

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

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Bismarck, April 1, 1997

The Senate convened at 9:00 a.m., with President Pro Tem Holmberg presiding.

The prayer was offered by Senator Watne.

The roll was called and all members were present except Senators Nething and Redlin.

A quorum was declared by the President Pro Tem.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 8:00 a.m., March 26, 1997: SCR 4040, SCR 4046, SCR 4047, SCR 4051.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2029, SB 2083, SB 2101, SB 2113, SB 2115, SB 2147, SB 2208, SB 2221, SB 2235, SB 2238, SB 2239, SB 2272, SB 2279, SB 2281, SB 2323, SB 2333, SB 2339, SB 2343, SB 2361, SB 2368, SB 2384, SCR 4007, SCR 4016.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2210, SB 2331.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2290, SB 2359.

**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 1051, HB 1262, HCR 3012, HCR 3015, HCR 3025, HCR 3049.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 7:50 a.m., April 1, 1997: SCR 4007, SCR 4016.

**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 1002, HB 1011, HB 1016, HB 1027, HB 1036, HB 1046, HB 1074, HB 1075.

**CONSIDERATION OF AMENDMENTS**

**HB 1012, as engrossed: SEN. ST. AUBYN (Appropriations Committee) MOVED** that the amendments on SJ pages 1073-1086 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1012:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services; to provide for the transfer of appropriations between agencies and institutions; to create and enact section 50-06-14.4 of the North Dakota Century Code, relating to projects involving services for the alzheimer's and related dementia population; to provide an exemption from section 54-44.1-11 and to authorize the sale of certain buildings on the grounds of the state hospital to the department of corrections and rehabilitation; to amend and reenact sections 25-04-20, 50-06-14.3, and 50-24.1-02.2 of the North Dakota Century Code, to amend and reenact the new section to chapter 23-09.3 of the North Dakota Century Code as created by section 2 of chapter 254 of the 1995 Session Laws and the new section to chapter 23-16 of the North Dakota Century Code as created by section 3 of chapter 254 of the 1995 Session Laws, and to amend and reenact section 4 of chapter 561 of the 1991 Session Laws as amended by section 18 of chapter 2 of the 1993 Session Laws and by section 9 of chapter 34 of the 1995 Session Laws, relating to the westwood park assets management committee, human service center directors, state basic care program, a moratorium on long-term care bed capacity, and community resource allowance; to provide for a legislative council study and reports to the budget section; to provide an effective date; to provide an expiration date; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**NAYS:** LaFountain; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1012, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. COOK MOVED** that the conference committee report on Engrossed SB 2032 as printed on SJ pages 1055-1056, which motion prevailed on a voice vote.

Engrossed SB 2032, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2032:** A BILL for an Act to create and enact a new section to chapter 15-35 of the North Dakota Century Code, relating to the inspection of schools by the state fire marshal or the state fire marshal's designee; and to amend and reenact sections 15-35-01.1 and 18-01-02 of the North Dakota Century Code, relating to required approval for school district construction projects and the duties of the state fire marshal.

**ROLL CALL**

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed SB 2032, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. SOLBERG MOVED** that the conference committee report on Engrossed SB 2009 as printed on SJ page 1092 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2009, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2009:** A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association; and to provide a statement of legislative intent.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Mutzenberger; Nething; Redlin

Engrossed SB 2009, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. SOLBERG MOVED** that the conference committee report on Engrossed SB 2013 as printed on SJ pages 1092-1096 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2013, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2013:** A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to provide for a coal development impact loan to Oliver County; and to amend and reenact section 15-03-04 of the North Dakota Century Code, relating to investments by the board of university and school lands.

