

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

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Bismarck, March 29, 2001

The Senate convened at 1:00 p.m., with President Dalrymple presiding.

The prayer was offered by Doctor Jacob L. Kincaid, First Presbyterian Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

HB 1293, as engrossed: SEN. CHRISTENSON (Education Committee) MOVED that the amendments on SJ pages 1012-1013 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HB 1022, which is on the Sixth order, be laid over three legislative days, which motion prevailed.

MOTION

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

CONSIDERATION OF AMENDMENTS

HB 1001, as engrossed: SEN. KRINGSTAD (Appropriations Committee) MOVED that the amendments on SJ pages 1005-1006 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

ROLL CALL

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

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

Engrossed HB 1001, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1002, as engrossed: SEN. SCHOBINGER (Appropriations Committee) MOVED that the amendments on SJ pages 1006-1007 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the secretary of state and public printing; and to amend and reenact subsection 2 of section 54-05.1-03 and section 54-09-05 of the North Dakota Century Code, relating to legislative lobbying expenditure reports and the salary of the secretary of state.

ROLL CALL

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

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

Engrossed HB 1002, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1014, as engrossed: SEN. TALLACKSON (Appropriations Committee) MOVED that the amendments on SJ page 1007 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1014: A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

ROLL CALL

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

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

Engrossed HB 1014, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1020, as engrossed: SEN. ANDRIST (Appropriations Committee) MOVED that the amendments on SJ pages 1008-1009 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1020: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; and to declare an emergency.

ROLL CALL

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

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

NAYS: Stenehjerm

Engrossed HB 1020, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1024, as reengrossed: SEN. BOWMAN (Appropriations Committee) MOVED that the amendments on SJ pages 1010-1012 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed HB 1024, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Reengrossed HB 1024, the roll was called and there were 27 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Kringstad; Lee; Lyson; Nelson, G.; Nething; Solberg; Stenehjerm; Thane; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; Christenson; Dever; Every; Heitkamp; Kelsh; Krauter; Krebsbach; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Tallackson; Tollefson; Tomac

The motion to adopt the amendments to Reengrossed HB 1024 passed.

SECOND READING OF HOUSE BILL

HB 1024: A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau; to authorize and provide an appropriation for additional full-time equivalent positions for the workers compensation bureau; to authorize and provide an appropriation for the issuance of bonds and use of bond proceeds; to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to the creation of a building maintenance account; and to amend and reenact section 65-02-03.2 of the North Dakota Century Code, relating to compensation of workers compensation board members.

ROLL CALL

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

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

Reengrossed HB 1024, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1341: A BILL for an Act to amend and reenact section 57-51-14, subsection 2 of section 57-51-15, and section 57-51-16 of the North Dakota Century Code, relating to allocation of oil and gas gross production tax revenues to political subdivisions by the tax commissioner.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Grindberg; Solberg

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

HB 1341 lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3045: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing an at-home infant child care program.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on HCR 3045, which request was granted.

ROLL CALL

The question being on the final adoption of HCR 3045, which has been read, the roll was called and there were 22 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Every; Heitkamp; Kelsh; Kilzer; Krauter; Kringstad; Kroepelin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Tallackson; Thane; Tomac; Watne

NAYS: Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Klein; Krebsbach; Lee; Lyson; Mutch; Nelson, G.; Nething; Solberg; Stenehjem; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner

HCR 3045 was declared lost.

SECOND READING OF HOUSE BILL

HB 1011: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the securities commissioner.

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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

HB 1011 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1016: A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management; and to amend and reenact subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code, relating to the termination of the fee system for the hazardous chemicals preparedness and response program.

ROLL CALL

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

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

HB 1016 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1017: A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general; and to declare an emergency.

ROLL CALL

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

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

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

SECOND READING OF HOUSE BILL

HB 1018: A BILL for an Act to provide an appropriation for defraying the expenses of the state seed department.

ROLL CALL

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

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

HB 1018 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden.

ROLL CALL

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

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

Engrossed HB 1021 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1055: A BILL for an Act to amend and reenact section 57-38-30.3 of the North Dakota Century Code, relating to individual income tax determination under the simplified optional method of computing state income taxes; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Christenson; Kelsh; Krebsbach; Mathern, T.; Nelson, C.; Nichols; Polovitz; Robinson; Schobinger; Tallackson

NAYS: Andrist; Bercier; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mutch; Nelson, G.; Nething; O'Connell; Solberg; Stenehjem; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

HB 1055 lost.

