

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, March 22, 1995

The House convened at 10:30 a.m., with Speaker Martin presiding.

The prayer was offered by Envoy Dale Sherod, Salvation Army, Bismarck.

The roll was called and all members were present except Representatives Gorman and D. Henegar.

A quorum was declared by the Speaker.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2103, SB 2264, SB 2388, SB 2455, SCR 4046.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2029.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2068, SB 2096, SB 2369, SB 2377, SB 2380, SB 2382, SB 2395, SB 2492, SB 2496, SB 2501, SB 2511, SB 2522, SB 2527, SB 2532, SCR 4045, SCR 4055, SCR 4056, SCR 4057, SCR 4060, SCR 4061.

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

MADAM PRESIDENT: The House has failed to pass: SB 2113, SB 2372, SB 2387, SB 2507, SB 2514, SB 2518, SB 2526, SB 2531.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1054, HB 1086, HB 1099, HB 1141, HB 1173, HB 1175, HB 1184, HB 1187, HB 1189, HB 1196, HB 1216, HB 1247, HB 1263.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1054, HB 1086, HB 1099, HB 1141, HB 1173, HB 1175, HB 1184, HB 1187, HB 1189, HB 1196, HB 1216, HB 1247, HB 1263.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1030, HB 1074, HB 1075, HB 1160, HB 1180, HB 1218, HB 1264, HB 1269, HB 1271, HB 1279, HB 1287, HB 1315, HB 1328, HB 1330, HB 1331, HB 1332, HB 1334.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1030, HB 1074, HB 1075, HB 1160, HB 1180, HB 1218, HB 1264, HB 1269, HB 1271, HB 1279, HB 1287, HB 1315, HB 1328, HB 1330, HB 1331, HB 1332, HB 1334.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4065, SCR 4066.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1004, HB 1008, HB 1010, HB 1026, HB 1041, HB 1089, HB 1151, HB 1168, HB 1210, HB 1214, HB 1220, HB 1252, HB 1317, HB 1318, HB 1355, HB 1360, HB 1367, HB 1369, HB 1375, HB 1379, HB 1441, HB 1463, HCR 3038.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1004

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

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 627 - TRANSPORTATION INSTITUTE

SENATE - This amendment makes the following changes:

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

¹ Restores one FTE vacant research position removed by the House.

² Adds two FTE positions relating to the logistics program.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1008

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

Page 1, remove lines 19 through 21

Page 2, remove lines 1 through 9

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

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

SENATE AMENDMENTS TO HOUSE BILL NO. 1010

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

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 413 - DEPARTMENT OF BANKING AND FINANCIAL INSTITUTIONS

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

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

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1026

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

54-17-06, 54-36-06, 54-42-05, 54-44.3-07, 54-46-11, 57-01-02, 61-03-04, 61-04.1-10, and 65-02-09 of the North Dakota Century Code, relating to reports to the governor and the secretary of state; and to repeal section 54-06-05 of the North Dakota Century Code, relating to the condensing of reports and copies of reports.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

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

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

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

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

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

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

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

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

1. The assistant commissioner shall act as secretary and keep all proper records and files pertaining to the duties and work of the office of the assistant commissioner and the proceedings of the board. The commissioner shall report to the board annually, touching on all the commissioner's official acts and those of the deputy examiners, giving abstracts of statistics and of the conditions of the various institutions to which the commissioner's duties relate, and making such recommendations and suggestions as the commissioner may deem ~~determine~~ proper.
2. The state banking board shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04. In addition to any requirements established pursuant to section 54-06-04, ~~there must be included in the~~ banking board's report must include a summary or abstract of the reports of the commissioner.
3. The commissioner shall report to the state credit union board annually in the same manner as this section provides for the commissioner's report to the state banking board. The state credit union board shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04, and in addition, ~~there must be included in the~~ credit union board's report must include a summary or abstract of the reports of the commissioner.
4. The biennial reports of the state banking board and the state credit union board shall be published in the form of a combined biennial report of the department of banking and financial institutions. The biennial report of the department shall be submitted to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04. The biennial report of the department must include all other biennial reports which the commissioner or the boards are required by law to submit to the governor and the office of management and budget.

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

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

1. Each licensee shall ~~keep and use in his business such books and accounting~~ maintain records as are in accord conformity with ~~sound and~~ generally accepted accounting principles and practices and as may be prescribed by the commissioner of banking and financial institutions. ~~Such~~ The licensee shall preserve ~~such~~ the books and accounting records for at least two years after making the final entry on any loan recorded ~~therein~~ in the books and records.
2. The parent company of each licensee shall file annually on or before the ~~July thirty-first day of July~~ file a report for the preceding fiscal year with the commissioner. ~~Such~~ The report must give composite information on the financial

condition of its licensees and must include all information requested by the commissioner. ~~Such~~ The report must be made under oath and must be in the form prescribed by the commissioner ~~who~~. The commissioner may make and publish annually an analysis and recapitulation of ~~such~~ the reports.

3. The commissioner shall submit a biennial report to the governor and the ~~office of management and budget as prescribed by secretary of state in accordance with section 54-06-04.~~ In addition to any requirements established pursuant to section 54-06-04, ~~there must be included in the commissioner's report~~ must include a summary or abstract of the annual reports filed with the commissioner.

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

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

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

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

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

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

15-02-08. Commissioner to keep record of permanent funds - Biennial report to governor and office of management and budget. The commissioner shall keep a record in suitable books showing a detailed quarterly statement of the condition of all of the permanent funds under the control of the board of university and school lands, the

amount of each fund, how invested, when due, interest paid, and all acts connected with the management of such funds. All records and record books ~~must be~~ are open at all times for inspection by the public. The commissioner ~~shall~~ may submit a biennial report to the governor and the ~~office of management and budget as prescribed by~~ secretary of state in accordance with section 54-06-04. ~~In addition to any requirements established pursuant to section 54-06-04 if submitted,~~ the report must show all investments of ~~such~~ the several funds, the work done during the preceding fiscal biennium, the number of acres [hectares] of land sold or leased by the department, the amount received therefor, the amount of interest received to the credit of the several funds, the expense of administration of the department, and all ~~such~~ other matters relating to ~~his~~ the commissioner's office as are necessary to disclose fully the operation of the department.

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

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

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

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

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

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

1. The number of school districts in the state and the number of teachers employed, and pupils taught therein, the attendance of pupils, and the studies pursued by them.
2. The financial condition of the various public schools, their receipts and expenditures, the value of schoolhouses and property, the costs of tuition, and the salaries of teachers.
3. The condition, educational and financial, as far as it can be ascertained, of the private schools and academies of the state.

4. Such general matters, information, and recommendations relating to the educational interests of the state as he may deem deemed important.

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

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

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

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

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

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

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

11. Supervise the breeding, propagation, capture, distribution, and preservation of game birds, game animals, and fish as the director deems advisable.
12. Adopt rules necessary for carrying out section 20.1-10-01 and these rules have the force of law after one publication in the daily newspapers of this state.
13. Provide the necessary blank forms for making applications for licenses of all kinds and distribute them among those authorized to sell licenses.
14. Keep a record of all permits issued for the purpose of propagation and domestication of game birds or protected animals.

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

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

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

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

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

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

24-02-10. Biennial report. The director shall submit a biennial report to the governor and the ~~office of management and budget a~~

~~biennial report as prescribed by~~ secretary of state in accordance with section 54-06-04.

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

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

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

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

26.1-21-22. Publication of statement of fund - Biennial report ~~to governor and office of management and budget~~. The commissioner, on or about the ~~December~~ December first day of ~~December~~ in each ~~odd-numbered~~ year ~~after the regular session of the legislative assembly~~, shall publish in four newspapers of general circulation within the state a copy of the statement of the commissioner's work and of the condition of the fund

during the two preceding fiscal years. The commissioner shall submit a biennial report ~~as prescribed by~~ to the governor and the secretary of state in accordance with section 54-06-04 ~~to the governor and to the office of management and budget.~~

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

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

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

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

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

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

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

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

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

- ~~7- 6.~~ Adopt any regulations relating to the preparation of reports and returns, and to the care and preservation of military property belonging to this state and to the United States, as in ~~his~~ the adjutant general's opinion the conditions demand. ~~Such~~ The regulations are operative ~~and in~~ force when promulgated in the form of general orders, circulars, or letters of instruction.
- ~~8- 7.~~ Render annually to the governor a statement in detail showing the acquisition and disposition of all clothing, ordnance, arms, ammunition, and other military property on hand or issued.
- ~~9- 8.~~ Keep in ~~his~~ the office of the adjutant general a list of the retired officers of the organized militia, showing age, military experience, and training of each.
- ~~10- 9.~~ Perform ~~such~~ all other duties ~~as are~~ prescribed for ~~him~~ the adjutant general by law.

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

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

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

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

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

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

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

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

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

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

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

43-09-05. Powers and duties of state electrical board - Report ~~Biennial report.~~ The board shall adopt a seal and may make adopt reasonable rules to carry out the provisions of this chapter. The board shall may submit a biennial report ~~as prescribed by to the governor and the secretary of state in accordance with section 54-06-04 to the governor and the office of management and budget.~~ The board shall appoint qualified inspectors, ~~who.~~ The inspectors shall inspect, within fifteen days after notice of completion of any electrical wiring installation involving a value of three hundred dollars or more in municipalities having ordinances requiring such inspection, ~~inspect such the~~ electrical installation and approve or condemn the same. ~~A The inspector shall make a report thereof must be made of the inspection on forms prescribed by the board.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~the office of management and budget. The office of management and budget shall cause to be prepared twenty five copies of each report submitted under the provisions of this subsection which must be distributed to the following agencies:~~

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

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

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

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

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

1. Attend every session of the legislative assembly for the purpose of receiving bills and resolutions therefrom, and shall perform such other duties as may devolve upon ~~him~~ the secretary of state by resolution of the two houses, or either of them.
2. Keep a register of and attest the official acts of the governor.
3. Affix the great seal with ~~his~~ the secretary of state's attestation to commissions and other public instruments to which the official signature of the governor is required.
4. Record in proper books all conveyances made to the state and all articles of incorporation filed in ~~his~~ the secretary of state's office.
5. Receive and record in the proper books the official bond of any state official who furnishes in lieu of the bond

furnished by the state bonding fund a bond by a duly authorized surety company.

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

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

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

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

expends both general fund and nongeneral fund moneys. The state auditor shall require any agency in the executive branch of government, which includes an institution of higher education, to pay for a contract for the audit or review of that agency. Except for an audit or review of an occupational or professional board, the state auditor shall execute any contract under this subsection. The governing board of any occupational or professional board shall provide for an audit once every two years by a certified public accountant or licensed public accountant who shall submit the audit report to the state auditor's office. If the report is in the form and style as prescribed by the state auditor, the state auditor may not audit that board. Audits and reviews may be conducted at more frequent intervals if requested by the governor or legislative audit and fiscal review committee.

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

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

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

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

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

- b. Income earned by the Bank of North Dakota for its own account on state moneys that are deposited in or invested with the Bank.
 - c. Income earned on college and university funds not deposited in the state treasury.
18. Perform ~~such~~ all other duties as are prescribed by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Shall perform all the duties ~~enjoined~~ imposed upon ~~him~~ the tax commissioner by law.

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

11. Shall certify all levies, assessments, equalizations, or valuations made by ~~him~~ the tax commissioner or the state board of equalization, not more than thirty days after the same have been made, or at periods otherwise provided by law.
12. ~~Shall have the power to~~ May execute reciprocal agreements with the appropriate officials of any other state under which ~~he~~ the tax commissioner may waive all or any part of the requirements imposed by the laws or statutes of this state upon those who use or consume in ~~the~~ this state of ~~North Dakota~~, gasoline, other motor vehicle fuel, or special fuel upon which the tax has been paid to ~~such~~ that other state; provided, that the officials of ~~such~~ that other state grant the equivalent privileges with respect to gasoline, other motor vehicle fuel, or special fuel used in ~~such~~ that other state upon which the tax has been paid to ~~the~~ this state of ~~North Dakota~~.
13. May maintain an accounting system ~~which~~ that includes a special category of accounts designated as noncurrent accounts. ~~Said~~ The noncurrent accounts ~~shall~~ must be those accounts ~~which~~ that are uncollectible as a matter of law or those accounts where all reasonable collection efforts over a period of six years have produced no results. After examination by the state auditor, and upon ~~his~~ the state auditor's recommendation for cause, specific accounts may be removed by the commissioner from noncurrent status and all records pertaining thereto immediately destroyed.
14. May waive, upon a showing of good cause, ~~waive~~ any and all tax due. A lien must have been filed against the debtor's property prior to the request for a waiver. The attorney general shall approve the waiver ~~must be approved by the attorney general~~.
15.
 - a. May require, consistent with the cash management policies of the office of management and budget, that any taxpayer owing one hundred thousand dollars or more in connection with any return, report, or other document to be filed with the commissioner shall pay the tax liability to the state no later than the date the payment is required by law to be made in funds which are immediately available to the state on the date of payment. Payment in immediately available funds may be made by wire transfer of funds through the federal reserve system or by any other means established by the commissioner which ensures the availability of the funds to the state on the date of payment. Evidence of the payment must be furnished to the commissioner on or before the due date of the tax as established by law. Failure to timely make the payment in immediately available funds or failure to provide evidence of payment in a timely manner subjects the taxpayer to penalty and interest as provided by law for delinquent or deficient tax payments. If payment is timely made in other than immediately available funds, penalty and interest must be added to the amount of tax due from the due date of the tax payment to the date that funds from the tax payment become available to the state.
 - b. May establish by rule periodic filing and payment dates that are subsequent to the dates otherwise established by law for any taxes collected by the commissioner in those instances where the commissioner deems it to be in the best interest of the state, provided that the alternative

date may not be later than the last day of the month in which the tax was otherwise due.