**ROLL CALL**

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed SB 2013, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. ST. AUBYN MOVED** that the conference committee report on Engrossed SB 2088 as printed on SJ page 1096 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2088, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2088:** A BILL for an Act to amend and reenact subsection 1 of section 54-44-11, sections 54-44.4-02, and 54-44.4-03 of the North Dakota Century Code, relating to providing a continuing appropriation from the state purchasing operating fund, delegation of purchasing authority by the director of the office of management and budget, and cooperation with political subdivisions for purchasing; and to provide a continuing appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nelson, G.; Nething; Redlin

Engrossed SB 2088, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. SAND MOVED** that the conference committee report on Engrossed SB 2116 as printed on SJ page 1096 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2116, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2116:** A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to payment of workers compensation benefits to and scholarships for spouses and dependent children of employees who have died as the result of work-related injuries; to amend and reenact sections 65-05-16, 65-05-17, 65-05-26, and 65-05.2-02 of the North Dakota Century Code, relating to benefits for dependents of employees who have died as a result of work-related injuries; to repeal section 65-05-23 of the North Dakota Century Code, relating to apportionment of benefits in certain death cases; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nothing; Redlin

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

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. WANZEK MOVED** that the conference committee report on SB 2145 as printed on SJ page 1096 be adopted, which motion prevailed, on a voice vote.

SB 2145, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2145:** A BILL for an Act to create and enact two new sections to chapter 2-05 of the North Dakota Century Code, relating to cease and desist authority for the aeronautics commission and assessment of civil money penalties by the aeronautics commission; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Mutch; O'Connell

**ABSENT AND NOT VOTING:** Nothing; Redlin

SB 2145, as amended, passed and the title was agreed to.

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#### MOTION

**SEN. GOETZ MOVED** that Engrossed SB 2173 be moved to the bottom of the Seventh order, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. KREBSBACH MOVED** that the conference committee report on HB 1098 as printed on SJ page 1096 be adopted, which motion prevailed on a voice vote.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. FREBORG MOVED** that the conference committee report on Engrossed HB 1182 as printed on SJ pages 1096-1097 be adopted, which motion prevailed on a voice vote.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1047, HB 1100, HB 1111, HB 1215, HB 1373, HB 1393.

**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 2353:** Reps. Rennerfeldt; Mickelson; Kroeplin

**SB 2372:** Reps. Keiser; Jensen; Mahoney

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

**MR. SPEAKER:** The President has signed: HB 1051, HB 1262, HCR 3012, HCR 3015, HCR 3025, HCR 3049.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2218, SB 2270, SB 2315, SB 2366, SCR 4059, SCR 4060, SCR 4061.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2218, SB 2270, SB 2315, SB 2366, SCR 4059, SCR 4060, SCR 4061.

**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 1153, HB 1199, HB 1257, HB 1385, HB 1396, HB 1403, HB 1467, HB 1468, HCR 3019, HCR 3026, HCR 3034, HCR 3045.

**MOTION**

**SEN. GOETZ MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Myrdal presiding.

**CORRECTION AND REVISION OF THE JOURNAL**

**MADAM PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Sand, Chairman)** has carefully examined the Journal of the Fifty-eighth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1096, line 35, replace "3" with "4"

**SEN. SAND MOVED** that the report be adopted, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1022, as engrossed: SEN. NALEWAJA (Appropriations Committee) MOVED** that the amendments on SJ pages 1086-1087 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1022:** A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society and the international peace garden.

**ROLL CALL**

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogslund; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1022, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1023, as engrossed: SEN. NALEWAJA (Appropriations Committee) MOVED** that the amendments on SJ pages 1088-1090 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1023:** A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department.

**ROLL CALL**

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1023, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1024, as engrossed: SEN. TALLACKSON (Appropriations Committee) MOVED** that the amendments on SJ pages 1090-1091 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1024:** A BILL for an Act to provide an appropriation for defraying the expenses of the tourism department; and to provide for a legislative council study.

**ROLL CALL**

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

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

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1004, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1004: Sens. Nalewaja, Lips, Robinson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1006, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1006: Sens. Nalewaja, Lips, Krauter.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1008, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1008: Sens. Naaden, Bowman, Robinson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1017, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1017: Sens. Bowman, Holmberg, Krauter.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1019, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1019: Sens. Goetz, St. Aubyn, Robinson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1021, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1021: Sens. Nalewaja, Goetz, Krauter.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1025, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1025: Sens. Goetz, Solberg, Robinson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NAADEN MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2015 as printed on SJ pages 861-862 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed, on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Reengrossed SB 2015: Sens. Goetz, Holmberg, Robinson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NAADEN MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2214 as printed on SJ page 1028 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed, on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2214: Sens. Goetz, Naaden, Krauter.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. FREBORG MOVED** that the conference committee report on Engrossed SB 2173 as printed on SJ page 1096 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2173, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2173:** A BILL for an Act to amend and reenact sections 15-40.1-09, 15-47-04, and 15-47-33 of the North Dakota Century Code, relating to the length of the school term; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** DeMers

