agent agreed to" with "state seed commissioner or the farmer"

Page 2, line 19, remove "by both parties"

Page 2, line 21, replace "holding" with "who took the samples"

Page 2, line 22, remove "the patent" and replace "independent agent agreed to by both parties. The person" with "state seed commissioner if the commissioner was present at the time the samples were taken. The patent holder and the farmer shall share equally the cost of the containers needed for the second set of samples which are retained by the state seed commissioner or the farmer"

Page 2, line 23, remove "holding the patent shall supply the containers for that person's samples"

Page 2, remove line 24

Page 2, line 25, after "farmer" insert "and the person holding the patent", replace "bear" with "share equally", remove "agent's", and after "containers" insert "and the cost of obtaining the samples"

Page 2, line 29, replace "ten" with "twenty-one"

Page 2, line 30, replace "samples were analyzed. If" with "results were reported to" and after "patent" insert a period

Page 3, remove lines 1 and 2

Page 3, line 3, replace "If a dispute between the farmer and the person holding the patent remains after" with "The parties may"

Page 3, remove line 4

Page 3, line 5, remove "patent to" and replace "of the matter" with "at any time"

Page 3, line 8, replace "the" with "an independent"

Page 3, line 9, remove "with the state"

Page 3, remove lines 10 and 11

Page 3, line 12, remove "11. If the case is not settled after arbitration, either party may file a claim"

Page 3, line 13, replace "that portion of this state in which" with "the claim. Unless otherwise specified in a contract between the farmer and the person holding the patent, the appropriate state district court is the one that has jurisdiction over that portion of this state in which the farmer's land is located."

Page 3, remove lines 14 through 17

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 1026.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1026**

In lieu of the amendments to Engrossed House Bill No. 1026 as printed on pages 1080 and 1081 of the Senate Journal, Engrossed House Bill No. 1026 is amended as follows:

Page 1, line 5, after "appropriated" insert ", and from special funds derived from other income"

Page 1, line 6, replace "general fund" with "appropriation"

Page 2, after line 15, insert:

"Subdivision 8.

MAYVILLE STATE UNIVERSITY

Operating expenses	\$14,630
Capital improvements	<u>25,000</u>
Total general fund appropriation	\$39,630

## Subdivision 9.

## STATE COLLEGE OF SCIENCE

Operating expenses	\$279,945
Capital improvements	<u>32,745</u>
Total general fund appropriation	\$312,690

## Subdivision 10.

## STATE TREASURER

In lieu of tax payments	<u>\$783,413</u>
Total general fund appropriation	\$783,413

## Subdivision 11.

## DEPARTMENT OF CORRECTIONS AND REHABILITATION

Victims services	<u>\$250,000</u>
Total special funds appropriation	\$250,000"

Page 2, line 16, replace "19,224,108" with "20,359,841"

Page 2, after line 16, insert:

"Grand total special funds appropriation H.B. 1026	\$250,000
Grand total all funds appropriation H.B. 1026	\$20,609,841"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

SENATE ACTION - This amendment adds the following deficiency appropriations:

	PURPOSE	GENERAL FUND	OTHER FUNDS	TOTAL
House version		\$19,224,108		\$19,224,108
Senate changes				
Mayville State University	Higher than anticipated utilities costs	\$14,630		\$14,630
	Fieldhouse floor repairs	<u>25,000</u>		<u>25,000</u>
	Total Mayville State University	\$39,630		\$39,630
State College of Science	Higher than anticipated utilities costs	\$279,945		\$279,945
	Emergency steamline repairs	<u>32,745</u>		<u>32,745</u>
	Total State College of Science	\$312,690		\$312,690
State Treasurer	In lieu of tax payments to counties for carbon dioxide pipeline property, pursuant to North Dakota Century Code Section 57-06-17.2	\$783,413		\$783,413
Department of Corrections and Rehabilitation	Additional crime victims' compensation grants		\$250,000	\$250,000
Total additional deficiency appropriations		<u>\$1,135,733</u>	<u>\$250,000</u>	<u>\$1,385,733</u>
Senate version		\$20,359,841	\$250,000	\$20,609,841

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1022, HB 1217.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1202.

**PROPOSED AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1202**

Page 1, line 9, overstrike "**ambulance**" and insert immediately thereafter "**emergency medical**" and after "**services**" insert "**operations**"

Page 1, line 12, replace "may" with "shall"

Page 1, line 14, after "area" insert "if the applicant for the new license was licensed before the effective date of this Act and was subsequently relicensed under section 23-27-04.5"

Page 2, line 16, after "the" insert "prehospital"

Page 2, line 20, after the second underscored comma insert "air ambulance services."

Renumber accordingly

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1202**

In addition to the amendments adopted by the Senate as printed on page 836 of the Senate Journal, Reengrossed House Bill No. 1202 is further amended as follows:

Page 1, line 3, after "sections" insert "11-28.3-01, 11-28.3-08, 11-28.3-09, 11-28.3-14, 23-12-08," and remove "and"

Page 1, line 4, after "23-27-04.4" insert ", 57-15-06.7, 57-15-20.2, 57-15-50, 57-15-51, 57-15-51.1, and subsection 21 of section 58-03-07"

Page 1, line 5, after "operations" insert "and mill levies for emergency medical services and rural ambulance services"

Page 1, after line 6, insert:

**"SECTION 1. AMENDMENT.** Section 11-28.3-01 of the North Dakota Century Code is amended and reenacted as follows:

**11-28.3-01. Territory to be organized - Petition.** Whenever twenty percent of the qualified electors, as determined by the vote cast in the last preceding gubernatorial election, residing in any rural territory, equivalent in area to one township or more not presently served by an existing ~~ambulance~~ emergency medical service, elect to form, organize, establish, equip, and maintain a rural ambulance service district, they shall signify their intention by presenting to the county auditor of the county or counties in which the territory is situated, a petition setting forth the desires and purposes of the petitioners. The petition shall contain the full names and post-office addresses of the petitioners, the suggested name of the proposed district, the area in square miles [hectares] to be included therein, and a complete description according to government survey, wherever possible, of the boundaries of the real properties intended to be embraced in the proposed rural ambulance service district. A plat or map showing the suggested boundaries of the proposed district shall accompany the petition, and the petitioner shall also deposit with the county auditor a sum sufficient to defray the expense of publishing the notices required by sections 11-28.3-02 and 11-28.3-03. Provided further that any city located within the area, whether such city has ~~ambulance~~ service emergency medical services or not, may be included in the rural ambulance district if twenty percent or more of the qualified electors residing in the city sign the petition.