- c. May adopt rules necessary for the administration of this subsection.

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

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

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

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

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

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

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

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

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1041

Page 1, line 1, after "A Bill" replace the remainder of the of the bill with "for an Act to create and enact a new section to chapter 15-22 of the North Dakota Century Code, relating to the duties of county superintendents of schools.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 15-22 of the North Dakota Century Code is created and enacted as follows:

County superintendents of schools - Assignment of duties. Notwithstanding any other provision of law, a board of county commissioners may by majority vote choose not to employ a county superintendent of schools and may assign, to one or more qualified persons, all statutory duties of county superintendents of schools. The assignment of duties must be set forth in a written plan, and the plan must be approved by a majority of the presidents of school boards whose districts include land in the county. The assignment of duties must be made in accordance with guidelines developed by the superintendent of public instruction. The superintendent of public instruction shall submit such guidelines to the legislative council for approval on or before August 1, 1995."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1089

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

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

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

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

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

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

Page 1, after line 8, insert:

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

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

1. Notices of opportunity for hearing must be sent by registered ~~or certified~~ mail, returned receipt requested, to the

addressee's business address, and ~~such~~ the notice shall must state:

- a. The order ~~which~~ the commissioner proposes to issue.
 - b. The grounds for issuing ~~such~~ the proposed order.
 - c. That the person to whom ~~such~~ the notice is sent will may be afforded a hearing upon request to the commissioner if ~~such~~ the request is made within ten days after receipt of the notice.
2. Whenever a person requests a hearing in accordance with the provisions—of this section, the commissioner shall immediately set a date, time, and place for ~~such~~ the hearing and shall forthwith notify the person requesting ~~such~~ the hearing thereof. The date set for ~~such~~ the hearing must be within fifteen days, but not earlier than five days, after the request for hearing has been made, unless otherwise agreed to by both the commissioner and the person requesting ~~such~~ the hearing.
 3. ~~For the purpose of conducting any hearing as provided in this section, the commissioner shall have the power to call any party to testify under oath at such hearings, to require the attendance of witnesses, the production of books, records, and papers, and to take the depositions of witnesses; and for that purpose the commissioner is authorized, at the request of the person requesting such hearing or upon his own initiative, to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers, directed to the sheriff of the county where such witness resides or is found, which shall be served and returned. The fees and mileage of the sheriff and witnesses must be paid from the fund in the state treasury for the use of the commissioner in the same manner that other expenses of the commissioner are paid.~~
 4. ~~At any Any hearing conducted under this section, a party or an affected person may appear in his own behalf or may be represented by an attorney. A stenographic record of the testimony and other evidence submitted must be taken unless the commissioner and the person requesting such hearing shall agree that such a stenographic record of the testimony shall not be taken. The commissioner shall pass upon the admissibility of evidence, but a party may at any time make objections to the rulings of the commissioner thereon, and if the commissioner refuses to admit evidence the party offering the same shall make a proffer thereof and such proffer must be made a part of the record of such hearing.~~
 5. ~~In any hearing under this section, the commissioner may conduct such hearing or he may appoint a referee who shall have the same powers and authority in conducting such hearings as are in this section granted to the commissioner. Such referee shall have been admitted to the practice of law in this state and be possessed of such additional qualifications as the commissioner may require. If a hearing is conducted by a referee such referee shall submit to the commissioner a written report setting forth his findings of fact and conclusions of law and a recommendation of the action to be taken by the commissioner. A copy of such written report and recommendations must within five days of the time of filing thereof be served upon the person who requested the hearing, or his attorney or other~~

~~representative of record, by registered or certified mail. That person or his attorney may, within ten days of receipt of the copy of such written report and recommendations, file with the commissioner written objections to the report and recommendations which must be considered by the commissioner before entering an order. No recommendations of the referee may be approved, modified, or disapproved by the commissioner until after ten days after service of such report and recommendations as herein provided. The recommendations of the referee may be approved, modified, or disapproved by the commissioner. The commissioner may order additional testimony to be taken or permit the introduction of further documentary evidence. A transcript of testimony and evidence, objections, if any, of the parties, and additional testimony and evidence, if any, shall have the same force and effect as if such hearing or hearings had been conducted by the commissioner. All recommendations of the referee to the commissioner are advisory only and do not have the effect of an order of the commissioner must be conducted in accordance with chapter 28-32.~~

- ~~6- 4. If the commissioner does not receive a request for a hearing within the prescribed time, he the commissioner may enter the proposed a final order. ~~If a hearing is requested and conducted with respect to a proposed order, the commissioner shall issue a written order which must set forth his the findings with respect to the matters involved and enter an order in accordance with his findings.~~~~

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

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

- c. A demand for a certified transcript of the record of such the order.

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

Page 2, after line 17, insert:

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

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

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

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

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

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

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

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

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

3. The director of administrative hearings may preside as an administrative law judge at administrative hearings and may employ or appoint additional administrative ~~hearings officers~~ law judges to serve in the office as necessary to fulfill the duties of office as described in section 54-57-04 and section 3 of this Act and to provide administrative ~~hearings officers~~ law judges to preside at administrative hearings as requested by agencies. After the effective date of this Act, the director of administrative hearings may employ or appoint only such additional administrative law judges who are attorneys at law in good standing, admitted to the bar in the state, and currently licensed by the state bar board. The director may delegate to an employee the exercise of a specific statutory power or duty as deemed advisable, subject to the director's control, including the powers and duties of a deputy director. All administrative ~~hearings officers~~ law judges must be classified employees, except that the director

of administrative hearings must be an unclassified employee who only may be removed, during a term of office, for cause. Each administrative ~~hearings officer~~ law judge must have a demonstrated knowledge of administrative practices and procedures and must be free of any association that would impair the ~~officer's~~ person's ability to function officially in a fair and objective manner.

5. The director of administrative hearings shall develop categories of positions in the classified service under class titles for the appointment or employment of ~~hearings officers~~ administrative law judges and support staff in consultation with and approved by the director of the central personnel division, including the salary to be paid for each position or category of position."

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

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

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

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

Page 2, line 28, overstrike "hearings officers" and insert thereafter immediately thereafter "law judges"

Page 3, line 26, overstrike "a hearings officer" and insert immediately thereafter "an administrative law judge"

Page 3, line 27, overstrike "a"

Page 3, line 28, overstrike "hearings officer" and insert immediately thereafter "an administrative law judge"

Page 4, line 5, overstrike "a hearings officer" and insert immediately thereafter "an administrative law judge"

Page 4, line 11, overstrike "hearings officer" and insert immediately thereafter "administrative law judge"

Page 4, line 14, overstrike "a hearings"

Page 4, line 15, overstrike "officer" and insert immediately thereafter "an administrative law judge"

Page 4, line 16, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 4, line 18, overstrike "a hearings officer" and insert immediately thereafter "an administrative law judge"

Page 4, line 21, overstrike "hearings officer" and insert immediately thereafter "law judge"

Page 4, after line 27, insert:

"6. The department of transportation shall plan for all its administrative hearings to be conducted, effective August 1, 1997, by the office of administrative hearings. The planning must include budgetary, logistical, personnel, operational, equipment, and other considerations. The department shall

submit the results of its planning in a written report, along with proposed legislation, to the governor and the office of administrative hearings no later than June 30, 1996."

Page 5, line 1, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 5, line 2, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 6, line 3, replace "1" with "3"

Page 6, line 7, replace "Subsection 1 of section" with "Section"

Page 6, after line 9, insert:

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

Page 6, after line 21, insert:

"2. The director of administrative hearings may adopt rules to further establish qualifications for ~~hearings officers~~ administrative law judges; to establish procedures for requesting and designating ~~hearings officers~~ administrative law judges; and to facilitate the performance of duties and responsibilities conferred by this chapter. Any rules adopted by the director of administrative hearings pursuant to this subsection must be adopted in accordance with chapter 28-32."

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

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

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

Page 7, line 9, overstrike "hearings"

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

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

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

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

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

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

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

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

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

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1151

Page 1, line 1, replace "subsections 9 and" with "subsection"

Page 1, line 2, after "27-20-02" insert "and section 39-20-01" and replace "definitions" with "definition"

Page 1, line 3, remove "traffic offense,", remove the second comma, and after the first "and" insert "to"

Page 1, line 6, replace "Subsections 9 and" with "Subsection"

Page 1, line 7, replace "are" with "is"

Page 1, remove lines 8 through 16

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1168

Page 10, line 25, remove "economic development, tourism,"

Page 16, line 9, after "organizations" insert "organization" and remove the overstrike over "~~that~~"

Page 16, line 10, after "~~conform~~" insert "conforms" and remove the overstrike over "~~to the requirements of this chapter~~"

Page 16, line 11, remove "organization" and overstrike "as follows:"

Page 16, overstrike lines 12 through 15

Page 16, line 16, overstrike "safety organization."

Page 16, line 26, remove the overstrike over the period

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1210

Page 1, line 15, replace "file a plat of the reclaimed site" with "record an accurate plat certified by a registered surveyor showing the location of the well and a notice that an abandoned reserve pit may be on the location"

Page 1, line 17, replace ", together with a description" with ". A plat filed for record in accordance with this section may be recorded without acknowledgment or further proof as required by chapter 47-19 and without the auditor's certificate referred to in section 11-18-02."

Page 1, remove line 18

Re-number accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1214

Page 9, line 1, overstrike "Outdoor show and carnival" and insert immediately thereafter "Carnivals"

Page 9, line 2, overstrike "outdoor show," and overstrike the second and third commas

Page 9, line 9, overstrike "or"

Page 9, line 10, overstrike "show," and overstrike the second comma

Page 9, line 11, overstrike the period and insert immediately thereafter "or some other civic-sponsored festival or outdoor event; or"

Page 9, after line 11, insert:

"3. The circus or carnival is held outside the boundaries of the county in which the fair or exposition is held."

Page 9, line 12, overstrike "outdoor show," and overstrike the second comma

Re-number accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1220

Page 1, line 1, remove "to create and enact a new section to chapter 51-14 of the"

Page 1, remove line 2

Page 1, remove lines 17 through 22

Page 2, remove lines 1 through 4

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1252

Page 2, line 12, remove "objectively viewed"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1317

Page 16, line 22, replace "district court" with "state engineer"

Page 18, line 2, after the period insert "A water supply agreement entered by a nonprofit corporation or cooperative association is binding for its term on a successor district organized by the nonprofit corporation or cooperative association, unless otherwise agreed in writing by all parties to the agreement."

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1318

Page 2, remove lines 10 through 15

Page 2, after line 18, insert:

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

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1355

Page 4, after line 21, insert:

"12. An organization shall disburse net proceeds within the period prescribed by rule."

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1360

Page 2, line 11, remove the overstrike over "~~for the~~", after "~~three-year~~" insert "prescribed", and remove the overstrike over "~~period~~"

Page 2, line 13, overstrike "for", remove "the prescribed", and overstrike "period"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1367

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

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

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1369

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

Page 1, line 7, replace "Two" with "Three"

Page 1, after line 8, insert:

"Declaration of legislative findings and intent.

1. The legislative assembly finds that products liability reforms enacted in 1979, 1987, and 1993 have provided a needed degree of certainty in the laws governing civil actions against product manufacturers and sellers.
2. In recent years it has become increasingly evident that there are still serious problems with the current civil justice system. As a result, there is an urgent need for additional legislation to establish clear and predictable rules with respect to certain matters relating to products liability actions.
3. The purpose of the following sections is to clarify and improve the method of determining responsibility for the payment of damages in products liability litigation; to restore balance and predictability between the consumer and the manufacturer or seller in product liability litigation; to bring about a more fair and equitable resolution of controversies in products liability litigation; to reenact a statute of repose to provide a reasonable period of time for the commencement of products liability litigation after a manufacturer or seller has parted with possession of its product; to address problems that have been created by judicial interpretation of our previous enactments; to enact, with minor changes, several provisions of former chapter 28-01.1; and to simplify and provide an increased degree of certainty and predictability to our products liability laws."

Page 1, line 10, replace "There" with "Except as provided in subsections 4 and 5, there"

Page 1, after line 22, insert:

- "4. An action to recover damages based on injury allegedly resulting from exposure to asbestos composed of chrysotile, amosite, crocidolite, tremolite, anthrophyllite, actinolite, or any combination thereof, must be commenced within three years after the injured person has been informed of discovery of the injury by competent medical authority and that the injury was caused by exposure to asbestos as described in this subsection, or within three years after the discovery of facts that would reasonably lead to the discovery, whichever is earlier. No action commenced under this subsection based

on the doctrine of strict liability in tort may be commenced or maintained against any seller of a product that is alleged to contain or possess a defective condition unreasonably dangerous to the buyer, user, or consumer unless the seller is also the manufacturer of the product or the manufacturer of the part of the product claimed to be defective.