MOTION

SEN. CHRISTMANN MOVED that SB 2114, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LEE MOVED that the Senate do concur in the House amendments to Reengrossed SB 2308 as printed on SJ pages 967-968, which motion failed on a voice vote.

MOTION

SEN. CHRISTMANN MOVED that SB 2095, SB 2204, SB 2265, SB 2389, HB 1066, HB 1267, and HB 1416 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LEE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2095 as printed on SJ page 937 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2095: Sens. Fischer, Kilzer, T. Mathern.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WANZEK MOVED that the Senate do not concur in the House amendments to Engrossed SB 2204 as printed on SJ page 945 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2204: Sens. Klein, Erbele, Nichols.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do not concur in the House amendments to Engrossed SB 2265 as printed on SJ page 854 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2265: Sens. Trenbeath, Lyson, C. Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WANZEK MOVED that the Senate do not concur in the House amendments to Engrossed SB 2389 as printed on SJ page 986 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2389: Sens. Erbele, Klein, Kroeplin.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Reengrossed HB 1066, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed HB 1066: Sens. Stenehjem, Trenbeath, Espegard.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1267, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1267: Sens. Lyson, Watne, C. Nelson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1416, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1416: Sens. Watne, Lyson, Traynor.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 29, 2001, I have signed the following: SB 2160, SB 2381, SB 2406, SB 2408, SB 2424, SB 2431, SB 2441, and SB 2451.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause failed: HB 1468.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3027, HCR 3048.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2192, SB 2195, SB 2205, SB 2208, SB 2210, SB 2246, SB 2257, and SB 2273.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2027, SB 2045, SB 2058, SB 2105, SB 2120, SB 2135, SB 2142, and SB 2173.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2281, SB 2289, SB 2299, SB 2307, SB 2309, SB 2318, and SB 2386.

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 1102, HB 1114, HB 1168, HB 1206, HB 1270, HB 1289, HB 1322, HB 1409, HB 1423, HB 1437, HB 1459, HCR 3034, HCR 3036, HCR 3066.

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 1105, HB 1201, HB 1228, HB 1296, HB 1304, HB 1306, HB 1354, HB 1370, HB 1390, HB 1408, HB 1474, HCR 3001, HCR 3002, HCR 3017, HCR 3026, HCR 3033, HCR 3043, HCR 3044, HCR 3050, HCR 3054, HCR 3056, HCR 3058, HCR 3065, HCR 3067, HCR 3068.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1020.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1001, HB 1002, HB 1014, HB 1024.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, unchanged: HB 1017.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1011, HB 1016, HB 1018, HB 1021.

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

MR. SPEAKER: The Senate has failed to pass: HB 1055, HB 1341.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2095, SB 2204, SB 2265, and SB 2389 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2095: Sens. Fischer; Kilzer; T. Mathern

SB 2204: Sens. Klein; Erbele; Nichols
SB 2265: Sens. Trenbeath; Lyson; C. Nelson
SB 2389: Sens. Erbele; Klein; Kroeplin

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 1066: Sens. Stenehjem; Trenbeath; Espeguard
HB 1267: Sens. Lyson; Watne; C. Nelson
HB 1416: Sens. Watne; Lyson; Traynor

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has passed unchanged: SB 2127, SB 2182.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has passed unchanged: SB 2407.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2191.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2191

Page 1, line 1, after "6-08.1-02" insert "and a new section to chapter 6-08.1"

Page 1, line 2, after "institutions" insert "and notification of privacy policies"

Page 1, line 4, after the second semicolon insert "to provide an expiration date;"

Page 2, after line 23, insert:

"SECTION 3. A new section to chapter 6-08.1 of the North Dakota Century Code is created and enacted as follows:

Agricultural and commercial accounts.

1. A financial institution shall notify the financial institution's agricultural and commercial customers in this state of the financial institution's privacy policies and practices relating to agricultural and commercial accounts.
2. If the financial institution discloses nonpublic information about agricultural or commercial accounts to nonaffiliated third parties, the financial institution shall annually allow agricultural and commercial customers to not agree to disclosing that information. An agricultural or commercial customer also may agree to the disclosure of nonpublic information.
3. The exceptions in section 502(b)(2) of the Gramm Leach Bliley Financial Service Modernization Act [Pub. L. 106-102; 113 Stat. 1437; 15 U.S.C. 6802] and section 6-08.1-02 apply to agricultural and commercial accounts."

Page 2, after line 24, insert:

"SECTION 5. EXPIRATION DATE. Section 3 of this Act is effective through July 31, 2003, and after that date is ineffective."

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2106.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2106

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

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

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

"1."

Page 2, line 24, after the period insert:

"2."