**SECTION 2. AMENDMENT.** Section 11-28.3-08 of the North Dakota Century Code is amended and reenacted as follows:

**11-28.3-08. Powers of board of directors.** The board of directors shall have the following general powers to:

1. Develop a general ~~ambulance~~ emergency medical service program for the district.
2. Make an annual estimate of the probable expense of carrying out the program.
3. Annually certify that estimate to the proper county auditor in the manner provided by section 11-28.3-09.
4. Manage and conduct the business affairs of the district.
5. Make and execute contracts in the name of and on behalf of the district with regard to a general ~~ambulance~~ emergency medical service program.
6. Purchase or lease ambulances, or other emergency vehicles, supplies, and other real or personal property as shall be necessary and proper to carry out the general ~~ambulance~~ emergency medical service program of the district.
7. Incur indebtedness on behalf of the district within the limits prescribed by section 11-28.3-10, authorize the issuance of evidences of indebtedness permitted under section 11-28.3-10, and pledge any real or personal property owned or acquired by the district as security for the same.

8. Organize, establish, equip, maintain, and supervise an ambulance emergency medical service company to serve the district.
9. Generally perform all acts necessary to fully carry out the purposes of this chapter.

**SECTION 3. AMENDMENT.** Section 11-28.3-09 of the North Dakota Century Code is amended and reenacted as follows:

**11-28.3-09. Ambulance Emergency medical service policy to be determined.** The board of directors shall establish a general ambulance emergency medical service policy for the district and shall annually estimate the probable expense for carrying out that policy. The estimate shall be certified by the president and secretary to the proper county auditor or county auditors, on or before June thirtieth of each year. The auditor or auditors shall levy a tax not to exceed five mills upon the taxable property within the district for the maintenance of the ambulance service district for the fiscal year as provided by law. The tax shall be:

1. Collected as other taxes are collected in the county.
2. Turned over to the secretary-treasurer of the rural ambulance service district, who shall be bonded in the amount of at least five thousand dollars.
3. Deposited by the secretary-treasurer in a state or national bank in a district account.
4. Paid out upon warrants drawn upon the district account by authority of the board of directors of the district, bearing the signature of the secretary-treasurer and the countersignature of the president.

In no case shall the amount of the tax levy exceed the amount of funds required to defray the expenses of the district for a period of one year as embraced in the annual estimate of expense including the amount of principal and interest upon the indebtedness of the district for the ensuing year. The district may include in its operating budget no more than ten percent of its annual operating budget as a depreciation expense to be set aside in a dedicated ambulance emergency medical services sinking fund deposited with the treasurer for the replacement of equipment and ambulances. The ten percent ambulance emergency medical services sinking fund may be in addition to the actual annual operating budget, but the total of the annual operating budget and the annual ten percent ambulance emergency medical services sinking fund shall not exceed the approved mill levy.

**SECTION 4. AMENDMENT.** Section 11-28.3-14 of the North Dakota Century Code is amended and reenacted as follows:

**11-28.3-14. Payments by certain organizations.** Any property tax-exempt club, lodge, chapter, charitable home, dormitory, state or county fair association, or like organization located within a rural ambulance service district and outside the boundaries of any city shall pay to the board of directors of the district annually for ambulance emergency medical service an amount agreed upon, but not less than twenty-five percent of the amount which would be levied against the property under the provisions of this chapter if the property were subject to levy.

Funds derived from such payments shall be expended by the district for ambulance emergency medical service supplies and equipment and the training of ambulance emergency medical service personnel.

**SECTION 5. AMENDMENT.** Section 23-12-08 of the North Dakota Century Code is amended and reenacted as follows:

**23-12-08. Ambulance Emergency medical service authorized.** Any county or municipality of the state of North Dakota, by itself, or in combination with any other county or municipality of the state of North Dakota, may, acting through its governing body, establish, maintain, contract for, or otherwise provide ambulance emergency medical service for such county or municipality; and for this purpose, out of any funds of such county or municipality not otherwise committed, may buy, rent, lease, or otherwise contract for all such vehicles, equipment, or other facilities or services which may be necessary to effectuate such purpose."

Page 5, after line 29, insert:

**"SECTION 15. AMENDMENT.** Section 57-15-06.7 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-06.7. Additional levies - Exceptions to tax levy limitations in counties.** The tax levy limitations specified in section 57-15-06 do not apply to the following mill levies, which are expressed in mills per dollar of taxable valuation of property in the county:

1. Counties supporting airports or airport authorities may levy a tax not exceeding four mills in accordance with section 2-06-15.
2. Counties levying an additional tax as provided in section 4-02-27.2 may levy a tax not exceeding two mills for a period of not to exceed ten years.
3. Repealed by S.L. 1995, ch. 61, § 14.
4. Counties levying a tax for extension work as provided in section 4-08-15 may levy a tax not exceeding two mills.
5. Counties levying a tax for extension work as provided for in section 4-08-15.1 may levy a tax not exceeding two mills.
6. Counties levying a tax for gopher, rabbit, and crow destruction as provided in section 4-16-02 may levy a tax not exceeding one-half of one mill.
7. Counties levying a tax for payment of a judgment obtained by the state or a state agency against the county in accordance with section 11-11-46 may levy a tax not exceeding one mill.
8. Counties levying a tax for historical works in accordance with section 11-11-53 may levy a tax not exceeding one quarter of one mill, except that if sixty percent of the qualified electors voting on the question of an increase levy as provided in section 11-11-53 shall approve, a tax may be levied not exceeding three quarters of one mill.
9. A county levying a tax for a booster station in accordance with section 11-11-60 may levy a tax not exceeding two mills.
10. A county levying a tax to pay expenses of the board of county park commissioners in accordance with section 11-28-06 may levy a tax not exceeding one mill.
11. Repealed by S.L. 1999, ch. 154, § 2.
12. A county levying a tax for a county or community hospital association as provided in section 23-18-01 may levy a tax for not more than five years not exceeding eight mills in any one year or, in the alternative, for not more than fifteen years at a mill rate not exceeding five mills.
13. A county levying a tax for a nursing home authority in accordance with section 23-18.2-12 may levy a tax not exceeding five mills.
14. A county levying a tax for county roads as provided in section 24-05-01 may levy a tax not exceeding five mills if approved as provided in that section.
15. A county levying a tax to establish and maintain a public library service as provided in section 40-38-02 may levy a tax not exceeding four mills.
16. A county levying a tax to provide for vocational and on-the-job training services as provided in section 40-57.2-04 may levy a tax not exceeding one mill.
17. A county levying a tax for farm-to-market and federal-aid roads as provided in section 57-15-06.3 may levy a tax not exceeding the levy established by the ballot approved by the electors as provided in that section.