5. An action to recover damages based on injury to property allegedly resulting from the presence of products containing asbestos fibers of any type must be commenced within six years of the date upon which the owner of that property knew or should have known of facts giving rise to the cause of action."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1375

Page 2, line 4, replace "two" with "one" and remove "fifty"

Page 2, line 5, replace "76.20" with "30.48"

Page 2, line 25, replace "two" with "one"

Page 2, line 26, remove "fifty" and replace "76.20" with "30.48"

Page 2, line 27, remove the fourth underscored comma

Page 2, line 28, after "nonmotorized" insert an underscored comma

Page 3, line 8, replace "two" with "one", remove "fifty", and replace "76.20" with "30.48"

Page 3, line 10, remove the second underscored comma and after "nonmotorized" insert an underscored comma

Page 3, line 27, replace "two" with "one", remove "fifty", and replace "76.20" with "30.48"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1379

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

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

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

Page 1, line 11, remove "directors"

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

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

Page 1, remove line 21

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

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

Page 2, remove line 6

Page 2, after line 6, insert:

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

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1441

Page 1, line 1, replace "a" with "two", replace "section" with "sections", and replace the second "and" with ", a new section to chapter 6-08,"

Page 1, line 2, after "6-08.3" insert ", and chapter 6-08.4"

Page 1, line 4, after the first "sections" insert "6-01-02, 6-01-09,", after the first comma insert "6-01-17.1,", and after the second comma insert "6-01-18,"

Page 1, line 5, remove "6-03-11," and remove "6-03-14.1,"

Page 1, line 8, remove "subsection 7 of section 6-01-17.1," and after the second comma insert "6-03-14.1,"

Page 1, line 10, remove "6-08.3-07, 6-08.3-08, 6-08.3-09,"

Page 1, replace lines 14 through 19 with:

"SECTION 1. AMENDMENT. Section 6-01-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-01-02. Definitions. As used in this title, unless the context or subject matter otherwise requires:

1. "Association", "banking association", or "state banking association" means any corporation organized under the laws of this state covering state banking associations, and all corporations, limited liability companies, partnerships, firms, or associations whose business in whole or in part consists of the taking of money on deposit, except national banks, trust companies, and the Bank of North Dakota.
2. "Bank" means any national bank, national banking association, corporation, state bank, state banking association, or savings bank, whether organized under the laws of this state or of the United States, engaged in the business of banking.
3. "Bank holding company" means bank holding company as defined in 12 U.S.C. 1841(a)(1).
4. "Banking" means the business of receiving deposits, making loans, discounting commercial paper, issuing drafts, traveler's checks, and similar instruments, handling and making collections, cashing checks and drafts, and buying and selling exchange.
- 4- 5. "Banking department" means the state department of banking and financial institutions.
- 5- 6. "Banking institution" means any bank, trust company, or bank and trust company organized under the laws of this state.

7. "Branch" means a place of business where deposits are received, checks paid, or money lent as a result of a bank that was merged into another bank pursuant to an interstate merger.
- 6- 8. "Commissioner" means the commissioner of banking and financial institutions.
- 6-1- 9. "Corporate central credit union" means a credit union operated for the primary purpose of serving corporate accounts. A credit union is deemed to be a corporate central credit union when its total dollar amount of outstanding corporate loans plus corporate share and deposit holdings is equal to or greater than seventy-five percent of its outstanding loans plus share and deposit holdings.
- 7- 10. "Credit union" means a cooperative, nonprofit association organized for the purposes of encouraging thrift among its members, creating a source of credit at a fair and reasonable rate of interest, and providing an opportunity for its members to improve their economic and social condition.
- 7-1- 11. "Financial institution" means any bank, industrial loan company, or savings and loan association organized under the laws of this state or of the United States.
12. "Merger" or "merge" means the merging or consolidation of two or more banks including the purchase of all or substantially all of the assets and assumption of liabilities of a bank, facility, or branch.
- 8- 13. "Mutual investment corporation" or "mutual savings corporation" means a corporation organized to engage in the investment or savings business, but having no capital stock or a nominal capital stock.
- 8-1- 14. "National bank" or "national banking association" means an institution chartered by the comptroller of the currency under the National Bank Act [12 U.S.C. 24].
- 9- 15. "Trust company" means any corporation formed for the purpose of transacting business as an annuity, safe deposit, surety, or trust company.

SECTION 2. AMENDMENT. Section 6-01-09 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-01-09. Supervision and examination by commissioner of banking and financial institutions. The commissioner shall exercise a constant supervision over the business affairs of all financial corporations and institutions placed, out-of-state branches of financial corporations and institutions, and branches of out-of-state state-chartered banks, savings and loan associations, or savings banks within the jurisdiction of the board. Either the commissioner or one or more examiners shall visit each of the state banking associations and other corporations and, associations placed, and branches under the commissioner's jurisdiction at least once each thirty months to examine their affairs and ascertain their financial condition. The commissioner shall inspect and verify the assets and liabilities of the institution and branches to ascertain with reasonable certainty that the value of the assets and the amounts of the liabilities are correctly carried on its books. The commissioner shall examine the validity of mortgages held by savings institutions, and shall see that all of the mortgages are properly recorded. The commissioner shall investigate the method of operation and conduct of the corporations and institutions and their

systems of accounting to ascertain whether ~~such~~ the methods conform to the law and sound banking usage and principles. The commissioner shall inquire into and report any infringement of the laws governing ~~such~~ those corporations and institutions, and for ~~such~~ that purpose the commissioner may examine the officers, agents, and employees of ~~such~~ the corporations and institutions and all persons doing business therewith. The commissioner may examine, or cause to be examined, or review the books and records of any subsidiary corporation of a bank under the commissioner's supervision and may require the bank to provide information on the holding company that owns the bank. The commissioner shall report the condition of ~~such~~ the corporations and institutions, together with the commissioner's recommendations or suggestions in connection therewith, to the state banking board, and the board may take such action as, ~~in its discretion,~~ the exigencies may demand."

Page 2, line 2, overstrike "placed"

Page 2, line 5, overstrike the comma and replace "depository institution" with "state bank"

Page 2, line 6, remove "established under chapter 6-08.3"

Page 2, line 9, replace "depository institutions" with "state banks including the authority to enter into cooperative fee sharing agreements and assessment of associated travel costs with other state bank supervisors"

Page 2, line 20, overstrike "or" and insert immediately thereafter an underscored comma

Page 2, line 21, after "institution" insert an underscored comma

Page 2, after line 24, insert:

"SECTION 4. AMENDMENT. Section 6-01-17.1 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-01-17.1. Application fees - Cost of transcript. The following fees must accompany an application presented to the state banking board, state credit union board, or commissioner and must be paid by the commissioner into the financial institutions regulatory fund:

1. For a certificate of authority to organize a banking association, a fee of five thousand dollars, paid by the applicants.
2. A banking association's application for authority to remove its business to some place within the state other than the town in which it is presently located and to change its name, a fee of two thousand five hundred dollars.
3. National bank conversion to a state bank, a fee of two thousand five hundred dollars.
4. Application by two or more banks to merge or consolidate, a fee of one thousand five hundred dollars ~~for each merging bank.~~
5. Application by a person to sell, dispose, or purchase an association, banking institution, or holding company, a fee of five hundred dollars unless a hearing is held before the board in which case the fee is two thousand dollars.

6. A banking association's application to establish and operate a separate facility for ~~drive in and walkup service~~, a fee of one thousand five hundred dollars.
7. ~~A banking association's application to establish and operate a paying and receiving station, a fee of one thousand five hundred dollars.~~
8. A banking association's application to establish customer electronic funds transfer centers, a fee not to exceed five hundred dollars.
- 9- 8. For a certificate of authority to organize an annuity, safe deposit, surety or trust company, a fee of five thousand dollars.
- 10- 9. A banking association's application for authority to exercise trust powers, a fee of one thousand five hundred dollars.
- 11- 10. Application to organize a credit union, a fee of three hundred dollars, paid by the applicants.
- 12- 11. Application for a credit union to establish a branch, a fee of three hundred dollars.
- 13- 12. Application by a credit union to expand its field of membership, a fee of one hundred fifty dollars.
- 14- 13. Application by a federal credit union to convert to a state credit union, a fee of three hundred dollars.
- 15- 14. For a certificate of authority to organize a savings and loan association, a fee of five thousand dollars.
- 16- 15. A savings and loan association's application to establish and operate a branch office, a fee of one thousand five hundred dollars.

The commissioner may cause a certified transcript to be prepared for any hearing conducted on an application. The costs for the original and up to six copies of the transcript must be paid by the applicant."

Page 3, line 1, replace "depository institution" with "state bank"

Page 3, line 2, remove "established under chapter 6-08.3"

Page 3, line 14, replace "depository institution" with "state bank"

Page 3, after line 24, insert:

"SECTION 6. AMENDMENT. Section 6-01-18 of the North Dakota Century Code is amended and reenacted as follows:

6-01-18. Reports and examinations of institutions by federal deposit insurance corporation, other state supervisors, or federal reserve system. The commissioner, ~~in the commissioner's discretion~~, may accept, in lieu of any examination authorized or required by this title to be conducted by the department of any banking institution, the examination that may have been made of ~~such the~~ institution within a reasonable period by the federal deposit insurance corporation, any other state supervisor, or the federal reserve system, if a copy of ~~such the~~ examination is furnished to the commissioner. The commissioner, ~~in the commissioner's discretion~~, also may accept any report relative to the condition of any banking institution which may have been obtained by ~~said that~~ corporation or system within a

reasonable period in lieu of any similar report ~~which~~ that the commissioner is authorized by this title to require of ~~such~~ the institution, if a copy of ~~such~~ the report is furnished to the commissioner. The commissioner may furnish to ~~said~~ the corporation or system, or to any official or examiner ~~thereof~~, a copy or copies of any or all examinations made of any banking institutions and of any or all reports made by them, and may give access to and disclose to ~~said~~ the corporation or system, or any official or examiner ~~thereof~~, any and all information possessed by the office of the commissioner with reference to the conditions or affairs of any ~~such~~ institution insured with the federal deposit insurance corporation. ~~Nothing in this~~ This section ~~may be construed to~~ does not limit the duty of any banking institution in this state, the deposits of which are to any extent insured under the provisions of the federal act creating the federal deposit insurance corporation, or of any amendment or substitution for ~~the same~~ that act, to comply with the provisions of ~~said~~ that act, its amendments or substitutions, or the requirements of ~~said~~ the corporation relative to examinations and reports, nor ~~to~~ limit the powers of the commissioner with reference to examinations and reports under this title."

Page 4, remove lines 28 and 29

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 9

Page 6, line 15, after "affiliate" insert ", subject to any requirements established by the board by rule"

Page 6, line 26, overstrike "for drive-in and walkup service"

Page 7, line 6, after the period insert "Whenever any banking institution that has been granted approval to establish and maintain a facility deems it advisable to discontinue the maintenance of the facility, the banking institution may apply to the state banking board for cancellation and the board may order the cancellation approval within the time the board specifies. The banking institution shall publish notice of the application as required by the board by rule."

Page 7, line 13, after "station" insert ", banking house or office, or drive-in and walkup facility" and replace "the effective date of this Act" with "August 1, 1996."

Page 7, line 15, replace "sections 6-03-13.1 and" with "this chapter"

Page 7, line 16, remove "6-03-13.3" and after the underscored period insert "A facility approved under this section may continue to provide from the facility those services or functions as were permitted to be provided before August 1, 1996."

Page 7, replace lines 19 through 29 with:

"SECTION 11. A new section to chapter 6-03 of the North Dakota Century Code is created and enacted as follows:

Branch conversions. Notwithstanding section 6-03-13.1, any bank organized under chapter 6-02, any national bank doing business in this state, or a bank established in this state by a bank holding company doing business in this state as of January 1, 1995, may convert a branch of a federal savings and loan association located in this state which was in existence as of March 1, 1995, purchased by the bank between January 1, 1995, and August 1, 1996, into a facility of the bank to be maintained at the same branch location if the acquisition and conversion does not violate the deposit limitations provisions

contained in sections 13 and 17 of this Act and the acquisition and conversion of the branch is approved by the appropriate regulatory agencies."

Page 8, remove lines 1 and 2

Page 8, after line 20, insert:

"SECTION 13. A new section to chapter 6-08 of the North Dakota Century Code is created and enacted as follows:

Limitation on control of deposits. No financial institution or financial institution holding company may acquire direct or indirect ownership or control of more than twenty-five percent of North Dakota deposits through the direct or indirect acquisition of an interest in, ownership of, or control over another financial institution in this state. No financial institution or financial institution holding company may purchase the assets and assume the liabilities of a banking house or facility of any financial institution located in this state if the consummation of the acquisition results in the acquiring financial institution or financial institution holding company having direct or indirect interest in, ownership of, or control over more than twenty-five percent of North Dakota deposits. No financial institution may establish a facility outside the corporate city limits of the location of the main banking house or any authorized facility if the financial institution or its financial institution holding company has a direct or indirect interest in, ownership of, or control over more than twenty-five percent of North Dakota deposits. For purposes of this chapter, "North Dakota deposits" means North Dakota deposits as that term is defined in section 6-08.3-01."

Page 9, line 9, remove ""Banking institution" means a banking"

Page 9, remove line 10

Page 9, line 11, overstrike "3."

Page 9, line 12, overstrike "4." and remove ""Branch" means a domestic branch as defined in section 3 of the"

Page 9, remove line 13

Page 9, line 14, replace "5" with "3"

Page 9, line 16, remove "6."

Page 9, line 23, remove ""Consolidation""

Page 9, remove lines 24 through 28

Page 10, remove lines 1 and 2

Page 10, line 3, remove "7."

Page 10, line 4, remove ""Default" means default as"

Page 10, remove lines 5 through 15

Page 10, line 16, remove "12.", overstrike the first quotation mark, remove "Home", and overstrike "state" means:"

Page 10, line 17, overstrike "a."

Page 10, line 19, remove "With respect to a state chartered"

Page 10, remove lines 20 and 21

Page 10, line 22, overstrike "b."