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed SB 2173, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2015 and SB 2214 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2015:** Sens. Goetz; Holmberg; Robinson

**SB 2214:** Sens. Goetz; Naaden; Krauter

**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 1004:** Sens. Nalewaja; Lips; Robinson

**HB 1006:** Sens. Nalewaja; Lips; Krauter

**HB 1008:** Sens. Naaden; Bowman; Robinson

**HB 1017:** Sens. Bowman; Holmberg; Krauter

**HB 1019:** Sens. Goetz; St. Aubyn; Robinson

**HB 1021:** Sens. Nalewaja; Goetz; Krauter

**HB 1025:** Sens. Goetz; Solberg; Robinson

**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 2002:** Reps. Byerly; Gerntholz; Huether

**SB 2004:** Reps. Delzer; Bernstein; Nichols

**SB 2012:** Reps. Soukup; Martinson; Huether

**SB 2014:** Reps. Svedjan; Delzer; Nichols

**SB 2016:** Reps. Carlisle; Delzer; Nichols

**SB 2017:** Reps. Martinson; R. Kelsch; Huether

**SB 2019:** Reps. Dalrymple; Byerly; Nichols

**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 2064:** Reps. Dalrymple; Lloyd; Aarsvold

**SB 2396:** Reps. Wardner; Stenehjem; Schmidt

**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 1115, HB 1189, HB 1191, HB 1210, HB 1216, HB 1259, HB 1267, HB 1324, HB 1339, HB 1344, HB 1346, HB 1351, HB 1362, HB 1364, HB 1368, HB 1399, HB 1418, HB 1445.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on SB 2042.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2037.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on HB 1163.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1103, HB 1240, HB 1243, HB 1274.

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

**MADAM PRESIDENT:** The House has overridden the Governor's veto on HB 1137. The vote was 76 YEAS, 16 NAYS, 5 ABSENT AND NOT VOTING.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 3:45 p.m., April 1, 1997: SB 2083, SB 2101, SB 2113, SB 2115, SB 2147, SB 2208, SB 2210, SB 2218, SB 2221, SB 2235, SB 2238, SB 2239, SB 2270, SB 2272, SB 2279, SB 2281, SB 2290, SB 2315, SB 2323, SB 2331, SB 2333, SB 2339, SB 2343, SB 2359, SB 2361, SB 2366, SB 2368, SB 2384.

**MOTION**

**SEN. GOETZ MOVED** that the Senate stand in recess until 4:30 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Myrdal presiding.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. THANE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2234 as printed on SJ page 827, which motion prevailed on a voice vote.

Engrossed SB 2234, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2234:** A BILL for an Act to amend and reenact subsection 1 of section 43-15-01 of the North Dakota Century Code, relating to the definition of administration as it relates to drugs.

**ROLL CALL**

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed SB 2234, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NAADEN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2003 as printed on SJ pages 932-942, which motion prevailed on a voice vote.

Engrossed SB 2003, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to provide a contingent appropriation; to authorize the industrial commission to issue and sell bonds for capital projects; to provide an appropriation; to amend and reenact sections 54-02-11 and 54-17.2-23 of the North Dakota Century Code, relating to the state art gallery and limitation on state building authority lease payments; and to declare an emergency.

**REQUEST**

**SEN. WOGSLAND REQUESTED** that the Senate divide Reengrossed SB 2003, which request was granted.

**DIVISION A**

That part of Section 6 that authorizes the following project:

Department of corrections and rehabilitation	Youth correctional center - gymnasium renovation	\$1,400,000
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**DIVISION B**

That part of Sections 6 and 7 that authorizes the following project:

North Dakota state college of science	Bute gym remodeling	\$1,700,000
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**DIVISION C**

That part of Section 6 that authorizes the following project:

Minot state university	Moore hall renovation	\$4,000,000
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**DIVISION D**

That part of Sections 6 and 7 that authorizes the following project:

North Dakota state university	Animal research facility	\$5,000,000
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**DIVISION E**

That part of Section 6 that authorizes the following project:

University of North Dakota	Renovation and addition to the Ed James wing of the medical school building	\$3,000,000
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**DIVISION F**

The remainder of the bill

Renumber accordingly and correct the title

**REQUEST**

**SEN. WOGSLAND REQUESTED** a recorded roll call vote on Divisions A through F of Reengrossed SB 2003, which request was granted.