18. A county levying a tax for a county veterans' service officer's salary, traveling, and office expenses in accordance with section 57-15-06.4 may levy a tax not exceeding one and one-fourth mills.
19. A county levying a tax for planning purposes as provided in section 57-15-06.5 may levy a tax not exceeding three mills.
- 19.1. A county levying a tax for regional or county corrections centers according to section 57-15-06.6 may levy a tax not exceeding five mills.
20. A county levying a tax for advertising purposes as provided in section 57-15-10.1 may levy a tax not exceeding one-half mill.
21. A county levying a tax for abandoned cemetery maintenance as provided in section 57-15-27.2 may levy a tax not exceeding one-tenth of one mill.
22. A county levying a tax for emergency purposes as provided in section 57-15-28 may levy a tax not exceeding two mills.
23. A county levying a tax for county ~~ambulance~~ emergency medical service according to section 57-15-50 may levy a tax not exceeding five mills.
24. A county levying a tax for destruction of weeds along highways as provided in section 57-15-54 may levy a tax not exceeding two mills.
25. A county levying a tax for programs and activities for senior citizens according to section 57-15-56 may levy a tax not exceeding two mills.
26. A county levying a tax for county welfare in accordance with section 57-15-57 may levy a tax not exceeding two mills.
27. A county levying a tax to repay a loan according to section 57-47-04 may levy a tax not to exceed three mills.
28. Tax levies made for paying the principal and interest on any obligations of the county evidenced by the issuance of bonds.
29. A county levying a tax for a job development authority as provided in section 11-11.1-04 or for the support of an industrial development organization as provided in section 11-11.1-06 may levy a tax not exceeding four mills on the taxable valuation of property within the county. However, if any city within the county is levying a tax for support of a job development authority or for support of an industrial development organization and the total of the county and city levies exceeds four mills, the county tax levy within the city levying under subsection 28 of section 57-15-10 must be reduced so the total levy in the city does not exceed four mills.
30. Counties levying a tax for county fairs according to section 4-02-26 may levy a tax not exceeding one mill.
31. Counties levying a tax according to section 4-02-27 for a county fair association may levy a tax not exceeding one and one-half mills.
32. Counties levying a tax in accordance with section 4-02-27.1 for a county fair association may levy a tax not exceeding one-half mill.
33. A county levying a tax for programs and activities for handicapped persons according to section 11-11-65 may levy a tax not exceeding one-half mill.
34. Counties levying an annual tax for human services purposes as provided in section 50-06.2-05 may levy a tax not exceeding twenty mills.
35. A county levying a tax for county parks and recreational facilities in accordance with section 57-15-06.9 may levy a tax not exceeding three mills.
36. A county levying a tax for old-age and survivors' insurance according to section 52-09-08, for social security, for an employee retirement program established by the governing body, for county automation and

telecommunications under section 57-15-62, or for any combination of those purposes, may levy a tax not exceeding thirty mills. The portion of the levy under this subsection for county automation and telecommunications under section 57-15-62 may not exceed five mills.

Tax levy or mill levy limitations do not apply to any statute which expressly provides that taxes authorized to be levied therein are not subject to mill levy limitations provided by law.

**SECTION 16. AMENDMENT.** Section 57-15-20.2 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-20.2. Exceptions to tax levy limitations in townships.** The tax levy limitations specified in section 57-15-20 do not apply to the following mill levies, which are expressed in mills per dollar of taxable valuation of property in the township:

1. A township levying a tax for prevention and extinguishment of fires in accordance with section 18-06-10 may levy a tax not exceeding one mill.
2. A township levying a tax to establish a recreation system according to section 40-55-08 may levy a tax not exceeding two and five-tenths mills, except that a township may levy an amount not exceeding eight and five-tenths mills if the provisions of section 40-55-09 are met.
3. A township levying a tax for the purpose of cooperating with the county in constructing and maintaining federal-aid farm-to-market roads in accordance with section 57-15-19.4 may levy a tax not exceeding five mills.
4. A township levying a tax for law enforcement in accordance with section 57-15-19.5 may levy a tax not exceeding five mills.
5. A township levying a tax for mowing or snow removal equipment in accordance with section 57-15-19.6 may levy a tax not exceeding three mills.
- 5.1. A township levying a tax for a legal contingency fund in accordance with section 57-15-22.2 may levy a tax not exceeding ten mills for not to exceed five years.
6. A township levying a tax for airport purposes in accordance with section 57-15-37.1 may levy a tax not exceeding four mills.
7. A township levying a tax for ambulance emergency medical service in accordance with section 57-15-51.1 may levy a tax not exceeding five mills.
8. A township levying a tax for park purposes in accordance with section 58-17-02 may levy a tax not exceeding two mills.

Tax levy or mill levy limitations do not apply to any statute which expressly provides that taxes authorized to be levied therein are not subject to mill levy limitations provided by law.

**SECTION 17. AMENDMENT.** Section 57-15-50 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-50. Levy authorized for county ambulance emergency medical service.** Upon petition of ten percent of the number of qualified electors of the county voting in the last election for governor or upon its own motion, the board of county commissioners of each county shall levy annually a tax not exceeding the limitation in subsection 23 of section 57-15-06.7, for the purpose of subsidizing county ambulance emergency medical services; provided, that this tax must be approved by a majority of the qualified electors of the county voting on the question at a regular or special countywide election. The county may budget, in addition to its annual operating budget for subsidizing ambulance emergency medical service, no more than ten percent of its annual operating budget as a depreciation expense to be set aside in a dedicated ambulance emergency medical services sinking fund deposited with the treasurer for the replacement of equipment and ambulances. The ten percent ambulance emergency medical services sinking fund must be in addition to the annual operating budget for subsidization, but the total of the annual operating budget and the annual ten percent ambulance emergency medical services sinking fund may not exceed the

approved mill levy. If the county contains a rural ambulance service district or rural fire protection district that levies for and provides ~~ambulance emergency medical~~ service, the property within that district is exempt from the county tax levy under this section upon notice from the governing body of the district to the board of county commissioners of the existence of the district.

**SECTION 18. AMENDMENT.** Section 57-15-51 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-51. Levy authorized for city ~~ambulance emergency medical~~ service.**

Upon petition of ten percent of the number of qualified electors of the city voting in the last election for governor or upon its own motion, the governing body of each city in this state shall levy annually a tax of not to exceed five mills upon its taxable valuation, for the purpose of subsidizing city ~~ambulance emergency medical~~ services; provided, that such tax must be approved by a majority of the qualified electors of the city voting on the question at a regular or special city election. Whenever a tax for county ~~ambulance emergency medical~~ services is levied by a county, any city levying a tax for, or subsidizing city ~~ambulance emergency medical~~ services, shall upon written application to the county board of such county be exempted from such county tax levy. The city may set aside, as a depreciation expense, up to ten percent of its annual ~~ambulance emergency medical~~ service operating or subsidization budget in a dedicated ~~ambulance emergency medical services~~ sinking fund, deposited with the auditor for replacement of equipment and ambulances. The ten percent ~~ambulance emergency medical services~~ sinking fund may be in addition to the actual annual ~~ambulance emergency medical services~~ budget but the total of the annual ~~ambulance emergency medical services~~ budget and the annual ten percent ~~ambulance emergency medical services~~ fund may not exceed the approved mill levy.

**SECTION 19. AMENDMENT.** Section 57-15-51.1 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-51.1. Levy authorized for township ~~ambulance emergency medical~~ service.** Pursuant to a vote of sixty percent of the qualified electors voting at the annual township meeting, or at a special election called for that purpose upon petition of fifty percent of the number of qualified electors of the township voting in the last election for governor, the board of township supervisors shall levy annually a tax approved by the qualified electors not exceeding the limitation in subsection 7 of section 57-15-20.2 for the purpose of subsidizing township ~~ambulance emergency medical~~ service.