Page 2, line 25, after the period insert:

"3. a."

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

"b. For purposes of this subsection"

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

Page 3, after line 4, insert:

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

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

Page 5, line 7, overstrike "or indirectly"

Page 5, after line 10, insert:

"b. For purposes of this subsection, directly exerting influence means providing information about the school district to individuals who are not residents of that district unless the information is requested.

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

Page 5, after line 19, insert:

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

ReNUMBER accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2034, SB 2166, SB 2217, SB 2251, SB 2315, SB 2397, SB 2413, SB 2415, SB 2427, SB 2436, SB 2449.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2034

Page 1, line 5, after the first comma insert "subsection 1 of section"

Page 1, line 16, replace "Disorder" with "Disorders"

Page 1, line 21, after the period insert "For purposes of evaluating an individual with mental retardation, the qualified expert must have specialized knowledge in sexual offender evaluations of individuals with mental retardation."

Page 2, line 17, after "~~with~~" insert "For these purposes," and remove the overstrike over "~~mental~~"

Page 2, line 18, remove the overstrike over "~~retardation~~" and insert immediately thereafter "is not a sexual disorder, personality disorder, or other mental disorder or dysfunction" and remove the overstrike over the period

Page 3, line 4, overstrike "suffers from" and insert immediately thereafter "has"

Page 3, line 5, overstrike "mental disease or defect" and insert immediately thereafter "disability", overstrike "renders" and insert immediately thereafter "substantially impairs", and overstrike "victim incapable of" and insert immediately thereafter "victim's"

Page 3, line 6, after "understanding" insert "of"

Page 3, line 7, overstrike "hospital" and insert immediately thereafter "treatment facility, health care facility" and overstrike "prison" and insert immediately thereafter "correctional facility"

Page 3, line 8, overstrike "or" and insert immediately thereafter an underscored comma and after "control" insert ", or care"

Page 5, line 11, replace "medical director of" with "superintendent of the developmental center and"

Page 6, line 15, after the underscored period insert "An individual with mental retardation may be detained in a correctional facility before the probable cause hearing only when no other secure facility is accessible, and then only under close supervision."

Page 6, line 21, overstrike "be signed by" and insert immediately thereafter "the respondent's" and overstrike "for the respondent" and insert immediately thereafter "shall separately certify that counsel has explained to the respondent the proceedings, the legal and factual issues, potential defenses, the burden of proof, and possible outcomes of the proceedings"

Page 7, line 5, replace "and" with an underscored comma and replace "or" with ", and"

Page 7, line 10, overstrike "chooses to waive" and insert immediately thereafter "knowingly waives"

Page 9, after line 11, insert:

"SECTION 12. AMENDMENT. Subsection 1 of section 25-03.3-17 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. A committed individual must remain in the care, custody, and control of the executive director until, in the opinion of the executive director, the individual is safe to be at large ~~and has received the maximum benefit of treatment.~~

Page 9, line 28, replace "and" with an underscored comma and replace "or" with ", and"

Page 10, line 8, replace "and" with an underscored comma and replace "or" with ", and"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2166

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

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

Page 1, remove lines 3 and 4

Page 1, after line 5, insert:

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

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

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

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

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

Page 2, remove lines 10 and 11

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

Page 2, remove lines 13 through 20

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2217

Page 1, line 7, remove "and"

Page 1, line 8, after "penalty" insert "; and to provide for a report to the legislative assembly"

Page 6, line 14, remove ", actual damages"

Page 7, line 2, remove "by the department" and overstrike "and information" and insert immediately thereafter "by the department under this chapter is an open record. Information"

Page 7, line 3, remove "chapter" and overstrike "are" and insert immediately thereafter "chapter is"

Page 7, line 5, after "chapter" insert "or before the administrative closure of a complaint by the department"

Page 11, after line 2, insert:

"SECTION 15. COMMISSIONER OF LABOR TO REPORT TO LEGISLATIVE ASSEMBLY. Between the first and tenth legislative days of the fifty-eighth legislative assembly, the commissioner of labor shall submit a report at a public hearing before a standing committee of each house of the legislative assembly. The report must include information and statistics regarding the nature, number, status, and disposition of complaints received by the department of labor under chapters 14-02.4 and 14-02.5."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2251

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

Page 5, after line 24, insert:

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

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2315

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

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

Page 2, after line 24, insert:

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

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

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2397

Page 2, line 1, overstrike "as described"

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

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

Page 2, line 13, remove "including invoices for each shipment" and replace "the price of the product" with "for each shipment"

Page 2, line 14, replace the first "and" with ", the date" and remove "the customer's name and address."