Page 10, line 23, remove "With respect to a"

Page 10, remove lines 24 through 29

Page 11, remove lines 1 through 7

Page 11, line 8, remove "13." and overstrike "'Reciprocating state" is a state that authorizes"

Page 11, line 12, remove "a banking institution to establish, maintain, and operate"

Page 11, remove lines 13 through 21

Page 11, line 22, remove "institution whose home state is a state other than this state" and overstrike the period

Page 11, line 23, remove "17.", overstrike the quotation mark, and remove "Out-of-state depository institution"

Page 11, line 24, overstrike "holding company" means a", remove "depository institution", and overstrike the second "holding"

Page 11, line 25, overstrike "company"

Page 12, line 1, remove "whose home state is a state other than North"

Page 12, line 2, remove "Dakota" and overstrike the period and insert immediately thereafter:

4. "Default" means default as defined in section 3 of the Federal Deposit Insurance Act [12 U.S.C. 1813].
5. "Depository institution" means depository institution as defined in section 3 of the Federal Deposit Insurance Act [12 U.S.C. 1813].
6. "Depository institution holding company" means depository institution holding company as defined in section 3 of the Federal Deposit Insurance Act [12 U.S.C. 1813].
7. "Deposit" means deposit as defined in section 3 of the Federal Deposit Insurance Act [12 U.S.C. 1813].
8. "Federal reserve" means the board of governors of the federal reserve system or any successor thereto.
9. "In danger of default" means in danger of default as defined in section 3 of the Federal Deposit Insurance Act [12 U.S.C. 1813].
10. "North Dakota deposits" means all deposits held at branches or offices located in this state of all depository institutions, based upon the public reports most recently filed with the appropriate regulatory agency."

Page 12, replace lines 5 through 14 with:

"Application to acquire a state-chartered bank. An out-of-state bank holding company may acquire a North Dakota state-chartered bank pursuant to the approval process applicable for in-state acquisitions

and under the conditions of this chapter. An out-of-state bank holding company shall provide notice to the board at the time an application is filed with the applicable federal regulatory agency to acquire a North Dakota bank."

Page 12, replace lines 17 through 26 with:

"Reporting requirements. An out-of-state bank holding company that filed an application under chapter 6-08.3 which was approved by the board before September 29, 1995, shall comply with the reporting requirements of section 6-08.3-09 for a period of five years from the date that the application was approved or longer if extended by the board due to noncompliance with the requirements of chapter 6-08.3 or order of the board approving the application."

Page 12, line 29, remove "- Community reinvestment considerations"

Page 13, line 1, replace "Without the prior approval of the board, neither an out-of-state" with "A"

Page 13, line 2, remove "out-of-state"

Page 13, line 3, remove "nor a depository institution or depository"

Page 13, line 4, remove "institution holding company whose home state is North Dakota" and after "may" insert "not"

Page 13, line 5, after the first underscored comma insert "or" and remove ", or otherwise engage in a"

Page 13, line 6, remove "consolidation transaction with", after "a" insert "North Dakota", and remove "whose home"

Page 13, line 7, remove "state is North Dakota"

Page 13, line 8, after "a" insert "North Dakota" and remove "whose home state is North"

Page 13, line 9, remove "Dakota"

Page 13, line 13, replace "twenty-three" with "twenty-five" and replace "before August 1," with an underscored period

Page 13, remove lines 14 through 25

Page 13, line 26, replace "3" with "2" and after the second underscored comma insert "or"

Page 13, line 27, remove "or office of thrift supervision,"

Page 13, line 28, replace "a consolidation transaction" with "an acquisition or merger" and replace "chapter" with "title"

Page 14, line 2, remove "consolidation" and after "acquisition" insert "or merger"

Page 14, line 6, replace "U.S.C." with "12 U.S.C."

Page 14, line 9, after "a" insert "state-chartered" and remove the overstrike over "bank"

Page 14, line 10, remove "banking institution"

Page 14, line 11, replace "depository institution" with "bank"

Page 14, line 12, remove the overstrike over "~~does not~~"

Page 14, line 13, remove the overstrike over "~~present any~~", remove "presents", remove the overstrike over "~~disapproval~~", remove "approval", and overstrike "in"

Page 14, line 14, overstrike "section 6-08.3-03"

Page 14, line 19, replace "sections" with "section" and remove "and 102"

Page 14, line 21, overstrike "reciprocal" and remove "and branching"

Page 14, after line 25, insert:

"SECTION 20. Chapter 6-08.4 of the North Dakota Century Code is created and enacted as follows:

6-08.4-01. Definitions. For the purposes of this chapter, unless the context otherwise requires:

1. "Bank" means insured bank as defined in 12 U.S.C. 1813(h), but the term does not include "foreign bank" as defined in 12 U.S.C. 310i(7), except any foreign bank organized under the laws of a territory of the United States, the deposits of which are insured by the federal deposit insurance corporation.
2. "Home state" means:
 - a. With respect to a national bank, the state in which the main office is located; and
 - b. With respect to a state bank, the state by which the bank is chartered.

6-08.4-02. Interstate mergers. Effective May 31, 1997, the responsible federal regulatory authority may approve a merger transaction under the Federal Deposit Insurance Act [Pub. L. 81-967; 64 Stat. 87; 12 U.S.C. 1811 et seq.] between a North Dakota bank and an out-of-state bank.

6-08.4-03. Authority of state banks to establish interstate branches by merger. Notwithstanding section 6-08.4-02, effective May 31, 1997, a North Dakota state-chartered bank, with approval of the board, may establish, maintain and operate one or more branches in a state other than this state pursuant to an interstate merger in which the North Dakota state-chartered bank is the resulting bank. An application must be filed with the board at the time an application is filed with the responsible federal regulatory authority. The North Dakota state-chartered bank must also comply with section 6-03-11. The board may approve the interstate merger if the board finds that:

1. The proposed interstate merger will not be detrimental to the safety and soundness of the resulting North Dakota state-chartered bank;
2. Any new officers and directors are qualified, and possess experience and financial responsibility to direct and manage the resulting North Dakota state-chartered bank; and
3. The proposed merger is consistent with the convenience and needs of the communities to be served by the resulting bank in this state and is otherwise in the public interest.

6-08.4-04. Interstate merger transactions and branching permitted. Effective May 31, 1997, one or more North Dakota banks may merge with one or more out-of-state banks under this chapter, and an out-of-state bank resulting from an interstate merger may maintain and operate branches of a merged North Dakota bank in this state if the conditions and filing requirements of this title are met.

6-08.4-05. Notice and filing requirements. Any out-of-state bank that will be the resulting bank pursuant to an interstate merger involving a North Dakota bank must notify and submit a copy of its interstate merger application to the board of the proposed merger not later than the date on which it files the application with the responsible federal regulatory authority.

6-08.4-06. Powers.

1. An out-of-state state-chartered bank that establishes and maintains one or more branches in this state under this chapter may conduct any activities at the branch or branches that are authorized under the laws for North Dakota state banks, except to the extent those activities may be prohibited by the laws, rules, or orders of the home state applicable to the out-of-state state-chartered bank.
2. A North Dakota state-chartered bank may conduct any activities at any branch outside this state which are permissible for an out-of-state state-chartered bank where the branch is located, except to the extent those activities are expressly prohibited by North Dakota law, rule, or order.

6-08.4-07. Enforcement. If the board or commissioner determines that a branch maintained by an out-of-state state-chartered bank is being operated in violation of any provision of North Dakota law, or that the branch is being operated in an unsafe and unsound manner, the board or commissioner has the same authority to take all enforcement actions as if the branch were a North Dakota state-chartered bank."

Page 15, line 16, after "6-03-13.3" insert "and section 11 of this Act"

Page 16, line 1, after "6-03-13.3" insert "and section 11 of this Act"

Page 16, replace lines 6 through 19 with:

SECTION 24. REPEAL. Sections 6-03-14, 6-03-14.1, 6-03-15, 6-03-16, and 6-03-18 of the North Dakota Century Code and sections 6-03-17 and 6-03-19 of the 1993 Supplement to the North Dakota Century Code are repealed.

SECTION 25. REPEAL. Sections 6-08.3-02, 6-08.3-03, 6-08.3-05, 6-08.3-06, 6-08.3-10, 6-08.3-11, 6-08.3-12, and 6-08.3-14 of the 1993 Supplement to the North Dakota Century Code are repealed.

SECTION 26. EFFECTIVE DATE. Sections 8, 14, 15, 16, 18, 19, and 25 of this Act become effective on September 29, 1995; sections 4, 7, 9, 10, 12, 21, and 24 of this Act become effective on August 1, 1996; section 20 of this Act becomes effective on May 31, 1997; and sections 22 and 23 of this Act become effective for taxable years beginning after December 31, 1995."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1463

Page 1, line 1, replace "section" with "chapter"

Page 2, line 12, insert the following:

6. This section applies only to the willful failure to pay child support after the effective date of this Act.

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3038

Page 1, line 1, after "extent" insert "and value"

Page 1, line 5, after "district" insert "and family"

Page 1, after line 9, insert:

"WHEREAS, some school districts are now charging fees for student participation; and"

Page 1, line 17, after "extent" insert "and value"

Page 1, line 21, after "district" insert "and family"

Renumber accordingly

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. TIMM MOVED that the House do not concur in the Senate amendments to HB 1134 as printed on HJ pages 1142-1143 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1134: Reps. Timm, Nicholas, Dobrinski.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2035: Reps. Byerly, Bateman, Huether.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2072: Reps. Olson, Brown, Hanson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2152: Reps. Nicholas, Johnson, Sitz.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2195: Reps. Shide, Thompson, Boucher.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2204: Reps. Grosz, Rennerfeldt, Dobrinski.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2524: Reps. Belter, Lloyd, Gullison.

SIXTH ORDER OF BUSINESS

The amendments on the Sixth order of business to Engrossed SB 2231, Engrossed SB 2004, Engrossed SB 2016, Engrossed SB 2017, Engrossed SB 2059, Engrossed SB 2209, Engrossed SB 2211, SB 2288, SB 2391, Engrossed SB 2403, and Engrossed SB 2491 were adopted.

Engrossed SB 2059, as amended, was rereferred to the Appropriations Committee.

Engrossed SB 2231, Engrossed SB 2004, Engrossed SB 2016, Engrossed SB 2017, Engrossed SB 2209, Engrossed SB 2211, SB 2288, SB 2391, Engrossed SB 2403, and Engrossed SB 2491, as amended, were placed on the Fourteenth order of business on today's calendar.

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2035: Reps. Byerly; Bateman; Huether
SB 2072: Reps. Olson; Brown; Hanson
SB 2152: Reps. Nicholas; Johnson; Sitz
SB 2195: Reps. Shide; Thompson; Boucher
SB 2204: Reps. Grosz; Rennerfeldt; Dobrinski
SB 2524: Reps. Belter; Lloyd; Gulleson

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1134 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1134: Reps. Timm; Nicholas; Dobrinski

SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act to create and enact a new subsection to section 11-19.1-01 and four new sections to chapter 50-25.1 of the North Dakota Century Code, relating to definitions and to the duty of the state child protection team to serve as a child fatality review panel; to amend and reenact subsection 2 of section 11-19.1-07, sections 11-19.1-11, 11-19.1-13, 23-02.1-27, 50-25.1-01, 50-25.1-03, 50-25.1-04.1, 50-25.1-05.4, 50-25.1-05.5, 50-25.1-09, 50-25.1-09.1, 50-25.1-10, and 50-25.1-13 of the North Dakota Century Code, relating to reporting the death of a child which may have resulted from child abuse or neglect; and to provide an effective date.

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 74 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Klein; Kliniske; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Payne; Poolman; Price; Rydell; Sabby; Sandvig; Schimke; Schmidt; Sitz; Skarphol; Stenehjem; Svedjan; Sveen; Thoreson; Timm; Torgerson; Wardner; Wentz; Wilkie; Speaker Martin

MAYS: Bateman; Bernstein; Boehm; Brown; Delzer; Drovdal; Grosz; Gunter; Howard; Kempenich; Kerzman; Koppelman; Lloyd; Monson; Olson; Rennerfeldt; Retzer; Shide; Soukup; Thompson; Tollefson; Wald; Walker

ABSENT AND NOT VOTING: Henegar, D.

Engrossed SB 2231, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section

54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

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; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.

Engrossed SB 2004, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management.

ROLL CALL

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.; Thompson

Engrossed SB 2016, as amended, passed and the title was agreed to.

MOTION

REP. AARSVOLD MOVED that the House reconsider its action whereby the amendments to SB 2017 were adopted, which motion lost.

SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general and for operation of the North Dakota veterans' cemetery; to provide for a transfer from the veterans'

postwar trust fund; and to amend and reenact section 54-45-03 of the North Dakota Century Code, relating to the administration of the civil air patrol by the adjutant general.

MOTION

REP. SKARPHOL MOVED the previous question, which motion prevailed.

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 88 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Klein; Kliniske; Kretschmar; Kroeber; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Rydell; Sabby; Sandvig; Schimke; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Byerly; Coats; Hagle; Howard; Kerzman; Koppelman; Laughlin; Retzer; Schmidt

ABSENT AND NOT VOTING: Henegar, D.

Engrossed SB 2017, as amended, passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to Engrossed SB 2209, Engrossed SB 2211, and Engrossed SB 2491, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2209: A BILL for an Act to create and enact a new section to chapter 15-27.1, section 15-27.4-02.1, and a new section to chapter 15-40.3 of the North Dakota Century Code, relating to school district levies after annexation or dissolution, unobligated cash balance in a dissolution, and open enrollment exemptions; and to amend and reenact section 15-27.1-11, subsection 2 of section 15-27.2-01, sections 15-27.2-04, 15-27.3-01.1, 15-27.3-02, 15-27.3-05, 15-27.3-06, 15-27.4-01, subsection 3 of section 15-27.4-02, sections 15-27.4-03, 15-40.1-07.3, subsection 2 of section 15-40.2-01, and subsection 1 of section 15-40.2-04, relating to school district annexation, reorganization, and dissolution and payment of tuition and open enrollment.