**SECTION 20. AMENDMENT.** Subsection 21 of section 58-03-07 of the North Dakota Century Code is amended and reenacted as follows:

21. To direct the transfer of township funds to a rural ambulance service district for ~~ambulance emergency medical~~ service within the township."

Renumber accordingly

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1006, HB 1109, HB 1249, HB 1349, HB 1441.

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1109**

In lieu of the amendments as printed on pages 873 and 874 of the Senate Journal, Reengrossed House Bill No. 1109 is amended as follows:

Page 4, line 4, after the underscored comma insert "medication management."

Page 5, line 2, replace the first underscored comma with "or" and remove ", or an independent"

Page 5, line 3, remove "living facility"

Page 6, remove lines 2 through 4

Page 6, line 5, replace "11" with "10"

Page 6, line 8, replace "12" with "11"

Page 6, line 11, replace "13" with "12"

Page 6, line 14, replace "14" with "13"

Page 6, line 16, replace "15" with "14"

Page 6, line 19, replace "16" with "15"

Page 6, line 21, replace "17" with "16"

Page 6, line 24, replace "18" with "17"

Page 6, line 29, replace "19" with "18"

Page 7, line 3, replace "20" with "19"

Page 7, line 6, replace "21" with "20"

Page 7, line 8, replace "22" with "21"

Page 7, line 23, replace "holding itself out to the public as an assisted living facility located in this state" with "using the term "assisted living" in its advertising"

Page 7, line 24, remove "by providing such information as the"

Page 7, remove line 25

Page 7, line 26, remove "health under chapter 23-09"

Page 7, line 28, replace "ten" with "seventy-five"

Page 8, line 3, after the underscored period insert "The department shall involve the facilities in the rulemaking process."

Page 8, line 11, remove ", markets its services as an"

Page 8, line 12, remove "assisted living facility,"

Re-number accordingly

#### **SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1349**

In lieu of the amendments adopted by the Senate as printed on page 837 of the Senate Journal, Engrossed House Bill No. 1349 is amended as follows:

Page 1, line 2, after "council" insert "; and to provide an appropriation"

Page 1, after line 10, insert:

**"SECTION 2. APPROPRIATION - REFUND FUND TRANSFER.** There is appropriated out of any moneys in the attorney general refund fund from lawsuit settlement collections in the state treasury, not otherwise appropriated, the sum of \$75,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of developing and expanding agriculture in the classroom curricula, for the biennium beginning July 1, 2001, and ending June 30, 2003. The funds appropriated from the attorney general refund fund must be transferred to the department of agriculture operating fund as requested by the agriculture commissioner."

Re-number accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT:**

##### **House Bill No. 1349 - Agriculture Commissioner - Senate Action**

This amendment changes the funding source for developing and expanding the agriculture in the classroom curricula. General fund moneys are replaced with funds received through the Attorney General's office from the Indirect Vitamin Products lawsuit settlement.

#### **SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1441**

In lieu of the amendments adopted by the Senate as printed on pages 874-876 of the Senate Journal, Reengrossed House Bill No. 1441 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study relating to the children's health insurance program."

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying, during the 2001-02 interim, the children's health insurance program. If chosen, the study must include a review of the eligibility requirements for the program, including an analysis of the effect of determining eligibility based on gross or net income and the effect of personal assets on eligibility. The study must also include a review of the levels of provider reimbursement for services covered by the program, including medical, dental, and optometric services. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Dept. 325 - Department of Human Services**

This amendment removes provisions included in the bill relating to medical assistance benefits and to eligibility determination for the children's health insurance program and provides for a legislative council study of the children's health insurance program.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1006**

Page 2, line 5, replace "21,962,476" with "22,262,476"

Page 2, after line 17, insert:

**"SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$300,000, or so much of the sum as may be necessary, to the state tax commissioner for the costs related to implementation of the provisions of House Bill No. 1399, for the biennium beginning July 1, 2001, and ending June 30, 2003."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Dept. 127 - State Tax Commissioner - Senate Action**

This amendment provides an appropriation of \$300,000 from the general fund to the State Tax Commissioner for the costs related to implementation of the provisions of House Bill No. 1399, relating to the decoupling of the state income tax.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1249**

Page 1, line 4, after "**APPROPRIATION**" insert "**- REFUND FUND TRANSFER**"

Page 1, line 5, replace "general fund" with "attorney general refund fund from lawsuit settlement collections"

Page 1, line 15, replace "general fund" with "special funds"

Page 1, after line 15, insert:

"The funds appropriated from the attorney general refund fund must be transferred to the department of agriculture operating fund as requested by the state veterinarian."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1249 - Department of Agriculture - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Johne's disease herd status program		\$177,500		\$177,500
Total all funds	\$0	\$177,500	\$0	\$177,500
Less estimated income			177,500	177,500

General fund	\$0	\$177,500	(\$177,500)	\$0
FTE	0.00	0.00	0.00	0.00

**Dept. 602 - Department of Agriculture - Detail of Senate Changes**

	CHANGE FUNDING SOURCE <sup>1</sup>	TOTAL SENATE CHANGES
Johne's disease herd status program		
Total all funds	\$0	\$0
Less estimated income	<u>177,500</u>	<u>177,500</u>
General fund	(\$177,500)	(\$177,500)
FTE	0.00	0.00

<sup>1</sup> This amendment changes the funding source for controlling and defraying the cost of Johne's disease. General fund money is replaced with funds received through the Attorney General's office from the indirect vitamin products lawsuit settlement.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on April 3, 2001: HCR 3001, HCR 3002, HCR 3017, HCR 3026, HCR 3033, HCR 3034, HCR 3036, HCR 3043, HCR 3044, HCR 3050, HCR 3054, HCR 3056, HCR 3058, HCR 3065, HCR 3066, HCR 3067, HCR 3068.

**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 1400.

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

**MR. PRESIDENT:** The House has adopted the conference committee reports on SB 2187 and SB 2226.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2177, SB 2328, and SB 2345 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2177:** Sens. Wanzek; Flakoll; Christenson

**SB 2328:** Sens. Wardner; Christmann; Nichols

**SB 2345:** Sens. Christmann; Tollefson; Kelsh

**REPORT OF STANDING COMMITTEE**

**SB 2009, as engrossed: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2009 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "400,000" with "385,000"

Page 1, line 11, replace "610,000" with "595,000"

Page 1, line 12, replace "35,000" with "20,000"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2009 - State Fair Association - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Capital improvements	\$210,000	\$210,000		\$210,000
Premiums	<u>360,000</u>	<u>400,000</u>	(\$15,000)	<u>385,000</u>
Total all funds	\$570,000	\$610,000	(\$15,000)	\$595,000
Less estimated income	<u>20,000</u>	<u>35,000</u>	(15,000)	<u>20,000</u>
General fund	\$550,000	\$575,000	\$0	\$575,000
FTE	0.00	0.00	0.00	0.00

## Dept. 665 - State Fair Association - Detail of House Changes

	DECREASE FUNDING FOR PREMIUMS <sup>1</sup>	TOTAL HOUSE CHANGES
Capital improvements Premiums	(\$15,000)	(\$15,000)
Total all funds	(\$15,000)	(\$15,000)
Less estimated income	(15,000)	(15,000)
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment removes the additional \$15,000 special funds appropriation for premiums added by the Senate and therefore reduces the amount of special funds appropriated for premiums from \$35,000 to \$20,000. The funding provided for premiums from the general fund of \$365,000 remains unchanged.