Page 2, line 15, replace "manufacturer or retailer of alcoholic beverages who violates" with "direct shipper is subject to section 5-03-06."

Page 2, remove lines 16 through 18

Page 2, line 19, remove "of that civil penalty upon violation of this subsection."

Page 2, line 20, replace "a civil" with "an"

Page 2, line 21, replace "to recover the civil penalty provided in this" with "may request award of"

Page 2, line 22, remove "subsection, together with"

Page 2, line 23, remove the first "treasurer"

Page 2, line 26, replace "shall" with "may"

Page 2, line 29, replace "shall" with "may"

Page 3, line 22, overstrike "as described"

Page 3, line 23, overstrike "under subsection 1 or 2" and insert immediately thereafter "holding a valid manufacturer's or retailer's license issued by the state of its domicile"

Page 3, line 30, replace "before" with "within thirty days of" and replace "sale or" with "first"

Page 4, line 3, remove "including invoices for each shipment" and replace "the price of the" with "for each shipment"

Page 4, line 4, remove "product", replace the first "and " with ", the date", and remove "the customer's name and address."

Page 4, line 5, replace "manufacturer or retailer of alcoholic beverages who" with "direct shipper is subject to section 5-03-06."

Page 4, remove lines 6 through 8

Page 4, line 9, remove "the imposition of that civil penalty upon violation of this subsection."

Page 4, line 10, replace "a civil" with "an"

Page 4, line 11, remove "to recover the civil penalty"

Page 4, line 12, replace "provided in this subsection, together with" with "may request award of"

Page 4, line 13, remove "tax commissioner"

Page 4, line 16, replace "shall" with "may"

Page 4, line 20, replace "shall" with "may"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2413

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 60-02 and a new section to chapter 60-02.1 of the North Dakota Century Code, relating to agricultural contracts.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 60-02 of the North Dakota Century Code is created and enacted as follows:

Agricultural contracts - Mediation or arbitration. If a written contract for the sale of grain does not contain provisions to settle disagreements concerning factors not governed by section 60-02-05, the parties shall attempt to resolve the disagreements through mediation or arbitration.

SECTION 2. A new section to chapter 60-02.1 of the North Dakota Century Code is created and enacted as follows:

Agricultural contracts - Mediation and arbitration. If a written contract for the sale of grain does not contain provisions to settle disagreements concerning factors not governed by section 60-02.1-05, the parties shall attempt to resolve the disagreements through mediation or arbitration."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2415

Page 1, line 1, after "to" insert "create and enact a new subsection to section 57-40.6-01 of the North Dakota Century Code, relating to a definition; and to"

Page 1, after line 3, insert:

"SECTION 1. A new subsection to section 57-40.6-01 of the North Dakota Century Code is created and enacted as follows:

"Unpublished" means information that is not published or available from directory assistance."

Page 1, line 9, after "each" insert "911 coordinator or"

Page 1, line 13, overstrike "18 U.S.C. 2703(C)(1)(B)(iii)" and insert immediately thereafter "18 U.S.C. 2703(c)(1)(B)(iii), and in a manner that identifies the names and telephone numbers that are unpublished"

Page 1, line 16, overstrike "Names, addresses," and insert immediately thereafter "Unpublished names"

Page 1, line 17, overstrike "provided to" and insert immediately thereafter "generated by", after "a" insert "911 coordinator or", and after "point" insert "or provided to a 911 coordinator or public safety answering point"

Page 1, line 18, overstrike "private data" and insert immediately thereafter "confidential" and remove the overstrike over "~~only~~"

Page 1, line 19, remove "In addition,"

Page 1, remove lines 20 through 23

Page 1, line 24, remove "information for an unpublished telephone number. If not otherwise provided, the" and overstrike "information"

Page 2, line 1, overstrike "furnished", remove "to the public safety answering point", and overstrike "may not be used or disclosed by the public"

Page 2, overstrike line 2

Page 2, line 3, overstrike "order" and insert immediately thereafter "Published names and telephone numbers maintained by a 911 coordinator or public safety answering point are exempt records as defined in section 44-04-17.1 but must be provided upon request to the treasurer and auditor of the county served by the 911 coordinator for the purpose of verifying and correcting names and addresses used for official purposes"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2427

Page 1, line 6, overstrike "permanently" and overstrike "walk for purposes of hunting or taking"

Page 1, line 7, overstrike "wildlife" and insert immediately thereafter "step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing"

Page 1, line 8, after "entitled" insert "to convert one license", remove the overstrike over "~~or~~", remove "of the", and remove "for which"