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 85 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Austin; Belter; Berg; Bernstein; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby;

Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Speaker Martin

NAYS: Aarsvold; Bateman; Boehm; Drovdal; Grosz; Gulleson; Kaldor; Kerzman; Monson; Schimke; Wald; Wilkie

ABSENT AND NOT VOTING: Henegar, D.

Engrossed SB 2209, as amended, passed and the title was agreed to.

MOTION

REP. DEKREY MOVED that the House reconsider its action whereby Engrossed SB 2476 failed to pass for want of a Constitutional majority.

REQUEST

REP. HANSON REQUESTED a recorded roll call vote on the motion to reconsider the action whereby Engrossed SB 2476 failed to pass for want of a Constitutional majority, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby Engrossed SB 2476 failed to pass for want of a Constitutional majority, the roll was called and there were 53 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Boucher; Brown; Carlisle; Carlson; Christenson; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Dobrinski; Galvin; Glassheim; Gorder; Grumbo; Gulleson; Hagle; Hanson; Henegar, K.; Huether; Jacobs; Johnson; Kaldor; Keiser; Kerzman; Kliniske; Kroeber; Laughlin; Mahoney; Maragos; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Poolman; Price; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Sitz; Sveen; Wentz; Wilkie; Speaker Martin

NAYS: Bateman; Belter; Berg; Bernstein; Boehm; Byerly; Christopherson; Clark; Delzer; DeWitz; Dorso; Drovdal; Froseth; Gerndtholz; Gorman; Grosz; Gunter; Hausauer; Holm; Howard; Kelsch; Kempenich; Klein; Koppelman; Kretschmar; Kunkel; Lloyd; Monson; Payne; Rennerfeldt; Shide; Skarphol; Soukup; Stenehjelm; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner

ABSENT AND NOT VOTING: Freier; Henegar, D.

So the motion to reconsider the action whereby Engrossed SB 2476 failed to pass for want of a Constitutional majority prevailed.

MOTION

REP. DORSO MOVED that SB 2476 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2211: A BILL for an Act to create and enact a new section to chapter 15-47 and a new subsection to section 54-44.3-20 of the North Dakota Century Code, relating to teachers employed by the state industrial school, school for the deaf, and school for the blind; and to amend and reenact sections 15-47-26, 15-47-27, and 15-47-27.1 of the North Dakota Century Code, relating to the definitions of teacher, renewal of teacher contracts, evaluation of first-year teachers, and nonrenewal of teacher contracts.

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 78 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Berg; Boehm; Boucher; Carlisle; Carlson; Christenson; Christopherson; Clayburgh; Coats; Delmore; Dobrinski; Dorso; Drovdal; Froeth; Gerntholz; Glassheim; Gorder; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Bateman; Belter; Bernstein; Brown; Byerly; Clark; Dalrymple; DeKrey; Delzer; DeWitz; Galvin; Gorman; Grosz; Howard; Rennerfeldt; Schimke; Soukup; Wald

ABSENT AND NOT VOTING: Freier; Henegar, D.

Engrossed SB 2211, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2288: A BILL for an Act to amend and reenact sections 54-16-01 and 54-16-04 of the North Dakota Century Code, relating to emergency commission membership and authority to authorize line item transfers.

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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Froeth; Gorder; Galvin; Gerntholz; Glassheim; Gorman; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Kretschmar; Kroeber; Kunkel; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Boucher; Henegar, D.; Koppelman

SB 2288, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2391: A BILL for an Act to create and enact a new section to chapter 54-44.2 of the North Dakota Century Code, relating to access to computer data maintained by state agencies; and to provide for the development of a plan to implement a uniform employer reporting system between job service North Dakota, the workers compensation bureau, and the state tax 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 89 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Delzer; Gorder; Grosz; Keiser; Kempenich; Rennerfeldt; Schimke; Thompson

ABSENT AND NOT VOTING: Henegar, D.

SB 2391, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2403: A BILL for an Act to amend and reenact sections 65-04-01 and 65-04-17 of the North Dakota Century Code, relating to classification of employments for workers' compensation premium rates and the experience rating of employers by the workers compensation bureau.

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; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Henegar, D.

Engrossed SB 2403, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2491: A BILL for an Act to create and enact a new section to chapter 15-29 and a new section to chapter 15-38 of the North Dakota Century Code, relating to the provision of teaching services by persons certified as instructors in the areas of North Dakota American Indian languages and culture; and to amend and reenact subsection 10 of section 15-29-08, section 15-36-12, subsection 11 of section 15-39.1-04, sections 15-41-25, 15-47-42, and 15-47-46 of the North Dakota Century Code, relating to teacher certification.

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 90 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Droydal; Freier; Froseth; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Brown; Delzer; Galvin; Grosz; Holm; Soukup; Timm

ABSENT AND NOT VOTING: Henegar, D.

Engrossed SB 2491, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED that the House stand in recess until 3:00 p.m., which motion prevailed.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Martin presiding.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2024, SB 2135, SB 2194, SB 2203, SB 2213, SB 2215, SB 2216, SB 2220, SB 2223, SB 2230, SB 2267, SB 2278, SB 2280, SB 2290, SB 2295, SB 2296, SB 2297, SB 2302.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: SB 2304, SB 2315, SB 2334, SB 2336, SB 2354, SB 2356, SB 2360, SB 2362, SB 2416, SB 2418, SB 2433, SB 2461, SB 2489, SB 2521, SCR 4006, SCR 4007, SCR 4013, SCR 4025, SCR 4058, SCR 4062.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1159, HB 1185, HB 1190, HB 1205, HB 1208, HB 1236, HB 1253, HB 1274, HB 1314.

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

MADAM PRESIDENT: The Speaker has signed: SB 2024, SB 2135, SB 2194, SB 2203, SB 2213, SB 2215, SB 2216, SB 2220, SB 2223, SB 2230, SB 2267, SB 2278, SB 2280, SB 2290, SB 2295, SB 2296, SB 2297, SB 2302.

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

MADAM PRESIDENT: The Speaker has signed: SB 2304, SB 2315, SB 2334, SB 2336, SB 2354, SB 2356, SB 2360, SB 2362, SB 2416, SB 2418, SB 2433, SB 2461, SB 2489, SB 2521, SCR 4006, SCR 4007, SCR 4013, SCR 4025, SCR 4058, SCR 4062.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 22, 1995

I am returning House Bill 1251, and hereby veto the same pursuant to Article V, Section 9 of the North Dakota Constitution.

The intent of the bill is to allow the North Dakota Workers Compensation Bureau to solicit persons to place advertisements in any publication. The bill allows the Bureau to apply any revenues generated from the advertising to the cost of publishing and distributing the information, and any excess revenue from this act shall be placed in the Bureau's fund.

The legislation, however well intentioned, raises some serious questions. Subsequently, I have these major objections:

1. Government should not be, and does not belong, in the advertising business.
2. There is great potential for conflict of interest. A business involved in negotiations over a pending claim with the Bureau might feel pressured to purchase advertising since the outcome of the case is in doubt.
3. This sets a dangerous precedent. Where will the search for advertising dollars stop? If we allow one state agency to solicit advertising, why then shouldn't another state agency, such as the Tax Department, be allowed to solicit advertising to help defray the costs of printing and distributing the state income tax forms?
4. I believe this legislation sends the wrong message to the business and labor community. The mission of the Bureau is to service the needs of the employees and employers, not to solicit businesses for advertising dollars in an effort to reduce costs. Also, I feel strongly that reports from state agencies should contain facts that only pertain to the department. Allowing advertising compromises this policy.

For these reasons, I cannot concur with House Bill 1251, and regretfully veto the same and return the bill to your chamber.

MOTION

REP. DORSO MOVED that HB 1251 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto and that HB 1251 be placed on the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2161: A BILL for an Act to create and enact two new sections to chapter 26.1-45 of the North Dakota Century Code, relating to long-term care insurance nonforfeiture benefits and increases of renewal premiums; and to amend and reenact section 26.1-45-11 of the North Dakota Century Code, relating to long-term care insurance rules.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 23 YEAS, 72 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Coats; Delmore; Glassheim; Grumbo; Gulleson; Hagle; Hanson; Huether; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Mutzenberger; Nichols; Oban; Sandvig; Schmidt; Sitz; Wilkie

NAYS: Austin; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Gunter; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan;

Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Bateman; Dobrinski; Henegar, D.

SB 2161, as amended, was declared lost.

SECOND READING OF SENATE BILL

SB 2031: A BILL for an Act to establish a noxious weed educational fund; and to provide appropriations for noxious weed control and eradication.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 76 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; DeKrey; Froseth; Hagle; Hanson; Kaldor; Kempenich; Kerzman; Laughlin; Mahoney; Mutzenberger; Nicholas; Nichols; Olson; Sandvig; Schmidt; Sitz; Sveen

NAYS: Austin; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nottestad; Oban; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Bateman; Dobrinski; Henegar, D.

Reengrossed SB 2031, as amended, was declared lost.

SECOND READING OF SENATE BILL

SB 2533: A BILL for an Act to amend and reenact section 43-33-04 and subsection 2 of section 43-33-15 of the North Dakota Century Code, relating to exceptions to the licensure requirement for hearing aid dealers and composition of the board of hearing instrument dispensers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Bateman; Dobrinski; Henegar, D.; Jacobs

Engrossed SB 2533 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2535: A BILL for an Act to amend and reenact section 15-10-14.2 of the North Dakota Century Code, relating to the higher education seven-year plan.

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 87 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Gertholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hausauer; Henegar, K.; Holm; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Laughlin; Lloyd; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: DeKrey; Galvin; Hanson; Kaldor; Kroeber; Mahoney; Nichols

ABSENT AND NOT VOTING: Bateman; Dobrinski; Henegar, D.; Howard

Engrossed SB 2535 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4001: A concurrent resolution directing the Legislative Council to study dispositional alternatives available in cases involving sexual offenses against children, the disposition of cases involving perpetrators who do not attend court-ordered treatment, and the courts' use of and compliance with North Dakota Century Code Chapter 12.1-35 and Rule 803(24) of the North Dakota Rules of Evidence.

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4001 was declared adopted on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4002: A concurrent resolution directing the Legislative Council to study the implementation of the 1993-94 interim Budget Committee on Youth Services recommendations to enhance the children's services delivery system in North Dakota.

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4002 was declared adopted on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4009: A concurrent resolution urging Congress to amend the Employee Retirement Income Security Act to subject employers' self-funded health insurance plans to regulation by the states to facilitate health care reform at the state level.

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

SCR 4009 was declared lost on a voice vote.

MOTION

REP. DORSO MOVED that Engrossed SCR 4014, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4018: A concurrent resolution for the amendment of section 6 of article IX of the Constitution of North Dakota, relating to exchanges of state land and mineral rights.

ROLL CALL

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvoid; Austin; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Bateman; Dobrinski; Hausauer; Henegar, D.; Kretschmar

Engrossed SCR 4018 was declared adopted on a roll call vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4023: A concurrent resolution for the amendment of subsection 2 of section 6 of article VIII of the Constitution of North Dakota, relating to the appointment and terms of members of the state board of higher education.

ROLL CALL

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 68 YEAS, 25 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Austin; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Gunter; Hagle; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Koppelman; Kunkel; Maragos; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Skarphol; Soukup;

Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Waid; Walker; Wardner; Wentz; Speaker Martin

NAYS: Aarsvold; Belter; Boucher; Christenson; Coats; Glassheim; Grumbo; Gulleson; Hanson; Huether; Kerzman; Kliniske; Kroeber; Laughlin; Lloyd; Mahoney; Martinson; Mutzenberger; Nichols; Oban; Sandvig; Schmidt; Shide; Sitz; Wilkie

ABSENT AND NOT VOTING: Bateman; Dobrinski; Henegar, D.; Kaldor; Kretschmar

Engrossed SCR 4023 was declared adopted on a roll call vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4036: A concurrent resolution urging Congress to provide funds to the appropriate agency for construction of a scenic road connecting the three units of the Theodore Roosevelt National Park in the North Dakota badlands.

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

SCR 4036 was declared lost on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4043: A concurrent resolution urging the North Dakota Congressional Delegation to address issues related to Indian casino gaming.

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed SCR 4043 was declared adopted on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4054: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a state Human Rights Commission with the power and duty to investigate and provide remedies in cases of discrimination against residents of North Dakota because of race, color, religion, sex, national origin, age, the presence of any mental or physical disability, and status with regard to marriage or public assistance resulting in a loss of civil rights.

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4054 was declared lost on a voice vote.

REQUEST

REP. OBAN REQUESTED a verification vote on the adoption of SCR 4054, which request was granted. SCR 4054 lost on a verification vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4059: A concurrent resolution directing the Legislative Council to study the impact of nonpublic schools on the state and the feasibility and desirability of offering assistance to the parents of nonpublic schoolchildren.

The question being on the adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed SCR 4059 was declared adopted on a verification vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1151 as printed on HJ page 1221 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1151: Reprs. Monson, Mickelson, Grumbo.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do not concur in the Senate amendments to Engrossed HB 1089 as printed on HJ pages 1215-1221 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1089: Reprs. Kelsch, DeKrey, Delmore.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2439: Reprs. Svedjan, K. Henegar, Kerzman.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. SVEDJAN MOVED that the House do concur in the Senate amendments to Engrossed HB 1031 as printed on HJ pages 1143-1144, which motion prevailed.