### REPORT OF STANDING COMMITTEE (MAJORITY)

**SB 2012, as engrossed: Appropriations Committee (Rep. Timm, Chairman) A MAJORITY** of your committee (Reps. Timm, Wald, Boehm, Byerly, Carlisle, Delzer, Huether, Kerzman, Kliniske, Koppelman, Skarphol, B. Thoreson) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, remove "and"

Page 1, line 3, after "study" insert "; to provide a contingent appropriation; and to amend and reenact section 39-06-19, subsection 1 of section 39-06.2-09, and section 39-09-02 of the North Dakota Century Code, relating to highways and operators' licenses"

Page 1, line 11, replace "121,531,562" with "118,331,562"

Page 1, line 15, replace "739,566,343" with "736,366,343"

Page 1, after line 18, insert:

**"SECTION 3. CONTINGENT APPROPRIATION - GENERAL LICENSE PLATE ISSUE.** If the fifty-seventh legislative assembly approves additional revenues specifically identified for the purpose of providing funding for the additional cost of a general license plate issue, there is appropriated out of any moneys in the highway fund in the state treasury, not otherwise appropriated, the sum of \$3,200,000, to the department of transportation for the purpose of defraying the expenses of a general license plate issue, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 4. AMENDMENT.** Section 39-06-19 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

#### **39-06-19. Expiration of license - Renewal.**

1. Every operator's license issued under this chapter expires and is renewed according to this section. The expiration date of an operator's license for ~~every a~~ person whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of an operator's license for ~~every a~~ person whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral.
2. If the licensee has reached the age of eighteen, and desires reissuance of a license with the distinctive background for licensees at least the age of eighteen and under the age of twenty-one, the applicant may apply at any time for a replacement license. If the licensee has reached the age of twenty-one and desires reissuance of a license without the distinctive color background required by section 39-06-14, the applicant may apply at any time for a replacement license. ~~In all other cases,~~
3. An applicant for renewal must present the application with fee for renewal of license ~~must be presented~~ to the director not ~~prior to~~ before ten months before the expiration date of the operator's license. The director may require an examination of an applicant as upon an original application. After the initial application for a license in this state, the director may not require an applicant for renewal, replacement, or a substitute to provide a

social security card unless the applicant is changing the distinguishing number on the license to the applicant's social security number. The director may not renew an operator's license if the license has been suspended under section 14-08.1-07. Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order.

4. Every application for renewal of a license by an applicant must be accompanied by a certificate of examination from either the driver licensing or examining authorities or a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant. The director shall provide visual examination equipment at each location where a license may be renewed. The initial application for a motor vehicle operator's license may be accompanied by a statement of examination from a licensed physician or an optometrist, stating the corrected and uncorrected vision of the applicant, in lieu of the department examination. ~~Such~~ This examination must be within six months of the driver license application.
5. Every person submitting an application and fee for renewal of license one year or more after the expiration of a license, except an applicant whose military service has terminated less than thirty days prior to such application, must be treated as a new driver.
6. The fee for renewal or replacement of an operator's license is ten dollars.

**SECTION 5. AMENDMENT.** Subsection 1 of section 39-06.2-09 of the North Dakota Century Code is amended and reenacted as follows:

1. Content of license. The commercial driver's license must be marked "commercial driver's license", and must be, to the maximum extent practicable, tamper proof. It must include the following information:
  - a. The name and residential address of the person;
  - b. The person's color photograph;
  - c. A physical description of the person, including sex, height, weight, and eye and hair color;
  - d. Date of birth;
  - e. ~~The~~ A distinguishing number assigned to the person which upon request may be a number different from the person's social security number;
  - f. The person's signature;
  - g. The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
  - h. The name of this state; and
  - i. The dates between which the license is valid.

**SECTION 6. AMENDMENT.** Section 39-09-02 of the North Dakota Century Code is amended and reenacted as follows:

**39-09-02. Speed limitations.**

1. Subject to the provisions of section 39-09-01 and except in those instances where a lower speed is specified in this chapter, it presumably is lawful for the driver of a vehicle to drive the same at a speed not exceeding:
  - a. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] of a grade crossing of any steam, electric, or street railway when the driver's view is obstructed. A driver's view is

deemed to be obstructed when at any time during the last two hundred feet [60.96 meters] of the driver's approach to such crossing, the driver does not have a clear and uninterrupted view of such railway crossing and of any traffic on such railway for a distance of four hundred feet [121.92 meters] in each direction from such crossing.

- b. Twenty miles [32.19 kilometers] an hour when passing a school during school recess or while children are going to or leaving school during opening or closing hours.
  - c. Twenty miles [32.19 kilometers] an hour when approaching within fifty feet [15.24 meters] and in traversing an intersection of highways when the driver's view is obstructed. A driver's view is deemed to be obstructed when at any time during the last fifty feet [15.24 meters] of the driver's approach to such intersection, the driver does not have a clear and uninterrupted view of such intersection and of the traffic upon all of the highways entering such intersection for a distance of two hundred feet [60.96 meters] from such intersection.
  - d. Twenty miles [32.19 kilometers] an hour when the driver's view of the highway ahead is obstructed within a distance of one hundred feet [30.48 meters].
  - e. Twenty-five miles [40.23 kilometers] an hour on any highway in a business district or in a residence district or in a public park, unless a different speed is designated and posted by local authorities.
  - f. Fifty-five miles [88.51 kilometers] an hour on gravel, dirt, or loose surface highways, ~~and on paved two-lane highways if there is no speed limit posted or if within the time period of one-half hour after sunset to one-half hour before sunrise~~, unless otherwise permitted, restricted, or required by conditions.
  - g. Sixty-five miles [104.61 kilometers] an hour on paved two-lane highways ~~if within the time period of one-half hour before sunrise to one-half hour after sunset and if posted for that speed, and on paved and divided multilane highways~~, unless otherwise permitted, restricted, or required by conditions.
  - h. ~~Seventy~~ Seventy-five miles [~~112.65~~ 120.70 kilometers] an hour on access-controlled, paved and divided, multilane interstate highways, unless otherwise permitted, restricted, or required by conditions.
2. The director may designate and post special areas of state highways where lower speed limits apply. If there is a violation of a highway construction zone speed limit, where within that zone individuals engaged in construction were present at the time of the violation, then the fees required for a noncriminal disposition are forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit. However, if a greater fee would be applicable under section 39-06.1-06, then that fee is required for the noncriminal disposition. The highway construction zone speed limit posted sign must state "Minimum Fee \$40".
  3. Except as provided by law, it is unlawful for any person to drive a vehicle upon a highway at a speed that is unsafe or at a speed exceeding the speed limit prescribed by law or established pursuant to law.
  4. In charging a violation of the provisions of this section, the complaint must specify the speed at which the defendant is alleged to have driven and the speed which this section prescribes is prima facie lawful at the time and place of the alleged offense.
  5. ~~Repealed by S.L. 1975, ch. 346, § 3."~~

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2012 - Department of Transportation - House Action**

This amendment removes the \$3.2 million for the general license plate issue from the operating expenses line item and adds a contingent appropriation section appropriating the \$3.2 million only if the 2001 Legislative Assembly specifically identifies additional revenues to provide for the cost of the general license plate issue.