Page 1, line 9, remove "the license is valid"

Page 1, line 11, overstrike "permanently"

Page 1, line 12, overstrike "walk for purposes of hunting or taking wildlife" and insert immediately thereafter "step from a vehicle without aid of a wheelchair, crutch, brace, or other mechanical support or prosthetic device or who is unable to walk any distance because of a permanent lung, heart, or other internal disease that requires the person to use supplemental oxygen to assist breathing"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2436

Page 1, line 9, remove the overstrike over "~~five~~" and remove "seven"

Page 1, line 24, overstrike "or"

Page 2, line 1, after "(2)" insert "Completes an internet course approved by the director and completes thirty hours of driving, with that individual's parent or guardian, in compliance with department rules designed for experience in various day and night driving conditions; or

(3)"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2449

Page 1, line 23, replace "leased" with "enrolled" and after "department" insert "in the private land open to sportsmen program"

Page 1, line 24, remove "upland game"

Page 2, line 1, remove "Act as a hunting guide or outfitter on land on which the department has obtained"

Page 2, remove lines 2 and 3

Page 2, line 4, remove "5."

Page 2, line 6, replace "6" with "5"

Re-number accordingly

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 1046, HB 1218, HB 1234, HB 1350, HB 1391, HB 1401, and HB 1465.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report on: HB 1182.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee report on: HB 1226.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has adopted the conference committee reports and subsequently passed: HB 1363 and HB 1398.

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 30, 2001, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4049: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4049 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1025, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1025 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "2,237,072" with "2,314,750"

Page 1, line 19, replace "1,500,998" with "1,507,730"

Page 1, line 20, replace "7,500" with "12,000"

Page 1, line 22, replace "3,770,570" with "3,859,480"

Page 1, line 23, replace "6,560,703" with "6,649,613"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1025 - Summary of Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Retirement and Investment Office				
Total all funds	\$2,790,133	\$2,790,133	\$0	\$2,790,133
Less estimated income	<u>2,790,133</u>	<u>2,790,133</u>		<u>2,790,133</u>
General fund	\$0	\$0	\$0	\$0
Public Employees Retirement System				
Total all funds	\$3,859,480	\$3,770,570	\$88,910	\$3,859,480
Less estimated income	<u>3,859,480</u>	<u>3,770,570</u>	<u>88,910</u>	<u>3,859,480</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$6,649,613	\$6,560,703	\$88,910	\$6,649,613
Less estimated income	<u>6,649,613</u>	<u>6,560,703</u>	<u>88,910</u>	<u>6,649,613</u>
General fund	\$0	\$0	\$0	\$0

House Bill No. 1025 - Public Employees Retirement System - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,314,750	\$2,237,072	\$77,678	\$2,314,750
Operating expenses	1,507,730	1,500,998	6,732	1,507,730
Equipment	12,000	7,500	4,500	12,000
Contingency	<u>25,000</u>	<u>25,000</u>		<u>25,000</u>
Total all funds	\$3,859,480	\$3,770,570	\$88,910	\$3,859,480
Less estimated income	<u>3,859,480</u>	<u>3,770,570</u>	<u>88,910</u>	<u>3,859,480</u>
General fund	\$0	\$0	\$0	\$0
FTE	27.00	26.00	1.00	27.00

Dept. 192 - Public Employees Retirement System - Detail of Senate Changes

	RESTORE FTE AND RELATED FUNDING REMOVED BY HOUSE ¹	TOTAL SENATE CHANGES
Salaries and wages	\$77,678	\$77,678
Operating expenses	6,732	6,732
Equipment	4,500	4,500
Contingency		
Total all funds	\$88,910	\$88,910
Less estimated income	<u>88,910</u>	<u>88,910</u>
General fund	\$0	\$0
FTE	1.00	1.00

¹ The House removed 1 FTE employee benefits programs specialist position and the related funding included in the Schafer and Hoeven budget recommendations for the purpose of conducting member education programs. The Senate amendment restores this position and the related funding.

REPORT OF STANDING COMMITTEE

HB 1065, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1065 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1210, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1210 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1160, as engrossed and amended: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1160, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1215, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1215 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "providing" with "to provide"

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

Page 1, line 4, after "**APPROPRIATION**" insert "**AND BUDGET SECTION REPORT**"

Page 1, line 10, after the period insert "Priority must be given to those major maintenance and repair projects for which the local political subdivision contributes the highest ratio of political subdivision funds for each dollar of state funds requested. Before approval of any project by the adjutant general under the matching grant program, the adjutant general shall conduct a major repair and maintenance needs survey of all political subdivision-owned armories and provide a written report of the survey results and project recommendations for the biennium to the budget section of the legislative council."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1215 - Adjutant General - Senate Action

This amendment adds language to the bill that requires priority to be given to those major maintenance and repair projects where the local political subdivision contributes the highest ratio of political subdivision funds for each dollar of state funds and directs the Adjutant General to conduct a major maintenance and repair needs survey and to report to the budget section of the Legislative Council on project recommendations.