**ROLL CALL**

The question being on the adoption of Division A of Reengrossed SB 2003, the roll was called and there were 40 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; Bowman; Christmann; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

**NAYS:** Andrist; Freborg; Kelsh; LaFountain; Mutch; Sand; Wogsland

**ABSENT AND NOT VOTING:** Nothing; Redlin

Division A of Reengrossed SB 2003 was approved.

**ROLL CALL**

The question being on the adoption of Division B of Reengrossed SB 2003, the roll was called and there were 38 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Yockim

**NAYS:** Andrist; Bowman; Christmann; Freborg; Mutch; Sand; Solberg; Tomac; Wogsland

**ABSENT AND NOT VOTING:** Nothing; Redlin

Division B of Reengrossed SB 2003 was approved.

**ROLL CALL**

The question being on the adoption of Division C of Reengrossed SB 2003, the roll was called and there were 36 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Andrist; Bowman; Christmann; Freborg; Kelsh; Kinnoin; Mutch; Sand; Tomac; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Division C of Reengrossed SB 2003 was approved.

**ROLL CALL**

The question being on the adoption of Division D of Reengrossed SB 2003, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; Bowman; Christmann; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Andrist; Freborg; Kinnoin; Mutch; Nelson, G.; O'Connell; Sand; Tomac; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Division D of Reengrossed SB 2003 was approved.

**ROLL CALL**

The question being on the adoption of Division E of Reengrossed SB 2003, the roll was called and there were 35 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; O'Connell; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Wanzek; Watne; Yockim

**NAYS:** Andrist; Bowman; Christmann; Freborg; Kinnoin; Krauter; Mutch; Nelson, G.; Sand; Tomac; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Nething; Redlin

Division E of Reengrossed SB 2003 was approved.

**ROLL CALL**

The question being on the adoption of Division F of Reengrossed SB 2003, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Berg; Krauter; Mutch; Nelson, C.

**ABSENT AND NOT VOTING:** Nething; Redlin

Division F of Reengrossed SB 2003 was approved.

**MOTION**

**SEN. G. NELSON MOVED** that the Senate reconsider the action whereby the Senate concurred in the House amendments to Engrossed SB 2003, which motion prevailed on a voice vote.

**MOTION**

**SEN. G. NELSON MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2003, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2003: Sens. Goetz, Holmberg, Robinson.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NAADEN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2005 as printed on SJ pages 1015-1016, which motion prevailed on a voice vote.

Engrossed SB 2005, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2005:** A BILL for an Act to provide an appropriation for defraying the expenses of the Indian affairs commission.

**ROLL CALL**

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed SB 2005, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NAADEN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2007 as printed on SJ page 1017, which motion prevailed on a voice vote.

Engrossed SB 2007, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and department of veterans' affairs; and to provide legislative intent regarding veterans' home management, budgeting, and accounting practices and related budget section reports.

**ROLL CALL**

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed SB 2007, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. NAADEN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2011 as printed on SJ pages 998-1002, which motion prevailed on a voice vote.

Engrossed SB 2011, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2011:** A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; to provide for mobile data terminals; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Bowman; Christmann; Schobinger; Stenehjem, B.; Tomac

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed SB 2011, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. NAADEN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2020 as printed on SJ pages 1026-1027, which motion prevailed on a voice vote.

Engrossed SB 2020, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2020:** A BILL for an Act to provide an appropriation for defraying the expenses of the state board for vocational and technical education; to create and enact a new subsection to section 15-20.1-03 of the North Dakota Century Code, relating to the powers and duties of the state board for vocational and technical education; to amend and reenact section 6-09.10-02.1, subsection 1 of section 6-09.10-06, sections 15-20.1-01, and 15-20.1-02 of the North Dakota Century Code, relating to the duties of the credit review board and the state board for vocational and technical education; and to provide statements of legislative intent.