Sections are added that:

- Increase the speed limit on the interstate to 75 miles per hour.
- Remove provisions for reduced nighttime speed limits.
- Allow individuals to request a unique identifying number other than their Social Security number for their commercial driver's license number.
- Provide that after the initial application for a driver's license, an individual does not need to provide the individual's Social Security number when renewing the individual's driver's license unless the individual is changing from a distinguishing number to the individual's Social Security number.

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

**REPORT OF STANDING COMMITTEE (MINORITY)**

**SB 2012, as engrossed: Appropriations Committee (Rep. Timm, Chairman) A MINORITY** of your committee (Reps. Aarsvold, Glassheim, Gulleson, Kempenich, Martinson, Monson, Svedjan, Warner, Wentz) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, remove "and"

Page 1, line 3, after "study" insert "; to provide a contingent appropriation; and to amend and reenact section 39-06-19 and subsection 1 of section 39-06.2-09 of the North Dakota Century Code, relating to highways and operators' licenses"

Page 1, line 11, replace "121,531,562" with "118,331,562"

Page 1, line 15, replace "739,566,343" with "736,366,343"

Page 1, after line 18, insert:

**"SECTION 3. CONTINGENT APPROPRIATION - GENERAL LICENSE PLATE ISSUE.** If the fifty-seventh legislative assembly approves additional revenues specifically identified for the purpose of providing funding for the additional cost of a general license plate issue, there is appropriated out of any moneys in the highway fund in the state treasury, not otherwise appropriated, the sum of \$3,200,000, to the department of transportation for the purpose of defraying the expenses of a general license plate issue, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 4. AMENDMENT.** Section 39-06-19 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-06-19. Expiration of license - Renewal.**

1. Every operator's license issued under this chapter expires and is renewed according to this section. The expiration date of an operator's license for ~~every~~ a person whose birth occurred in a year ending in an odd numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an odd numeral. The expiration date of an operator's license for ~~every~~ a person whose birth occurred in a year ending in an even numeral is twelve midnight on the anniversary of the birthday in the second subsequent year ending in an even numeral.
2. If the licensee has reached the age of eighteen, and desires reissuance of a license with the distinctive background for licensees at least the age of

eighteen and under the age of twenty-one, the applicant may apply at any time for a replacement license. If the licensee has reached the age of twenty-one and desires reissuance of a license without the distinctive color background required by section 39-06-14, the applicant may apply at any time for a replacement license. ~~In all other cases,~~

3. An applicant for renewal must present the application with fee for renewal of license must be presented to the director not prior to before ten months before the expiration date of the operator's license. The director may require an examination of an applicant as upon an original application. After the initial application for a license in this state, the director may not require an applicant for renewal, replacement, or a substitute to provide a social security card unless the applicant is changing the distinguishing number on the license to the applicant's social security number. The director may not renew an operator's license if the license has been suspended under section 14-08.1-07. Upon the recommendation of the court, the director may issue a temporary permit to the licensee under section 39-06.1-11 if the temporary permit is necessary for the licensee to work and the court has determined the licensee is making a good-faith effort to comply with the child support order.
4. Every application for renewal of a license by an applicant must be accompanied by a certificate of examination from either the driver licensing or examining authorities or a physician or an optometrist, licensed in this or another state, containing a statement as to the corrected and uncorrected vision of the applicant. The director shall provide visual examination equipment at each location where a license may be renewed. The initial application for a motor vehicle operator's license may be accompanied by a statement of examination from a licensed physician or an optometrist, stating the corrected and uncorrected vision of the applicant, in lieu of the department examination. ~~Such~~ This examination must be within six months of the driver license application.
5. Every person submitting an application and fee for renewal of license one year or more after the expiration of a license, except an applicant whose military service has terminated less than thirty days prior to such application, must be treated as a new driver.
6. The fee for renewal or replacement of an operator's license is ten dollars.

**SECTION 5. AMENDMENT.** Subsection 1 of section 39-06.2-09 of the North Dakota Century Code is amended and reenacted as follows:

1. Content of license. The commercial driver's license must be marked "commercial driver's license", and must be, to the maximum extent practicable, tamper proof. It must include the following information:
  - a. The name and residential address of the person;
  - b. The person's color photograph;
  - c. A physical description of the person, including sex, height, weight, and eye and hair color;
  - d. Date of birth;
  - e. ~~The~~ A distinguishing number assigned to the person which upon request may be a number different from the person's social security number;
  - f. The person's signature;
  - g. The class or type of commercial motor vehicle or vehicles which the person is authorized to drive together with any endorsements or restrictions;
  - h. The name of this state; and
  - i. The dates between which the license is valid."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2012 - Department of Transportation - House Action**

This amendment removes the \$3.2 million for the general license plate issue from the operating expenses line item and adds a contingent appropriation section appropriating the \$3.2 million only if the 2001 Legislative Assembly specifically identifies additional revenues to provide for the cost of the general license plate issue.

Sections are added that:

- Allow individuals to request a unique identifying number other than their Social Security number for their commercial driver's license number.
- Provide that after the initial application for a driver's license, an individual does not need to provide the individual's Social Security number when renewing the individual's driver's license unless the individual is changing from a distinguishing number to the individual's Social Security number.

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

**REPORT OF STANDING COMMITTEE (MAJORITY)**

**SB 2032, as engrossed: Appropriations Committee (Rep. Timm, Chairman) A MAJORITY** of your committee (Reps. Timm, Byerly, Delzer, Glassheim, Gulleston, Huether, Kempenich, Kliniske, Koppelman, Monson, Skarphol, B. Thoreson) recommends **DO PASS**.