Engrossed HB 1031, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1031: A BILL for an Act to create and enact a new section to chapter 14-08.1 of the North Dakota Century Code, relating to suspension of motor vehicle operator's license for nonpayment of child support; and to amend and reenact section 39-06-19 of the North Dakota Century Code, relating to suspension of a motor vehicle operator's license for nonpayment of child support.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 72 YEAS, 19 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Bernstein; Boucher; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dorso; Freier; Froseth; Glassheim; Gorman; Grumbo; Gullerson; Gunter; Hagle; Hanson; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Payne; Poolman; Price; Rennerfeldt; Rydell; Sandvig; Schmidt; Sitz; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Timm; Tollefsen; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Berg; Boehm; Brown; Carlson; Delzer; Drovdal; Galvin; Gerntholz; Grosz; Kempenich; Klein; Lloyd; Olson; Retzer; Sabby; Schimke; Shide; Skarphol; Torgerson

ABSENT AND NOT VOTING: Bateman; Dobrinski; Gorder; Hausauer; Henegar, D.; Kretschmar; Thompson

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

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. RYDELL MOVED that the House do concur in the Senate amendments to Engrossed HB 1036 as printed on HJ page 1144, which motion prevailed on a voice vote.

Engrossed HB 1036, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1036: A BILL for an Act to amend and reenact section 15-36-11 of the North Dakota Century Code, relating to teacher certification; to repeal section 15-36-07 of the North Dakota Century Code, relating to citizenship requirements for teacher certification; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 77 YEAS, 15 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boucher; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dorso; Drovdal; Freier; Froseth; Gorman; Grosz; Grumbo; Gulletson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Kroeber; Kunkel; Laughlin; Maragos; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sandvig; Schimke; Schmidt; Sitz; Skarphol; Stenehjem; Svedjan; Sveen; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Boehm; Brown; DeWitz; Galvin; Gerntholz; Glassheim; Kempenich; Koppelman; Lloyd; Mahoney; Monson; Olson; Sabby; Shide; Soukup

ABSENT AND NOT VOTING: Bateman; Dobrinski; Gorder; Henegar, D.; Kretschmar; Thompson

Engrossed HB 1036 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do concur in the Senate amendments to Reengrossed HB 1050 as printed on HJ page 1142, which motion prevailed.

Reengrossed HB 1050, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1050: A BILL for an Act to create and enact two new sections to chapter 23-01, two new sections to chapter 23-17.5, a new chapter to title 26.1, two new sections to chapter 26.1-36, a new chapter to title 32, and two new sections to chapter 50-24.1 of the North Dakota Century Code, relating to the health council, cost and quality review program, modifying preexisting conditions limitations, providing for guaranteed renewal of health insurance products, modified community

rating, insurance reimbursement to advanced registered nurse practitioners, establishing a standard benefits package, establishing limits on damages and contingency fees and providing for alternative dispute resolution for medical malpractice claims, and expanding medical assistance; to amend and reenact sections 23-01-02, 23-17.5-01, 23-17.5-02, 23-17.5-03, 23-17.5-04, 23-17.5-07, 23-17.5-08, 23-17.5-10, 23-17.5-11, subdivision a of subsection 1 of section 26.1-08-05, subsection 2 of section 26.1-08-05, subdivision a of subsection 1 of section 26.1-08-06, subsection 2 of section 26.1-08-06, subsection 9 of section 26.1-17-01, subsection 1 of section 26.1-36-04, subdivision e of subsection 2 of section 26.1-36-04, sections 26.1-36-05, 26.1-36-22, subsections 11 and 23 of section 26.1-36.3-01, and subsection 1 of section 26.1-36.3-04 of the North Dakota Century Code, relating to membership of the health council, supervision of health care provider cooperatives, maximum lifetime benefits of a qualified health coverage plan, guaranteed renewal of health insurance products, modified community rating, insurance reimbursement to advanced registered nurse practitioners, and expansion of medical assistance coverage; to repeal section 26.1-17-12.1 of the North Dakota Century Code, relating to insurance reimbursement for nurses; to provide a penalty; to provide an appropriation; to provide for application and retroactive application; to provide for a legislative council study; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gertholz; Glassheim; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Bateman; Dobrinski; Gorder; Henegar, D.; Kretschmar; Thompson

Reengrossed HB 1050, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERG MOVED that the House do concur in the Senate amendments to Engrossed HB 1083 as printed on HJ page 1144, which motion prevailed.

Engrossed HB 1083, as amended, was placed on the Eleventh order on today's calendar.

SECOND READING OF SENATE BILL

HB 1083: A BILL for an Act to amend and reenact section 34-14-02 of the North Dakota Century Code, relating to the time of payment of wages by employers.

ROLL CALL

The question being on the final passage of the amended bill, which has been

read, the roll was called and there were 81 YEAS, 11 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorman; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Lloyd; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Sitz; Soukup; Svedjan; Sveen; Thoreson; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Delzer; Glassheim; Grosz; Keiser; Kelsch; Mahoney; Shide; Skarphol; Stenehjelm; Timm; Wald

ABSENT AND NOT VOTING: Bateman; Dobrinski; Gorder; Henegar, D.; Kretschmar; Thompson

Engrossed HB 1083, as amended, passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2349: Reps. Berg, Johnson, Boucher.

MOTION

REP. FREIER MOVED that House Rule 507, with reference to Senate bills being reported back to the House, be suspended, which motion prevailed.

MOTION

REP. FREIER MOVED that the absent members be excused, which motion prevailed.

MOTION

REP. FREIER 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 9:30 a.m., Thursday, March 23, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2061, as engrossed: Education Committee (Rep. Rydell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2061 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "sections 15-22-09, 15-27.3-19, subsection 2 of section 15-27.5-06, section 15-29-08," and replace the second "and" with a comma

Page 1, line 2, replace "and" with ", 15-40.2-10," and after "15-44-03" insert ", 15-45-01, 15-51-11, subsection 3 of section 44-11-02, subsection 1 of section 52-10-10, and sections 57-15-14 and 57-51-15"

Page 1, line 3, after "to" insert "the duties of the county superintendent, changes to reorganization proposals, agreements regarding military installation schools, the general powers and duties of school boards," and replace "and" with ", computation of state aid for students attending school out-of-state,"

Page 1, line 4, after "fund" insert ", the establishment of kindergarten programs, the levy authority of the Fargo board of education, complaints against school board members, social security in enlarged or

reorganized public school districts, tax levy limitations in school districts, and the apportionment of gross production taxes; and to repeal sections 15-44-06, 15-47-13, and 15-47-17 of the North Dakota Century Code, relating to requirements for taking a school census"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 15-22-09 of the North Dakota Century Code is amended and reenacted as follows:

15-22-09. Duties in general. The county superintendent of schools has the general superintendence of the schools in the county except those in districts which employ a district superintendent of schools and shall:

1. Receive and transmit to the superintendent of public instruction annual school district financial reports described in subsection 17 of section 15-29-08, annual school district personnel reports, annual school district enrollment and average daily membership reports described in section 15-40.1-09, ~~biennial school census reports described in section 15-47-13,~~ and other reports required by the superintendent of public instruction.
2. Assist in the planning, coordinating, and providing of all education and related services to each school district.
3. Decide all matters in controversy in the administration of school laws or appealed to the county superintendent of schools as provided in section 15-22-17.
4. Promote the maximum amount of coordination and cooperation among the school districts and the multidistrict special education units within the jurisdiction of the county superintendent of schools for the purposes of encouraging and making the school districts efficient and maximizing the educational opportunities for all students.
5. Assist school districts in taking optimum advantage of any incentive programs administered by the superintendent of public instruction.
6. Exercise other powers and perform other duties prescribed by law.

SECTION 2. AMENDMENT. Section 15-27.3-19 of the North Dakota Century Code is amended and reenacted as follows:

15-27.3-19. Changes in reorganization proposal. At any time after the reorganization proposal has become effective, any provision of the reorganization proposal, including provisions affecting the adjustment of assets and liabilities but excepting provisions defining the boundaries of the district, may be changed by a majority vote of the qualified electors without approval of the state board or the county committee. The school board in the reorganized district may, upon its own motion, or shall, upon the filing with it of a petition signed by qualified electors of the school district equal in number to twenty percent of the persons enumerated in the most recent school district census ~~number of students in average daily membership~~, unless the census number of students in average daily membership is greater than four thousand, in which case only fifteen percent of the number of ~~persons enumerated in the school census~~ students in average daily membership is required, submit the question of authorizing a change in the school district's adopted reorganization proposal at the next regular or special election. However, not fewer than twenty-five

signatures of qualified electors is required unless the district has fewer than twenty-five qualified electors, in which case the petition must be signed by not less than twenty-five percent of the qualified electors of the district. In districts with fewer than twenty-five qualified electors, the county superintendent for the county in which the school is located shall determine the number of qualified electors in the district. If a majority of all votes cast by the electors residing in each of the geographic areas is in favor of the proposed change, then the proposed change is effected. If a reorganization plan has been in effect for at least ten years, any proposed change to geographic voting areas is effective upon a majority vote in an election at large by the qualified electors of the district. A school board in a reorganized school district may change, by resolution, to at large voting for school board candidates if there is a variance of more than ten percent in the population between any of the district's established geographic areas with resident candidates.

SECTION 3. AMENDMENT. Subsection 2 of section 15-27.5-06 of the North Dakota Century Code is amended and reenacted as follows:

2. Before the state board of public school education requests that a school district be established pursuant to this chapter on the Minot air force base, the Glenburn public school district and the Minot public school district must enter into an agreement regarding the provision of education to the students residing on the air force base. The agreement must be approved by the state board of public school education. The Minot public school district and the Glenburn public school district, in entering into an agreement, must take into consideration current and potential revenues, including current and potential revenues from property taxes, in lieu of property taxes, and federal and state funds that are distributed to school districts based on census, and losses that may occur as a result of the agreement. The state board of public school education must receive approval from the United States secretary of education prior to the formation of the proposed school district.

SECTION 4. AMENDMENT. Section 15-29-08 of the North Dakota Century Code is amended and reenacted as follows:

15-29-08. General powers and duties of school board. The powers and duties of the school board of a public school district shall be as follows:

1. To establish for all children of legal school age residing within the district, a system of free public schools which shall furnish school privileges equally and equitably.
2. To organize, establish, operate, and maintain such elementary and high schools as it may deem requisite and expedient, to acquire sites and construct buildings and other facilities in connection therewith, and to change the location of or discontinue such schools and liquidate the assets thereof in the manner prescribed by law; provided, that no site shall be acquired or building constructed, or no school shall be organized, established, operated, maintained, discontinued, or changed in location without the approval of the state board of public school education if outside the boundary of the district.
3. To send pupils into another school district, and to make arrangements for the education of pupils in a federal school

and contract with federal officials for such education, all as provided by law.

4. To determine and establish courses of study which shall be followed, in addition to those courses prescribed or approved by the superintendent of public instruction or by law.
5. To purchase, sell, and exchange schoolhouses and rooms, lots, or sites for schoolhouses, teacherages, and dormitories, and to lease such facilities for a period not to exceed one year. However, nothing in this subsection shall prevent a school board from leasing any vocational education facility constructed with financing acquired, in whole or in part, pursuant to chapter 40-57 for a period of up to twenty years.
6. To exercise the power of eminent domain when necessary to acquire real property for school purposes and proper functions incidental thereto.
7. To improve lots and sites, and to build, alter, enlarge, improve, and repair such schoolhouses, teacherages, dormitories, outhouses, appurtenances, as it may deem advisable upon lots and sites owned by the district.
8. To purchase, sell, exchange, improve, and repair school apparatus, textbooks for the use of pupils, furniture, and appendages, and to provide fuel and other needful supplies for the schools.
9. To have the custody and control of all school property belonging to the district, and, when the school district is located within a city, to see that the ordinances and bylaws of the city in relation to such school property are observed.
10. To contract with, employ, and pay all teachers in the schools and, for cause, to dismiss or suspend any teacher when the interests of the school may require it. Every teacher shall be required to hold a valid North Dakota teaching certificate issued by the superintendent of public instruction. No person who is related to any member of the board by blood or marriage shall be employed as a teacher without the concurrence of two-thirds of the board.
11. To employ, should it deem it expedient, a superintendent of schools for a period not to exceed three years, and to pay such person a reasonable salary. The superintendent may be required to act as principal or teacher in the school system of the district.
12. To defray the necessary and contingent expenses of the board, including the compensation of its business manager.
13. To adopt, alter, and repeal, when it deems it expedient, rules and regulations for the reception, organization, grading, government, and instruction of pupils, and for their suspension, expulsion, or transfer from one school to another. No pupil shall be suspended or expelled except for insubordination, habitual indolence, or disorderly conduct, and a suspension shall not be for a longer period than ten days except as provided in section 15-38-13.1, nor shall an expulsion be in effect beyond the end of the current term of school.
14. To admit to the schools of the district pupils from other districts as provided by law, and to make rules and

regulations for such admission, for the assignment and distribution of pupils to and among the schools, and for their transfer from one school to another.