#### ROLL CALL

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed SB 2020, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. THANE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2149 as printed on SJ page 826, which motion prevailed on a voice vote.

Engrossed SB 2149, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2149:** A BILL for an Act to amend and reenact sections 25-01-03 and 25-02-04 of the North Dakota Century Code, relating to the qualifications and appointment of the superintendent of the state hospital.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Mutzenberger; Nothing; Redlin

Engrossed SB 2149, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NAADEN MOVED** that the Senate do concur in the House amendments to Engrossed SB 2318 as printed on SJ pages 979-980, which motion prevailed on a voice vote.

Engrossed SB 2318, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2318:** A BILL for an Act to create and enact two new subsections to section 53-06.1-01 and a new section to chapter 53-06.1 of the North Dakota Century Code, relating to the development and implementation of a compulsive gambling awareness, rehabilitation, and treatment program by the department of human services; and to provide an appropriation.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Watne; Wogsland; Yockim

**NAYS:** Mutch; Solberg; Stenehjem, B.; Wanzek

**ABSENT AND NOT VOTING:** Nothing; Redlin

Engrossed SB 2318, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do concur in the House amendments to Engrossed SB 2362 as printed on SJ pages 942-943, which motion prevailed on a voice vote.

Engrossed SB 2362, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2362:** A BILL for an Act to create and enact two new sections to chapter 61-28.1 of the North Dakota Century Code, relating to a drinking water treatment revolving loan fund; to amend and reenact section 61-28.1-03 and subsections 2 and 3 of section 61-28.1-10 of the North Dakota Century Code, relating to the powers and duties of the state department of health; and to provide a penalty.

**ROLL CALL**

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nothing; Redlin

Engrossed SB 2362, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2399:** A BILL for an Act to provide approval of amendments and renewals of tribal-state gaming compacts and for an open records exception for tribal gaming financial information submitted to a state agency.

**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 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** LaFountain; Schobinger

**ABSENT AND NOT VOTING:** Nothing; Redlin

SB 2399 passed and the title was agreed to.

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**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 2214:** Reps. Gerntholz; Byerly; Huether

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1482 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1482:** Reps. Grosz; Brown; Hanson

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

**MADAM PRESIDENT:** The House has amended and failed to pass: SB 2298.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2112.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1012.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1022, HB 1023, HB 1024.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2003 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2003:** Sens. Goetz; Holmberg; Robinson

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2005, SB 2007, SB 2011, SB 2020, SB 2149, SB 2234, SB 2318, SB 2362.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2399.

**MOTION**

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

**MOTION**

**SEN. GOETZ MOVED** that the Senate be on the Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Wednesday, April 2, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1018: Appropriations Committee (Sen. Naaden, Chairman)** recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1018 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1034, as reengrossed: Appropriations Committee (Sen. Naaden, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Reengrossed HB 1034 was placed on the Sixth order on the calendar.

In lieu of the amendments to Reengrossed House Bill No. 1034 as printed on pages 919 through 927 of the Senate Journal, Reengrossed House Bill No. 1034 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact four new sections to chapter 54-44.2 of the North Dakota Century Code, relating to information technology planning, standards, setting, and reviews by the information services division; to amend and reenact sections 15-65-01, 15-65-02, 15-65-03, 15-65-06, 54-35-15, 54-44.2-00.1, 54-44.2-01, 54-44.2-02, 54-44.2-04, 54-44.2-06, 54-44.2-07, and 54-44.2-08 of the North Dakota Century Code, relating to the educational telecommunications council, information technology responsibilities of the legislative council, and duties and responsibilities of the information services division; to repeal sections 15-65-04, 54-44.2-02.1, 54-44.2-02.2, 54-44.2-02.3, 54-44.2-02.4, and 54-44.2-02.5 of the North Dakota Century Code, relating to the educational telecommunications council and duties and responsibilities of the information services division; to provide statements of legislative intent; and to provide an appropriation.