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

**REPORT OF STANDING COMMITTEE (MINORITY)**

**SB 2032, as engrossed: Appropriations Committee (Rep. Timm, Chairman) A MINORITY** of your committee (Reps. Wald, Aarsvold, Boehm, Carlisle, Kerzman, Martinson, Svedjan, Warner, Wentz) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

In lieu of the amendments adopted by the House as printed on pages 1074-1076 of the House Journal, Engrossed Senate Bill No. 2032 is amended as follows:

Page 1, line 5, after the sixth comma insert "and" and remove "and"

Page 1, line 6, remove "24-03-21,"

Page 1, line 10, after the seventh comma insert "and"

Page 1, line 11, remove "54-34.4-01, 54-34.4-02, and 54-34.4-04,"

Page 1, line 13, after the first comma insert "and" and remove ", and subsection 6 of section 57-39.2-28"

Page 1, line 14, replace the second comma with "and"

Page 1, line 15, remove ", and tourism department"

Page 1, line 17, after the first semicolon insert "to provide for correction of statutory references;"

Page 9, remove lines 12 through 18

Page 26, line 30, remove "Director" and overstrike "- **Appointment**" and insert immediately thereafter "Director"

Page 26, line 31, overstrike "The" and remove "commissioner of"

Page 27, line 1, remove "commerce" and overstrike "shall appoint as director a person who is qualified by training, knowledge, and"

Page 27, overstrike lines 2 and 3

Page 27, line 4, overstrike "of the", remove the first "commissioner", overstrike "and shall receive a salary set by the", and remove the second "commissioner"

Page 27, line 5, overstrike "within the limits of legislative appropriations."

Page 28, line 3, after the semicolon insert "and"

Page 28, line 4, overstrike "Report at least annually to an interim committee designated by the legislative"

Page 28, line 5, overstrike "council on performance of all divisions of the", remove "division", and overstrike "of economic"

Page 28, overstrike line 6

Page 28, line 7, overstrike "satisfaction the", remove "division", and overstrike "of economic development and finance has in"

Page 28, overstrike lines 8 through 11

Page 28, line 12, overstrike "9."

Page 30, remove lines 14 through 30

Page 31, remove lines 1 through 30

Page 32, remove lines 1 through 14

Page 32, line 24, replace the first underscored comma with "and" and remove ", and the department of tourism"

Page 32, line 29, remove "A division of tourism;"

Page 32, line 30, remove "d."

Page 33, line 1, replace "e" with "d"

Page 33, replace lines 3 through 11 with:

"2. The commissioner shall appoint the directors of the division of community services, division of economic development and finance, division of workforce development, and any division created by the commissioner under subsection 1. Each director serves at the pleasure of the commissioner and is entitled to receive a salary set by the commissioner within the limits of legislative appropriation."

Page 34, line 7, replace "on" with ":

a. On"

Page 34, line 8, replace ", on" with ":

b. On"

Page 34, line 9, replace ", on" with ":

c. On"

Page 34, line 10, replace ", and summarizing" with ":

d. On"

Page 34, line 11, after the underscored semicolon insert "and

e. On commerce benchmarks, including the average annual wage in the state, the gross state product exclusive of agriculture, and the number of primary sector jobs in the state;"

Page 34, line 20, remove ", tourism,"

Page 35, line 3, remove "tourism and"

Page 35, line 17, remove "and tourism"

Page 38, line 5, overstrike "hereby"

Page 38, line 6, overstrike "which" and insert immediately thereafter "that"

Page 38, line 8, overstrike "and it" and insert immediately thereafter ". The council" and overstrike the second "shall"

Page 38, line 9, overstrike "consist" and insert immediately thereafter "consists" and after "of" insert "a traffic counsel selected by the members of the council, a representative of the railways serving the state who is selected by the council, and"

Page 38, line 14, overstrike "livestock industry council" and insert immediately thereafter "North Dakota stockmen's association"

Page 38, line 15, after "Dakota" insert "state"

Page 38, line 18, overstrike "farmers"

Page 38, line 19, overstrike "The North Dakota railway lines."

Page 38, line 20, overstrike "10."

Page 38, line 21, overstrike "11." and insert immediately thereafter "10."

Page 38, overstrike lines 22 and 23

Page 40, remove lines 15 through 19

Page 40, after line 21, insert:

**"SECTION 51. LEGISLATIVE COUNCIL CORRECTION OF STATUTORY REFERENCES.** The legislative council may replace references to the "department of economic development and finance", "division of community services", and "department of economic development and finance division of finance" with references to the "department of commerce division of economic development and finance", department of commerce division of community services", "department of commerce division of economic development and finance finance office", "department of commerce", and "commissioner of commerce", or any variation of these terms as appropriate, in any measure enacted by the fifty-seventh legislative assembly."

Page 40, line 23, replace the first comma with "and" and remove ", and"

Page 40, line 24, remove "tourism department"

Renumber accordingly

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF STANDING COMMITTEE

**SB 2352, as engrossed: Appropriations Committee (Rep. Timm, Chairman)** recommends **DO PASS** (17 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2352 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2380, as reengrossed: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2380 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1124-1127 of the House Journal, Reengrossed Senate Bill No. 2380 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a community health grant program; to provide an appropriation; and to provide for a legislative council study.

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

**SECTION 1. Community health grant program.**

1. The state department of health shall establish a community health grant program. The primary purpose of the program is to prevent or reduce tobacco usage in the state by strengthening community-based public health programs and by providing assistance to public health units and communities throughout the state. The program must build on and may not duplicate existing programs. Grants awarded under the program must be awarded on a noncompetitive basis using the per capita formula provided for in this subsection. The program must, to the extent funding is available, follow guidelines concerning tobacco prevention programs recommended by the centers for disease control and prevention. Entities awarded grants under the program may contract with or award grants to private providers that conduct tobacco cessation programs. Not more than five percent of the community health grant program funds may be expended for surveillance and evaluation activities. Funds appropriated for the program must be allocated as follows:
  - a. Forty percent of all funds appropriated for the program must be granted to a public health unit or to cooperating public health units that have an agreement with school boards concerning preventive health programs to be funded. The program must be developed with student participation and must include a plan to reduce student tobacco use.
  - b. Forty percent of all funds appropriated for the program must be granted to a public health unit or to cooperating public health units that have established a unitwide plan, developed in cooperation with local elected officials in the unit's jurisdiction, concerning the preventive health programs to be funded. The plan must address programs to reduce tobacco use by the residents living in the counties serviced by the units; however, the plan may include other chronic disease programs. In addition to any grants received under this subdivision, each county with a population of less than ten thousand must receive five thousand dollars per biennium to be used to implement the county's programs.
  - c. Twenty percent of all funds appropriated for the program must be granted to public health units to supplement existing state aid from other sources. Each unit must receive one percent of the amount allocated under this subsection for each county within the unit and the remaining amount must be distributed to each unit on a per capita basis.
2. The state department of health, in establishing the community health grant program, shall build upon the state's existing tobacco control grant program activities and shall follow the centers for disease control and prevention's best practices for comprehensive tobacco control programs. The department shall encourage applicants to include in their plans:
  - a. Community programs that:
    - (1) Engage youth in the development and implementation of interventions;
    - (2) Develop partnerships with local organizations;
    - (3) Conduct educational programs at local levels; and
    - (4) Promote government and voluntary health policies, such as clean indoor air, youth access, and treatment coverage.

- b. Promotion of school programs by partnering with public health organizations, school boards, education associations, and other organizations in each county to provide school programs that promote:
  - (1) Tobacco-free policies;
  - (2) Evidence-based curricula;
  - (3) Teacher training;
  - (4) Parental involvement; and
  - (5) Cessation services for students and staff.