REPORT OF STANDING COMMITTEE

HB 1272, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1272 was placed on the Sixth order on the calendar.

Page 1, line 2, after "deer" insert "; and to provide an effective date"

Page 1, line 15, replace "one hundred sixty" with "six hundred forty"

Page 1, line 16, replace "64.75" with "259", after the first "land" insert "and who actively farms or ranches that land", and after "may" insert "participate in and, except as otherwise provided in this subsection, is entitled to receive a license through the lottery for deer hunting licenses. The license must be used to"

Page 1, line 20, after "license" insert "through the lottery for deer hunting licenses"

Page 1, line 21, after "subsection" insert "and may not use the license to hunt mule deer"

Page 2, after line 11, insert:

"**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on February 1, 2002."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1318, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1318 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1321, as reengrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1321 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "Five" with "Four" and after "hundred" insert "twenty-five"

Page 1, line 15, replace "Four" with "Three" and after "hundred" insert "twenty-five"

Page 1, line 19, replace "Three" with "Two" and after "hundred" insert "twenty-five"

Page 2, line 23, replace "Five" with "Four" and after "hundred" insert "twenty-five"

Page 2, line 27, replace "Four" with "Three" and after "hundred" insert "twenty-five"

Page 3, line 1, replace "Three" with "Two" and after "hundred" insert "twenty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1386, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1386 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 54-44.7-01, 54-44.7-02, subsection 1 of section 54-44.7-03, and subsection 1 of section 54-44.7-04 of the North Dakota Century Code, relating to construction management.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-44.7-01 of the North Dakota Century Code is amended and reenacted as follows:

54-44.7-01. Definition. "Architect, engineer, construction management, and land surveying services" are those professional services associated with the practice of architecture, professional engineering, professional land surveying, landscape architecture, ~~and~~ interior design pertaining to construction, and construction management, as defined by the laws of this state, as well as incidental services that members of these professions and those in their employ may logically or justifiably perform, including studies, investigations, surveys, evaluations, consultations, planning, programming, conceptual designs, plans and specifications, cost estimates, inspections, construction management, shop drawing reviews, sample recommendations, preparation of operating and maintenance manuals, and other related services, except for professional services related to prefabricated steel for bridge purposes.

SECTION 2. AMENDMENT. Section 54-44.7-02 of the North Dakota Century Code is amended and reenacted as follows:

54-44.7-02. Applicability - Policy. Architect, engineer, construction management, and land surveying services must be procured as provided in this chapter. It is the policy of this state that all North Dakota state agencies shall negotiate contracts for services on the basis of demonstrated competence and qualification for the particular type of services required.

SECTION 3. AMENDMENT. Subsection 1 of section 54-44.7-03 of the North Dakota Century Code is amended and reenacted as follows:

1. Each using agency shall establish its own architect, engineer, construction management, and land surveying services selection committee hereinafter referred to as the agency selection committee, which must be composed of those individuals whom the agency head determines to be qualified to make an informed decision as to the most competent and qualified firm for the proposed project. The head of the using agency or his qualified, responsible designee shall sit as a member of the agency selection committee for the purpose of coordinating and accounting for the committee's work.

SECTION 4. AMENDMENT. Subsection 1 of section 54-44.7-04 of the North Dakota Century Code is amended and reenacted as follows:

1. All state agencies securing architect, engineer, construction management, or land surveying services for projects for which the fees are estimated not to exceed ten thousand dollars may employ the architects, engineers, construction managers, and land surveyors by direct negotiation and selection, taking into account all of the following:
 - a. The nature of the project.
 - b. The proximity of the architect, engineer, construction management, or land surveying services to the project.
 - c. The capability of the architect, engineer, construction manager, or land surveyor to produce the required services within a reasonable time.
 - d. Past performance.
 - e. Ability to meet project budget requirements.