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

**SECTION 1. AMENDMENT.** Section 15-65-01 of the North Dakota Century Code is amended and reenacted as follows:

**15-65-01. North Dakota educational telecommunications council - Creation - Purpose.** The North Dakota educational telecommunications council shall encourage and ~~direct promote~~ ~~the creation of educational telecommunication programs~~ ~~and use of technology for educational purposes~~ ~~and the development of technology systems~~ to improve educational opportunity within the state.

**SECTION 2. AMENDMENT.** Section 15-65-02 of the North Dakota Century Code is amended and reenacted as follows:

**15-65-02. Membership - Appointment - Term - No compensation - Expenses - Organization.** The North Dakota educational telecommunications council consists of:

1. The commissioner of higher education or the commissioner's designee.
2. The superintendent of public instruction or the superintendent's designee.
3. ~~One citizen member appointed by the governor giving preference to users of a telecommunications system.~~
4. The director of the information services division of the office of management and budget.
5. ~~A representative of prairie public broadcasting, appointed by the governor.~~
6. ~~4.~~ A representative of the telephone industry, appointed by the governor.
7. ~~A representative of the North Dakota association of telephone cooperatives, appointed by the governor.~~
8. ~~A representative of the North Dakota cable television association, appointed by the governor.~~
9. ~~5.~~ A school board member, appointed by the governor.
10. ~~6.~~ A school administrator, appointed by the governor.
11. ~~7.~~ A schoolteacher, appointed by the governor.

The term of office of the appointed members is three years, ~~except that of the original appointees, three shall serve one year, three shall serve two years, and two shall serve three years, which appointees to be determined by lot.~~ At all times either the school board member or the school administrator must be from a school with an enrollment of ~~less~~ fewer than five hundred students.

The ~~two citizen members, the school board member, the school administrator, and the schoolteacher~~ appointed by the governor must be reimbursed for actual necessary expenses incurred in the performance of their duties as members of the council at the same rates as provided by law for other state officers and employees. The costs incurred in reimbursing the ~~two citizen~~ members of the council for their actual necessary expenses must be paid by the superintendent of public instruction. The other members of the council are not entitled to any compensation or reimbursement for expenses incurred in performing their duties. ~~The superintendent of public instruction shall call the initial meeting of the council at which time the council shall elect its chairman and other officers and take such other action as it deems appropriate.~~

**SECTION 3. AMENDMENT.** Section 15-65-03 of the North Dakota Century Code is amended and reenacted as follows:

**15-65-03. Powers and duties.** The council shall:

1. ~~Direct the implementation of telecommunication systems that are compatible and that can be connected with each other.~~ Promote the use of technology and the development of technology systems to enhance educational opportunities within the state.
2. ~~Develop a comprehensive written plan for the development of telecommunications in this state.~~ Cooperate with state agencies and other organizations to develop statewide educational technology systems.
3. ~~Be concerned with the development and use of statewide educational telecommunication programs and systems.~~

4. ~~Hold coordinating authority for the development of such statewide educational telecommunication programs and systems as may be required to serve the entire state.~~
5. ~~Assist any organization, state agencies, or both in the preparation, filing, and prosecution before federal agencies such applications, reports, or other documents or requests of any kind that may be necessary or appropriate to achieve the purposes of this chapter.~~
6. ~~Receive gifts and contributions from public and private sources to be expended to provide educational telecommunication programs and systems.~~
7. ~~Be concerned with the activation of educational broadcasting channels presently assigned to North Dakota, or the reallocation or addition of the channels, or both, as are determined to be in the best interests of the people of the state.~~
8. ~~Actively cooperate with the state department of public instruction and the state board of higher education and other agencies and private organizations for the purpose of developing statewide educational telecommunication projects.~~
9. Adopt bylaws for the conduct of its affairs.
40. 4. Publish the informational material it deems necessary.
44. 5. ~~Carry on~~ Conduct a continuing study relating to assess the needs, resources, and facilities which are available or may be required to establish educational telecommunication programs and technology systems throughout the entire state.
42. 6. ~~Contract with eligible applicants to build and operate public television stations in this state. Eligible applicants are those licensed by the federal communications commission to operate noncommercial public television stations. Operational contracts may not exceed the amount raised within the preceding fiscal year by the applicant from nontax sources in this state.~~ Receive gifts and grants from private and public sources to be expended for educational technology projects.