**SECTION 2. Community health grant program advisory committee - Duties of state health officer.**

1. The state health officer shall establish a community health grant program advisory committee and shall appoint, after consulting with the governor, appropriate members to advise the state department of health in the development of a community health grant program. The state health officer, who shall be the chairman of the committee, shall appoint to the committee the state tobacco control administrator; one high school student; one student of a postsecondary institution in the state; one representative of a nongovernmental tobacco control organization; and one law enforcement officer. In addition to the members appointed by the state health officer, the committee must include:
  - a. One individual appointed by the North Dakota Indian affairs commission;
  - b. One individual appointed by the North Dakota public health association;
  - c. The superintendent of public instruction or the superintendent's designee;
  - d. An academic researcher with expertise in tobacco control and health promotion intervention, appointed by the dean of the university of North Dakota school of medicine and health sciences; and
  - e. One physician appointed by the North Dakota medical association.
2. Members of the committee who are not state employees or officers are entitled to be compensated at a rate of sixty-two dollars and fifty cents per day and are entitled to mileage and expenses as provided by law for state officers and employees. A state employee who is a member of the committee must receive that employee's regular salary and is entitled to mileage and expenses, to be paid by the employing agency.
3. The state department of health, with the committee's involvement, shall provide assistance to:
  - a. Evaluate programs;
  - b. Promote media advocacy by working with statewide media associations;
  - c. Implement smoke-free policies by involving antitobacco groups in promoting the need for smoke-free public buildings;
  - d. Work to reduce minors' access to tobacco in all communities;
  - e. Facilitate the coordination of program components with the local level; and
  - f. Involve state agencies, law enforcement, and local government in the administration and management of the program.

4. The state health officer shall monitor the implementation of the community health grant program. The state health officer shall provide reports to the legislative council regarding the implementation of the program not later than December 31, 2001, and November 1, 2002. Upon request, the state health officer shall provide assistance to any interim legislative committee that may study the implementation of the community health grant program and shall recommend any legislation that the community health grant program advisory committee considers appropriate to improve the community health grant program.

**SECTION 3. APPROPRIATION.** There is appropriated out of any moneys in the community health trust fund, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the state department of health for the purpose of funding the community health grant program advisory committee, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 4. APPROPRIATION.** There is appropriated out of any moneys in the community health trust fund, not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the state department of health for the purpose of funding grants to cities and counties on a dollar-for-dollar matching fund basis for city and county employee tobacco education and cessation programs, for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 5. ALCOHOL, TOBACCO, AND DRUG ABUSE PROGRAMS - LEGISLATIVE COUNCIL STUDY.** During the 2001-02 interim, the legislative council shall consider studying the programs that deal with the prevention and treatment of alcohol, tobacco, and drug abuse and other kinds of risk-associated behavior which are operated by various state agencies, including the department of corrections and rehabilitation, the attorney general, the state department of health, the department of human services, the department of public instruction, the department of transportation, the national guard, and the supreme court, and whether better coordination among the programs within those agencies may lead to a more effective and cost-efficient way of operating the programs and providing services. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Dept. 301 - State Department of Health - House Action**

The bill as amended establishes a community health grant program, allocates moneys appropriated for the program, establishes a community health grant program advisory committee, provides appropriations from the community health trust fund of \$100,000 for the expenses of the committee and \$250,000 for matching grants to cities and counties for city and county employee tobacco education and cessation programs, and provides for a Legislative Council study of alcohol, tobacco, and drug abuse programs. The provision to allow the community health trust fund to retain any interest earned is removed.

**REPORT OF STANDING COMMITTEE**

**SB 2454: Finance and Taxation Committee (Rep. Carlson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2454 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1154 and 1155 of the House Journal, Senate Bill No. 2454 is amended as follows:

Page 1, line 5, remove "and" and after "date" insert "; and to provide an expiration date"

Page 2, line 8, replace "two and one-tenth" with "one and five-hundredths"

Page 2, line 16, replace "eight-tenths" with "nine-tenths"

Page 2, line 18, replace "is effective for taxable events occurring after" with "becomes effective on the first day of the first month after the tax commissioner certifies to the governor and the office of the legislative council that a refining facility is operational in this state which has a production capacity of at least ten million gallons [37854000 liters] of biodiesel per year.

**SECTION 6. EXPIRATION DATE.** This Act is for taxable events occurring from the effective date of this Act under section 5 of this Act through June 30, 2003, and is thereafter ineffective."

Page 2, remove line 19

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

**HB 1245:** Your conference committee (Sens. Stenehjem, Trenbeath, O'Connell and Reps. Pollert, Dosch, Thorpe) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1025 and place HB 1245 on the Seventh order.

HB 1245 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1267, as engrossed:** Your conference committee (Sens. Lyson, Watne, C. Nelson and Reps. DeKrey, Kretschmar, Mahoney) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1097, adopt further amendments as follows, and place HB 1267 on the Seventh order:

That the Senate recede from its amendments as printed on page 1097 of the House Journal and page 908 of the Senate Journal and that Engrossed House Bill No. 1267 be amended as follows:

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 20, remove the overstrike over "~~Following an adjudication of delinquency for an offense that would be a felony if~~"

Page 3, remove the overstrike over lines 21 and 22

Page 3, line 23, remove the overstrike over "~~the disposition order.~~", replace "Juvenile" with "Any other juvenile", and after records insert "of a child"

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

Renumber accordingly

Engrossed HB 1267 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1385, as engrossed:** Your conference committee (Sens. Kilzer, Lee, Polovitz and Reps. Weisz, Galvin, Sandvig) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1099 and place HB 1385 on the Seventh order.

That the Senate recede from its amendments as printed on page 1099 of the House Journal and pages 909 and 910 of the Senate Journal and that Engrossed House Bill No. 1385 be amended as follows:

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. The" and insert immediately thereafter "If both parents or the legal guardian agrees to the voluntary placement, the"

Renumber accordingly

Engrossed HB 1385 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1457:** Your conference committee (Sens. Krebsbach, Tollefson, Every and Reps. Ruby, Severson, Lemieux) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1001

That the Senate recede from its amendments as printed on page 1001 of the House Journal and page 838 of the Senate Journal and that House Bill No. 1457 be amended as follows:

Page 1, line 17, overstrike "The landlord"

Page 1, overstrike line 18

Page 1, line 19, overstrike "working condition, on taking occupancy", remove ". \_If", overstrike "that is the case", remove the overstrike over "~~The~~", and remove ", the"

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 1435:** Sens. Krebsbach; Dever; T. Mathern

**HB 1455:** Sens. Trenbeath; Traynor; Watne

**HB 1468:** Sens. Traynor; Tollefson; Kelsh

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

**MR. SPEAKER:** The President has appointed Sen. Tollefson to replace Sen. Freborg on the Conference Committee on HB 1269.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4049:** A concurrent resolution directing the Legislative Council to study limiting actions for lead-based paint claims.

Was read the first time and referred to the **Government and Veterans Affairs Committee.**

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Wednesday, April 4, 2001, which motion prevailed.

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

**MARK L. JOHNSON, Chief Clerk**