This procedure shall still follow state policy set forth above."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1400, as reengrossed and amended: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT

VOTING). Reengrossed HB 1400, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3007: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3007 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3016: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3016 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3035: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3035 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3042: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3042 was placed on the Tenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2097, as engrossed: Your conference committee (Sens. Fischer, Erbele, T. Mathern and Reps. Devlin, Tieman, Niemeier) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 758, adopt amendments as follows, and place SB 2097 on the Seventh order:

That the House recede from its amendments as printed on page 758 of the Senate Journal and pages 827 and 828 of the House Journal and that Engrossed Senate Bill No. 2097 be amended as follows:

Page 1, line 1, remove "to create and enact a new section to chapter 50-24.4 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to nursing home reporting requirements;" and replace "sections" with "subsection 1 of section"

Page 1, line 3, after "and" insert "section"

Page 1, line 4, replace "; to repeal sections 50-24.4-23 and 50-24.4-25 of the North" with a period

Page 1, remove lines 5 and 6

Page 1, line 8, replace "Section" with "Subsection 1 of section"

Page 1, remove line 10

Page 2, remove lines 19 through 31

Page 3, remove lines 1 and 2

Page 3, line 10, remove the overstrike over "~~If the department fails to set rates at least forty days~~"

Page 3, remove the overstrike over line 11

Page 3, line 12, remove the overstrike over "~~number of days by which the department was late in setting the rates~~" and insert immediately thereafter ", except when a facility fails to file a cost report by October first" and remove the overstrike over the period

Page 3, remove lines 13 through 18

Renumber accordingly

Engrossed SB 2097 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2116, as engrossed: Your conference committee (Sens. Traynor, Lyson, C. Nelson and Reps. Kretschmar, Grande, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 871--872, adopt amendments as follows, and place SB 2116 on the Seventh order:

That the House recede from its amendments as printed on pages 871 and 872 of the Senate Journal and page 928 of the House Journal and that Engrossed Senate Bill No. 2116 be amended as follows:

Page 1, line 8, remove the overstrike over "~~an infraction~~" and remove "a noncriminal offense"

Page 2, line 2, overstrike "1 or"

Page 2, line 3, after "dollars" insert "for a minor fourteen years of age or older who has been charged with an offense under subsection 2. The failure to post a required bond or pay an assessed fee by an individual found to have violated the ordinance or resolution is punishable as a contempt of court, except a minor may not be imprisoned for the contempt"

Page 2, line 4, replace "person" with "minor fourteen years of age or older" and remove "1 or"

Page 2, line 7, replace "under this section" with "of subsection 2"

Page 2, line 19, replace "under this section" with "of subsection 2"

Page 2, after line 26, insert:

"c. The failure to post bond or to pay an assessed fee is punishable as a contempt of court, except a minor may not be imprisoned for the contempt."

Page 2, line 28, overstrike "this section" and insert immediately thereafter "subsection 2"

Page 2, after line 31, insert:

"7. A person adjudged guilty of contempt for failure to pay a fee or fine may be sentenced by the court to a sanction or order designed to ensure compliance with the payment of the fee or fine or to an alternative sentence or sanction including community service."

Page 3, line 9, after "offense" insert "committed by a minor fourteen years of age or older"

Page 3, line 10, after "under" insert "subsection 2 of" and after "12.1-31-03" insert "or an equivalent local ordinance or resolution"

Page 3, line 12, overstrike "or"

Page 3, line 13, overstrike "and" and insert immediately thereafter "or"

f. Is under the age of fourteen years and has purchased, possessed, smoked, or used tobacco or tobacco-related products in violation of subsection 2 of section 12.1-31-03; and"

Page 3, line 20, overstrike "f." and insert immediately thereafter "g."

Renumber accordingly

Engrossed SB 2116 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2187, as engrossed: Your conference committee (Sens. Kilzer, Lee, T. Mathern and Reps. Porter, Dosch, Sandvig) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 853 and place SB 2187 on the Seventh order.

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

REPORT OF CONFERENCE COMMITTEE

SB 2226, as engrossed: Your conference committee (Sens. Watne, Dever, C. Nelson and Reps. Klemin, Kingsbury, Mahoney) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 833 and place SB 2226 on the Seventh order.

Engrossed SB 2226 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2384, as engrossed: Your conference committee (Sens. Watne, Lyson, C. Nelson and Reps. Wrangham, Brekke, Fairfield) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 855, adopt amendments as follows, and place SB 2384 on the Seventh order:

That the House recede from its amendments as printed on page 855 of the Senate Journal and pages 932 and 933 of the House Journal and that Engrossed Senate Bill No. 2384 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact 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.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 14-09-22 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

14-09-22. Abuse or neglect of child - Penalty.