15. To levy a tax upon the property in the district for school purposes, and to amend and certify budgets and tax levies as provided in title 57.
- ~~16.~~ ~~To cause an enumeration to be made, between the first and thirty first days of May in each odd numbered year, of all persons under eighteen years of age within the school district, and to return the same to the county superintendent of schools.~~
- ~~17.~~ To make a report on July first of each year, or as soon thereafter as practicable, of the progress and financial and educational condition of all the schools under its charge. A copy of such report, together with such further information as shall be required by the superintendent of public instruction, must be forwarded to the county superintendent of schools. The report of financial condition and such other portions as the school board shall consider advantageous to the public, must be published in the official newspaper of the school district.
- ~~18.~~ 17. To participate in group insurance plans and to pay all or part of premiums thereof.
- ~~19.~~ 18. The legislative assembly hereby recognizes the necessity for school boards to organize on the county and state levels, and the legislative assembly hereby authorizes local school boards to pay membership dues to county and state associations and further authorizes county associations to pay membership dues to the state association.
- ~~20.~~ 19. Recognizing the necessity for an organization of schools to administer a program of interscholastic activities, any public school, so classified by the state department of public instruction, is authorized to become a member of the North Dakota high school activities association, presently located in the city of Valley City, North Dakota, upon written application of its school board and said school board shall pay the cost of such membership out of the funds of such school in the same manner as any valid school expense is paid.
- ~~21.~~ 20. To appoint a principal, who shall be certified under the rules and regulations of the department of public instruction, and assign said principal the responsibilities of administration, supervision, and the development of the educational programs of one or more buildings or attendance units with that public school district. Such principal shall perform his duties under the direction of the superintendent of schools of that public school district.
- ~~22.~~ 21. To recruit homes and facilities which provide boarding home care for special education students; to contract with any person, partnership, voluntary association, corporation, limited liability company, or public or private agency for the recruitment of such homes and facilities; and to provide boarding home care for special education students in dormitories.
- ~~23.~~ 22. To adopt alternative high school senior curriculum plans in accordance with section 15-41-06 under which high school

students in their fourth year of standard high school coursework may be enrolled in fewer than four academic units.

- ~~24-~~ 23. To insure the school district's property which is not required to be insured against loss by fire or tornado by the state fire and tornado fund, in a stock or mutual fire insurance company or in the state fire and tornado fund.
- ~~25-~~ 24. To designate, at the annual meeting, a newspaper of general circulation in the school district that meets the requirements of section 46-05-01 as the official newspaper of the school district.
- ~~26-~~ 25. To employ a business manager who is not a member of the board and fix compensation for that person. A business manager may be dismissed or suspended without prior notice for serious cause, otherwise only upon thirty days' written notice by the board.
- ~~27-~~ 26. Notwithstanding any other provision of law, if an impasse has been declared and final offer resolution is in effect, to hold one executive session of the board prior to submitting its final offer. The subject of the meeting must be limited to the determination of the board's final offer. Before holding the meeting, the board must, by a majority vote in a public meeting, decide to hold the executive session to determine its final offer. The time of commencement and place of the executive session must be announced at the public meeting. A written roll of members and all other persons present at the executive session must be made available to the public after the executive session. The proceedings of the executive session must be recorded on tape by the board and must be preserved for two years after the contract is signed. Minutes of the executive session must also be kept, and the minutes and the tape recording must be made available to the public after the negotiated contract is signed by the board.
- ~~29-~~ 27. To purchase equipment or lease a telecommunication system or network, or to participate with other school districts or other entities in the purchase of equipment or lease of a telecommunication system or network."

Page 7, after line 8, insert:

"SECTION 7. AMENDMENT. Section 15-40.2-10 of the North Dakota Century Code is amended and reenacted as follows:

15-40.2-10. Reciprocal master agreements for student attendance in other states - School district agreements. The superintendent of public instruction shall enter into reciprocal master agreements with the appropriate state educational agencies or officers of bordering states in regard to the cost of educating elementary and high school students in the public schools or institutions in such bordering states. A school district may, upon notification to the superintendent of public instruction, enter into an agreement with a school district in a bordering state for the education of elementary and high school students. The agreement, which replaces the provisions of the master reciprocal agreement, may provide for the payment of tuition at an amount agreed upon by the school district of residence and the school district of the bordering state. However, the tuition may not exceed the amount established under the reciprocal master agreement, nor may it be less than the per student foundation aid plus tuition apportionment in the student's school district of residence. For purposes of computing foundation aid payments as provided in chapter

15-40.1, tuition apportionment payments as provided in section 15-44-03, and gross production tax apportionment as provided in section 57-51-15, a student attending school in a bordering state under such an agreement is deemed to be in attendance in the student's school district of residence. The student's school district of residence is liable to the school district in the bordering state for payments as provided in the agreement."

Page 7, after line 26, insert:

"SECTION 9. AMENDMENT. Section 15-45-01 of the North Dakota Century Code is amended and reenacted as follows:

15-45-01. Establishing kindergartens - Election on mill levy. The school board of any school district may, upon its own motion, establish free public kindergartens in connection with the public schools of the district for the instruction of resident children below school age during the regular school term. A school board which establishes free kindergartens may levy a tax pursuant to subdivision p of subsection 1 of section 57-15-14.2. On a petition signed by qualified electors of the school district comprising at least five percent of the number of persons enumerated in the school census for that district for the most recent year such census was taken students in average daily membership, but in no case less than twenty-five qualified electors, the school board must submit the question of establishing a kindergarten program at the next annual or special school election. The question must be approved by the qualified electors of the district by the respective margins of electorate approval as provided for in section 57-15-14.

SECTION 10. AMENDMENT. Section 15-51-11 of the North Dakota Century Code is amended and reenacted as follows:

15-51-11. Tax - Power to levy - Purposes. The said board of education has power, and it is its duty to levy and raise from time to time by tax, such sums as may be determined by it to be necessary and proper for any or all the following purposes:

1. To purchase, exchange, lease, or improve sites for schoolhouses.
2. To build, purchase, lease, enlarge, alter, improve, and repair schoolhouses and their outhouses and appurtenances.
3. To procure, exchange, improve, and repair school apparatus, books, furniture, and appendages, but the powers herein granted may not be deemed to authorize the furnishing of class or textbooks to any scholar whose parent or guardian is able to furnish the same.
4. To provide fuel and defray the contingent expenses of the board including the compensation of the secretary.
5. To pay teachers' wages after the application of public moneys, which may by law be appropriated and provided for that purpose.
6. The question of authorizing or discontinuing the unlimited taxing authority of the school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon filing with the school board of a petition containing signatures of qualified electors of the district equal in number to twenty percent of the number of persons enumerated in the school census for the district for the most recent year the census was taken

students in average daily membership. However, the approval of discontinuing the unlimited taxing authority does not affect the tax levy in the calendar year in which the election is held. In addition, the minimum levy may not be less than the levy that was in force at the time of the election. The district may increase its levy in accordance with section 57-15-01. If the district experiences growing enrollment, the district may increase the levy by an amount equal to the amount levied the preceding year per pupil times the number of additional pupils enrolled during the new year.

SECTION 11. AMENDMENT. Subsection 3 of section 44-11-02 of the North Dakota Century Code is amended and reenacted as follows:

3. The complaint or charges against a school board member must be made upon the relation of a petition containing the signatures of qualified electors of the school district equal in number to twenty percent of the number of ~~persons enumerated in the school census for that district for the most recent year such census was taken~~ students in average daily membership, unless such census the number of students in average daily membership is greater than four thousand in which case only fifteen percent of the number of ~~persons enumerated in the school census are~~ students in average daily membership is required. However, not fewer than twenty-five signatures are required unless the district has fewer than twenty-five qualified electors, in which case the petition must be signed by not less than twenty-five percent of the qualified electors of the district. In those districts with fewer than twenty-five qualified electors, the number of qualified electors in the district must be determined by the county superintendent for such county in which such school is located.

SECTION 12. AMENDMENT. Subsection 1 of section 52-10-10 of the North Dakota Century Code is amended and reenacted as follows:

1. As used in this section, "most populous district" means the public school district involved in annexation or reorganization of school districts:
 - a. Which maintained an elementary school;
 - b. More than one-half of which is included in the enlarged or reorganized public school district; and
 - c. Which had a larger number of children ~~of school age at in~~ average daily membership for the school census ~~next year~~ preceding the inclusion of such district in the enlarged or reorganized public school district than any other public school district of the type described in subdivisions a and b which is included in the enlarged or reorganized public school district.

SECTION 13. AMENDMENT. Section 57-15-14 of the North Dakota Century Code is amended and reenacted as follows:

57-15-14. Tax levy limitations in school districts. The aggregate amount levied each year for the purposes listed in section 57-15-14.2 by any school district, except the Fargo school district, may not exceed the amount in dollars which the school district levied for the prior school year plus eighteen percent up to a general fund levy of one hundred eighty mills on the dollar of the taxable valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census:
 - a. There may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.
 - b. There is no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been submitted to and approved by a majority of the qualified electors voting at any regular or special election upon such question.
2. In any school district having a total population of less than four thousand, there may be levied any specific number of mills that upon resolution of the school board has been approved by fifty-five percent of the qualified electors voting upon the question at any regular or special school election.
3. In any school district in which the total assessed valuation of property has increased twenty percent or more over the prior year and in which as a result of that increase the school district is entitled to less in state foundation aid payments provided in sections 15-40.1-06 through 15-40.1-08 because of the deduction required in subsection 3 of section 15-40.1-06, there may be levied any specific number of mills more in dollars than was levied in the prior year up to a general fund levy of one hundred eighty mills on the dollar of the taxable valuation of the school district. The additional levy authorized by this subsection may be levied for not more than two years because of any twenty percent or greater annual increase in assessed valuation. The total amount of revenue generated in excess of the eighteen percent increase which is otherwise permitted by this section may not exceed the amount of state aid payments lost as a result of applying the deduction provided in subsection 3 of section 15-40.1-06 to the increased assessed valuation of the school district in a one-year period.

The question of authorizing or discontinuing such specific number of mills authority or unlimited taxing authority in any school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to twenty percent of the number of ~~persons enumerated in the school census for that district for the most recent year such census was taken~~ students in average daily membership, unless such census ~~the number of students in average daily membership~~ is greater than four thousand in which case only fifteen percent of the number of ~~persons enumerated in the school census~~ students in average membership is required. However, not fewer than twenty-five signatures are required unless the district has fewer than twenty-five qualified electors, in which case the petition must be signed by not less than twenty-five percent of the qualified electors of the district. In those districts with fewer than twenty-five qualified electors, the number of qualified electors in the district must be determined by the county superintendent for such county in which such school is located. However, the approval of discontinuing either such authority does not affect the tax levy in the calendar year in which the election is held. The election must be held in the same

manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy.

SECTION 14. AMENDMENT. Section 57-51-15 of the North Dakota Century Code is amended and reenacted as follows:

57-51-15. Apportionment and use of proceeds of tax. The gross production tax provided for in this chapter must be apportioned as follows:

1. First the tax revenue collected under this chapter equal to one percent of the gross value at the well of the oil and one-fifth of the tax on gas must be deposited with the state treasurer, who shall credit thirty-three and one-third percent of the revenues to the oil and gas impact grant fund, but not in an amount exceeding five million dollars per biennium including any amounts otherwise appropriated for oil and gas impact grants for the biennium by the legislative assembly, and who shall credit the remaining revenues to the state general fund.
2. The first one million dollars of annual revenue after the deduction of the amount provided for in subsection 1 from oil or gas produced in any county must be allocated seventy-five percent to that county and twenty-five percent to the state general fund. The second one million dollars of annual revenue after the deduction of the amount provided for in subsection 1 from oil or gas produced in any county must be allocated fifty percent to that county and fifty percent to the state general fund. All annual revenue after the deduction of the amount provided for in subsection 1 above two million dollars from oil or gas produced in any county must be allocated twenty-five percent to that county and seventy-five percent to the state general fund. However, the amount to which each county is entitled pursuant to this subsection must be limited based upon the population of the county according to the last official decennial federal census as follows:
 - a. Counties having a population of three thousand or less shall receive no more than three million nine hundred thousand dollars for each fiscal year.
 - b. Counties having a population of over three thousand but less than six thousand shall receive no more than four million one hundred thousand dollars for each fiscal year.
 - c. Counties having a population of six thousand or more shall receive no more than four million six hundred thousand dollars for each fiscal year.

Any allocations for any county pursuant to this subsection which exceed the applicable limitation for that county as provided in subdivisions a through c must be deposited instead in the state's general fund.

3. Forty-five percent of all revenues as may by the legislative assembly be allocated to any county hereunder must be credited by the county treasurer to the county general fund. Thirty-five percent of all revenues allocated to any county must be apportioned by the county treasurer no less than quarterly to school districts within the county on the average daily attendance distribution basis, as certified to him by the county superintendent of schools. However, no

school district may receive in any single academic year an amount under this subsection greater than the county average per-pupil cost multiplied by seventy percent, then multiplied by the number of pupils in average daily attendance ~~or the number of children of school age in the school census for the county, whichever is greater~~. Provided, however, that in any county in which the average daily attendance ~~or the school census, whichever is greater~~, is fewer than four hundred, the county is entitled to one hundred twenty percent of the county average per-pupil cost multiplied by the number of pupils in average daily attendance ~~or the number of children of school age in the school census for the county, whichever is greater~~. Once this level has been reached through distributions under this subsection, all excess funds to which the school district would be entitled as part of its thirty-five percent share must be deposited instead in the county general fund. The county superintendent of schools of each oil-producing county shall certify to the county treasurer by July first of each year the amount to which each school district is limited pursuant to this subsection. As used in this subsection, "average daily attendance" means the average daily attendance for the school year immediately preceding the certification by the county superintendent of schools required by this subsection. Twenty percent of all revenues allocated to any county hereunder must be paid no less than quarterly by the state treasurer to the incorporated cities of the county based upon the population of each incorporated city according to the last official decennial federal census. However, no city may receive in any fiscal year an amount under this subsection greater than five hundred dollars per capita. Once this level has been reached through distributions under this subsection, all excess funds to which any city would be entitled except for this limitation must be deposited instead in that county's general fund. Provided, however, that in determining the population of any city in which total employment increases by more than two hundred percent seasonally due to tourism, the population of that city for purposes of determining the per capita limitation in this section must be increased by adding to the population of the city as determined by the last official decennial federal census a number to be determined as follows:

- a. Seasonal employees of state and federal tourist facilities within five miles [8.05 kilometers] of the city must be included by adding the months all such employees were employed during the prior year and dividing by twelve.
- b. Seasonal employees of all private tourist facilities within the city and seasonal employees employed by the city must be included by adding the months all such employees were employed during the prior year and dividing by twelve.
- c. The number of visitors to the tourist attraction within the city or within five miles [8.05 kilometers] of the city which draws the largest number of visitors annually must be included by taking the smaller of either of the following:
 - (1) The total number of visitors to that tourist attraction the prior year divided by three hundred sixty-five; or

(2) Four hundred twenty.