**SECTION 4. AMENDMENT.** Section 15-65-06 of the North Dakota Century Code is amended and reenacted as follows:

**15-65-06. Plan for statewide system of ~~interactive telecommunications~~ educational technology - Solicitation of grants.** In developing and implementing a plan for a statewide system of ~~interactive telecommunications~~ educational technology, the educational telecommunications council shall solicit grants to be used in conjunction with moneys appropriated by the legislative assembly for ~~telecommunications~~ educational technology. Any moneys appropriated by the legislative assembly for ~~telecommunications~~ educational technology, unless specifically provided otherwise, and any grants received in accordance with this section must be used to implement the ~~plan~~ systems developed by the educational telecommunications council pursuant to this chapter.

**SECTION 5. AMENDMENT.** Section 54-35-15 of the North Dakota Century Code is amended and reenacted as follows:

**54-35-15. ~~Science and Information~~ technology program - Staff - Powers and duties.**

1. The legislative council, or its designee, shall provide ~~scientific and technological~~ information technology research and staff services to the legislative branch. The services must be provided in accordance with the existing statutory authority of the legislative council and within the framework of its other staff services.
2. The legislative council staff office shall provide ~~the scientific and technological~~ information technology services, and the council, or its designee, may hire such additional staff as are necessary, and set

compensation for any additional staff within the limits of legislative appropriations.

3. The council, or its designee, shall structure the provision of ~~scientific and technological~~ information technology services and assistance to the legislative assembly; and shall receive such cooperation and assistance from other state agencies as it may reasonably request.
4. The council, or its designee, shall study emerging technology and evaluate its impact on the state's system of information technology, and report and make recommendations to the legislative council and the legislative assembly regarding information technology in state government.
5. The council, or its designee, shall develop guidelines for reports to be provided by each executive branch agency, institution, or department, the institutions under the control of the board of higher education, and agencies of the judicial and legislative branches on information technology in those entities.
6. The council, or its designee, shall review the information technology management of executive branch agencies, institutions, or departments, institutions under the control of the board of higher education, and agencies of the judicial and legislative branches as determined necessary by the council or its designee.
7. The council, or its designee, shall perform information systems reviews and audits of information technology systems or applications of executive branch state agencies, institutions, and departments, institutions under the control of the state board of higher education, and agencies of the judicial and legislative branches, as determined necessary by the council, or its designee. The reviews and audits may include evaluating compliance with system or application requirements, data integrity, security, controls, audit trails, backup and recovery methods, and the effectiveness and appropriateness of the system in achieving its intended purpose, as applicable.
8. The council, or its designee, shall monitor the implementation of information technology systems development projects and application development projects for conformance with the agency's strategic plan and compliance with statewide policies and standards as determined necessary by the council, or its designee, and report any nonconformance or noncompliance discovered to the council or its designated committee.
9. As used in this section, "information technology" means computing and data communications systems and their supporting infrastructure used in the acquisition, processing, management, analysis, storage, and delivery of information.

**SECTION 6. AMENDMENT.** Section 54-44.2-00.1 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.2-00.1. Definitions.** As used in this chapter:

1. ~~"Data processing" or "electronic data processing" means the systematic sequencing of operations performed by data processing equipment or programs, or both, upon data stored or entered in alphabetic, numeric, or alphanumeric format. "Information technology" means computing and data communications systems and their supporting infrastructure used in the acquisition, processing, management, analysis, storage, and delivery of information.~~
2. ~~"Data processing equipment" means an electronic device or associated devices, except calculators and stand alone noncommunicating word processors, which perform logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses and includes all compiling and related input, output, and storage, equipment, programs and procedures, and data processing communications facilities. "Information technology services" means the equipment, software, and services necessary for the acquisition, processing, management, analysis, storage, and delivery of information.~~

3. ~~"Telecommunications" means the electronic exchange of voice, data, image, and video information. "Telephone services" means the equipment, software, and services necessary to transmit voice, data, or video through the public telephone network.~~
4. ~~"Transmission facilities" means terrestrial lines, and microwave, lightwave, and satellite facilities.~~
5. ~~"Word processing" means the textual formatting, correcting, editing, and rearranging of language elements, designed to convey full messages in English syntax, through manipulation of electronic or magnetic impulses. "Word processors" are devices on which word processing can be carried out.~~