1. Except as provided in subsection 2, a parent, adult family or household member, guardian, or other custodian of any child, who willfully commits any of the following offenses is guilty of a class C felony except if the victim of an offense under subdivision a is under the age of six years in which case the offense is a class B felony:
 - a. Inflicts, or allows to be inflicted, upon the child, bodily injury, substantial bodily injury, or serious bodily injury as defined by section 12.1-01-04 or mental injury.
 - b. Fails to provide proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, or morals.
 - c. Permits the child to be, or fails to exercise reasonable diligence in preventing the child from being, in a disreputable place or associating with vagrants or vicious or immoral persons.
 - d. Permits the child to engage in, or fails to exercise reasonable diligence in preventing the child from engaging in, an occupation forbidden by the laws of this state or an occupation injurious to the child's health or morals or the health or morals of others.
2. A person who provides care, supervision, education, or guidance for a child unaccompanied by the child's parent, adult family or household member, guardian, or custodian in exchange for money, goods, or other services and who while providing such services commits an offense under subdivision a of subsection 1 is guilty of a class B felony. Any such person who commits, allows to be committed, or conspires to commit, against the child, a sex offense as defined in chapter 12.1-20 is subject to the penalties provided in that chapter.

SECTION 2. AMENDMENT. Section 50-25.1-11 of the North Dakota Century Code is amended and reenacted as follows:

50-25.1-11. Confidentiality of records - Authorized disclosures. All reports made under this chapter, as well as any other information obtained, are confidential and must be made available to:

1. A physician who has before the physician a child whom the physician reasonably suspects may have been abused or neglected.
2. A person who is authorized to place a child in protective custody and has before the person a child whom the person reasonably suspects may have been abused or neglected and the person requires the information in order to determine whether to place ~~such~~the child in protective custody.
3. Authorized staff of the department, appropriate county social service boards, and appropriate state and local child protection team members.
4. Any person who is the subject of a report; provided, however, that the identity of persons reporting under this chapter is protected.
5. Public officials and their authorized agents who requires~~such~~ the information in connection with the discharge of their official duties.
6. A court whenever ~~#~~ the court determines that the information is necessary for the determination of an issue before the court.
7. A person engaged in a bona fide research purpose; provided, however, that no information identifying the subjects of a report is made available to the researcher unless the information is absolutely essential to the research purpose and the department gives prior approval.
8. A person who is identified in subsection 1 of section 50-25.1-03, and who has made a report of suspected child abuse or neglect, if the child is likely to or continues to come before the reporter in the reporter's official or professional capacity.
9. Parents or a legally appointed guardian of a child who is suspected of being, or having been, abused or neglected, provided the identity of persons making reports or supplying information under this chapter is protected. Unless the information is confidential under section 44-04-18.7, when a decision is made under section 50-25.1-05.1 that services are required to provide for the protection and treatment of an abused or neglected child, the department shall make a good-faith effort to provide written notice of the decision to persons identified in this subsection. The department shall consider any known domestic violence when providing notification under this section.

Renumber accordingly

Engrossed SB 2384 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1182, as reengrossed: Your conference committee (Sens. Flakoll, Wanzek, O'Connell and Reps. Brusegaard, Nelson, Mueller) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 799 and place HB 1182 on the Seventh order.

Reengrossed HB 1182 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1226, as engrossed: Your conference committee (Sens. Klein, Espegard, D. Mathern and Reps. Devlin, Porter, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 811-812 and place HB 1226 on the Seventh order.

Engrossed HB 1226 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1363, as engrossed: Your conference committee (Sens. Lyson, Trenbeath, C. Nelson and Reps. Maragos, Disrud, Delmore) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 871, adopt further amendments as follows, and place HB 1363 on the Seventh order:

That the House accede to the Senate amendments as printed on page 871 of the House Journal and page 743 of the Senate Journal and that Engrossed House Bill 1363 be further amended as follows:

Page 1, line 18, replace "an offense" with "simple assault involving the commission"

Page 1, line 20, replace "an offense" with "simple assault in which a finding of domestic violence was made"

Renumber accordingly

Engrossed HB 1363 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1398, as engrossed: Your conference committee (Sens. Trenbeath, Dever, C. Nelson and Reps. Klemin, Disrud, Onstad) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 925, adopt further amendments as follows, and place HB 1398 on the Seventh order:

That the House accede to the Senate amendments as printed on page 925 of the House Journal and page 743 of the Senate Journal and that Engrossed House Bill No. 1398 be further amended as follows:

Page 2, after line 14, insert:

"6. Institutional discipline and conduct and protective management records of all other inmates are confidential records and may only be disclosed as provided in subsection 1."

Renumber accordingly

Engrossed HB 1398 was placed on the Seventh order of business on the calendar.

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

WILLIAM R. HORTON, Secretary