SECTION 15. REPEAL. Sections 15-44-06, 15-47-13, and 15-47-17 of the North Dakota Century Code are repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2063, as engrossed: Education Committee (Rep. Rydell, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2063 was placed on the Sixth order on the calendar.

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

Page 1, line 6, after "students" insert "; and to provide legislative intent"

Page 9, after line 11, insert:

"SECTION 7. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the amount included in the grants - special education line item in subdivision 1 of section 1 of Senate Bill No. 2013 be distributed as follows:

1. Ten million dollars must be used to reimburse school districts for excess costs incurred on contracts for students with disabilities as required in sections 15-40.2-08, 15-59-06, and 15-59-07, and for boarding care reimbursements as required in section 15-59-07.2;
2. Four hundred thousand dollars must be used to reimburse school districts for gifted and talented programs upon the submission of an application that is approved in accordance with guidelines adopted by the superintendent of public instruction;
3. Five hundred thousand dollars must be used to reimburse school districts with above average incidence of moderately or severely disabled students upon the submission of an application that is approved in accordance with guidelines adopted by the superintendent of public instruction;
4. Any amount remaining in the line item must be distributed on a per student basis as required by law, except that during the 1995-96 school year a school district or special education unit may not receive less than ninety-five percent of the amount received during the 1993-94 school year from state special education funds, excluding reimbursements for student contracts, boarding care, and gifted and talented programs.

During the 1996-97 school year a district or special education unit may not receive less than ninety percent of the amount received during the 1993-94 school year from state special education funds, excluding reimbursements for student contracts, boarding care, and gifted and talented programs."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2085, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2085 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to the eligibility of a full-time paid firefighter or law enforcement officer for workers' compensation benefits; and to"

Page 2, line 17, after the period insert "An employer may require a physical examination upon employment, and annually thereafter, for any employee subject to this section. Results of the examination may be used in rebuttal to a presumption afforded under this section. The presumption does not include a condition or impairment of health of a full-time paid firefighter or law enforcement officer which is diagnosed more than four years after the employment as a full-time paid firefighter or law enforcement officer ends. For purposes of this section, the term "law enforcement officer" means a county sheriff and each deputy appointed by the county, a law enforcement officer of a township or city, a state highway patrol officer, and a law enforcement officer assigned by the bureau of criminal investigation."

SECTION 2. A new section to chapter 65-01 of the North Dakota Century Code is created and enacted as follows:

Yearly documentation required for firefighter and law enforcement officer."

Page 2, line 18, remove "and who"

Page 2, line 19, remove "begins employment after June 30, 1995."

Page 2, line 20, replace "benefit" with "benefits" and replace "this subdivision" with "section 1 of this Act"

Page 2, line 24, replace "three" with "two" and after the underscored period insert "Any full-time paid firefighter or law enforcement officer employed on June 30, 1995, is not subject to this section until July 1, 1997."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2239, as engrossed: Human Services Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2239 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "give nursing assistance" and insert immediately thereafter "perform nursing tasks"

Page 1, line 13, overstrike "who are"

Page 1, line 14, overstrike "a bureau, division, or"

Page 1, line 15, overstrike "agency thereof" and insert immediately thereafter "any of its bureaus, divisions, or agencies"

Page 1, line 16, overstrike "Legally licensed nurses of" and insert immediately thereafter "A nurse licensed by"

Page 1, line 17, overstrike "them" and insert immediately thereafter "the nurse" and overstrike "who is"

Page 1, line 18, overstrike "medical treatment" and insert immediately thereafter "health care"

Page 1, line 19, replace "Legally licensed nurses of" with "A nurse licensed by"

Page 1, line 20, replace "them" with "the nurse"

Page 2, line 1, overstrike "provides nursing care or" and overstrike "functions or"

Page 2, line 2, overstrike "nursing" and overstrike "an immediate" and insert immediately thereafter "a"

Page 2, after line 4, insert:

"8. A person licensed or registered under this title and carrying out the therapy or practice for which the person is licensed or registered.

9. A person who is not licensed under this chapter and who provides medication administration according to individual needs and as part of an individual habilitation or case plan:

a. Within a developmental disabilities provider agency licensed pursuant to chapter 25-16;

b. Within a foster care provider agency licensed pursuant to chapter 50-11; or

c. Through, or under contract with, a human service center licensed pursuant to chapter 50-06.

A licensed nurse may delegate medication administration to a person exempt under this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2313, as reengrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed SB 2313 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "1" insert "and 3"

Page 1, line 3, remove the semicolon and remove "repeal section 3 of chapter 411"

Page 1, line 4, remove "of the 1993 Session Laws, relating to"

Page 1, line 5, after "system" insert "; to provide an appropriation; and to declare an emergency"

Page 1, line 16, remove the overstrike over "~~deposited into~~", after "general" insert "a special", remove the overstrike over "~~fund~~", and replace "allocated" with "in the state treasury for allocation"

Page 1, line 17, replace "of centralized automation through training, software" with "and maintenance of the central filing system by the secretary of state"

Page 1, line 18, remove "development, and equipment purchases"

Page 1, line 19, replace "REPEAL" with "AMENDMENT"

Page 1, line 20, replace "repealed" with "amended and reenacted as follows:

SECTION 3. EXPIRATION DATE. Section 1 of this Act is effective through ~~June 30, 1995~~ December 31, 1996, and after that date is ineffective.

SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the special fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much as may be necessary, to the secretary of state for the purpose of carrying out section 1 of this Act, for the biennium beginning July 1, 1995, and ending December 31, 1996.

SECTION 4. EMERGENCY. Section 2 of this Act is declared to be an emergency measure"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2392, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (8 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2392 was placed on the Sixth order on the calendar.

Page 2, after line 13, insert:

"10. "Processor" means a person who purchases aquatic animals or products, from the owner of an aquaculture facility, for processing or distribution."

Page 3, line 1, remove "and distributor of aquatic animals or products"

Page 3, line 5, remove "or distributor"

Page 3, line 12, replace "aquaculture facility" with "processor"

Page 3, line 13, after "business" insert "or conducts business in this state"

Page 3, line 14, replace "owner of the aquaculture facility" with "processor"

Page 3, line 18, replace "aquaculture facility" with "processor"

Page 3, line 24, replace "aquaculture" with "processor"

Page 3, line 25, remove "facility"

Page 3, line 27, replace "aquaculture facility" with "processor"

Page 3, line 28, replace "aquaculture facility" with "processor"

Page 4, line 1, replace the second "the" with "each" and replace "aquaculture" with "processor"

Page 4, line 2, remove "facility"

Page 4, line 4, replace "aquaculture facility" with "processor"

Page 4, line 8, replace "aquaculture facility's" with "processor's"

Page 4, line 13, replace "aquaculture facility" with "processor"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2443, as engrossed: Judiciary Committee (Rep. Kretschmar, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO NOT**

PASS (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2443 was placed on the Sixth order on the calendar.

Page 1, line 4, replace the first comma with "and" and remove ", and section 28-33-08"

Page 1, line 5, replace the second comma with "and" and remove ", and"

Page 1, line 6, remove "coordination of interpreter requests" and replace "and" with a comma

Page 1, line 7, after "28-33-06" insert ", and 28-33-08" and replace "and" with a comma

Page 1, line 8, after "communications" insert ", and coordination of interpreter requests" and after the semicolon insert "to require a legislative council study;"

Page 1, line 16, overstrike the second "or" and insert immediately thereafter an underscored comma and replace "public school" with "entity"

Page 1, line 17, remove "districts, or entities"

Page 3, line 14, remove "or other person"

Page 3, line 15, remove "selected by the deaf person to assist in communication"

Page 3, line 17, remove "or other"

Page 3, line 18, remove "person selected by the deaf person"

Page 3, line 19, remove "or other person"

Page 3, remove lines 20 and 21

Page 3, line 22, remove "person" and after the period insert "A deaf person or the parent or guardian of a deaf minor may waive the requirements of this section by written waiver. This subsection does not require a law enforcement agency to provide a qualified interpreter in situations where obtaining the services of a qualified interpreter would be an undue hardship."

Page 3, remove lines 23 through 29

Page 4, remove lines 1 through 16

Page 5, after line 22, insert:

"6. Signing assistance in situations where obtaining the services of a qualified interpreter would be an undue hardship.

7. The practice of interpreting by a person other than a qualified interpreter for a wedding, funeral, or church service."

Page 5, line 23, replace "and" with a comma and after "28-33-06" insert ", and 28-33-08"

Page 5, after line 24, insert:

"SECTION 8. LEGISLATIVE COUNCIL TO STUDY QUALITY OF INTERPRETIVE SERVICES. During the 1995-96 interim, the legislative council shall study the quality of interpretive services being provided by public school systems, least restrictive environment, and any discrimination

issues regarding the deaf community. The study should include opportunity for comment by the superintendent of public instruction, public school administrators, the deaf community, special education, and interpreters."

Page 5, line 25, replace "August 1," with "the date the North Dakota association for the deaf certifies to the secretary of state that interpreter certification is available in this state, but only if that date is before August 1, 2001. The secretary of state shall notify the legislative council upon receiving notification under this section."

Page 5, remove line 26

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2466: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2466 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subdivision a of"

Page 1, line 6, replace "Subdivision a of subsection" with "Subsection"

Page 1, line 15, after "employer" insert "in construction services"

Page 1, line 16, after "employer" insert "in construction services"

Page 1, line 19, after the underscored period insert "If an employer in nonconstruction services has not been subject to the law as required, that employer qualifies for a reduced rate if the account has been chargeable with benefits throughout the twelve-consecutive-calendar-month period ending September thirtieth of the preceding calendar year."

b. An employer that does not qualify under subdivision a is subject to a rate determined as follows:

- (1) For each calendar year new employers must be assigned a rate of two and ~~eight~~ two tenths percent unless the employer is classified in construction services. However, an employer must be assigned the maximum rate for any year if, as of the computation date, the cumulative benefits charged to the employer's account equal or exceed the cumulative contributions paid on or before October thirty-first with respect to wages paid by that employer before October first of that year.
- (2) New employers in construction services must be assigned the maximum rate. However, an employer who becomes subject to the North Dakota Unemployment Compensation Law after December 31, 1989, who is classified in construction services pursuant to subdivision C of the standard industrial classification manual must be assigned a rate of ~~nine~~ seven percent or the maximum rate, whichever is greater.
- (3) Assignment by the bureau of an employer's industrial classification for the purposes of this paragraph must be the two digit major group provided in the standard industrial classification manual, in accordance with established classification practices found in the standard industrial classification

manual issued by the executive office of the president, office of management and budget."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2005: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (22 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2005 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2038, as reengrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (17 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2038 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2045, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (17 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2045 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2187: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (17 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2187 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2236, as engrossed: Government and Veterans Affairs Committee (Rep. Wardner, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2236 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2378: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2378 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2422, as engrossed: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2422 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2423: Industry, Business and Labor Committee (Rep. Berg, Chairman) recommends **DO NOT PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2423 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2478: Human Services Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2478 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2538, as engrossed: Human Services Committee (Rep. Svedjan, Chairman) recommends **DO PASS** (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2538 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4034: Agriculture Committee (Rep. Nicholas, Chairman) recommends **DO PASS** (6 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). SCR 4034 was placed on the Fourteenth order on the calendar.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2439: Reps. Svedjan; K. Henegar; Kerzman

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1089 and HB 1151 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1089: Reps. Kelsch; DeKrey; DeImore

HB 1151: Reps. Monson; Mickelson; Grumbo

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2349: Reps. Berg; Johnson; Boucher

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2101, SB 2349, SB 2463, and SCR 4049 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2101: Sens. Traynor; W. Stenehjem; C. Nelson

SB 2349: Sens. Traynor; W. Stenehjem; LaFountain

SB 2463: Sens. Traynor; Freborg; Heitkamp

SCR 4049: Sens. Thane; B. Stenehjem; Mathern

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

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

HB 1027: Sens. W. Stenehjem; Traynor; C. Nelson

HB 1032: Sens. Watne; Traynor; LaFountain

HB 1082: Sens. Traynor; Watne; LaFountain

HB 1165: Sens. W. Stenehjem; Traynor; LaFountain

HB 1223: Sens. W. Stenehjem; Traynor; C. Nelson

HB 1436: Sens. Watne; W. Stenehjem; C. Nelson

HCR 3017: Sens. Traynor; Watne; LaFountain

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3047.

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

MR. SPEAKER: The President has signed: HB 1054, HB 1086, HB 1099, HB 1141, HB 1173, HB 1175, HB 1184, HB 1187, HB 1189, HB 1196, HB 1216, HB 1247, HB 1263.

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

MR. SPEAKER: The President has signed: HB 1030, HB 1074, HB 1075, HB 1160, HB 1180, HB 1218, HB 1264, HB 1269, HB 1271, HB 1279, HB 1287, HB 1315, HB 1328, HB 1330, HB 1331, HB 1332, HB 1334.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2004, SB 2017.

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

ROY GILBREATH, Chief Clerk