**SECTION 7. AMENDMENT.** Section 54-44.2-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-44.2-01. Information services division - Creation.** The information services division is established in the office of management and budget. The director of the office of management and budget shall appoint a director of the information services division. The director of the information services division shall supervise and regulate ~~electronic data processing activities~~ the information technology of all executive branch state agencies, institutions, departments, and boards, ~~except the job service North Dakota and the office of the adjutant general~~ excluding the institutions under the control of the board of higher education. ~~The division shall establish an electronic data processing center which must, unless excepted by the director, be used by all executive branch state agencies, departments, and institutions except the institutions under the control of the board of higher education, the job service North Dakota, and the office of the adjutant general. The division shall provide data processing services to the legislative and judicial branches of government. If the division is unable to fulfill a request for service from the legislative or judicial branch of government, the service may be procured by the legislative or judicial branch within the limits of legislative appropriations.~~

The director of the information services division must be appointed upon the basis of education, experience, and other qualifications in ~~data processing information technology~~ and administration. ~~The position of director is not a classified position and the director, without reference to partisan politics, and~~ must serve at the pleasure of the director of the office of management and budget. The director of the information services division shall employ such other professional, technical, and clerical personnel as the director determines to be necessary to carry out the duties prescribed in this chapter and shall, within the limits of the legislative appropriation, ~~shall~~ fix the salaries of all employees within the division. All personnel within the division must be allowed their actual and necessary travel expenses at the same rate as for other employees of the state.

**SECTION 8. AMENDMENT.** Section 54-44.2-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-44.2-02. Information services division - Powers and duties.** The information services division shall:

1. ~~Provide systems design, programming, and other data processing information technology services.~~
2. ~~Design, plan, justify, and implement all data processing systems within and between state agencies that utilize the services of the division. Provide telephone services.~~
3. Have the authority to purchase or lease ~~such additional~~ equipment or replace, including by trade or resale, present equipment as may be necessary to carry out this chapter. Each executive branch department, agency, or institution, ~~except the institutions under the control of the board of higher education, the job service North Dakota, and the office of adjutant general,~~ shall submit to the ~~director of the information services division for approval or disapproval~~ and the legislative council, or its designee, in accordance with ~~guidelines established by the division,~~ a written request for data processing services that require new data processing applications. ~~A request must also be submitted for modifications to existing data~~

~~processing applications which are expected to increase the cost of operating such data processing applications by more than fifteen percent. The director may approve or disapprove the lease, purchase, or other contractual acquisition of additional or new electronic data processing information technology services or equipment by executive branch agencies, except the institutions under the control of the board of higher education, the job service North Dakota, and the office of adjutant general. The director may authorize a user agency to house and operate electronic data processing equipment. The information services division shall review requests for conformance with the requesting organization's strategic plan and compliance with statewide policies and standards. If the request is not in conformance or compliance, the information services division may disapprove the request or require justification for the departure from the strategic plan or statewide policy or standard. The division shall inform the legislative council, or its designee, of any requests disapproved or additional justification received relating to a request.~~

- ~~4. Provide data processing information technology services, including assistance and advisory service to the legislative, executive, and judicial branches. If the division is unable to fulfill a request for service from the legislative or judicial branch, the service may be procured by the legislative or judicial branch within the limits of legislative appropriations.~~
- ~~5. Establish and justify data processing activities and costs in order that effectiveness can be measured.~~
- ~~6. Establish a data bank to eliminate the duplicate storage of common data and thereby develop more economical and efficient use of the data processing system. The data bank must consist of data, except where data is restricted from such use by law and such confidentiality cannot be reasonably maintained in the data bank, contained within the files of all agencies, departments, and institutions being provided services by the division. If the data bank contains data of use to other departments, agencies, and institutions, the data may be made available to such departments, agencies, and institutions after notice has been given to the agency, department, or institution from which the data was originally received.~~
- ~~7. Analyze proposals for executive branch agency word processing equipment and facility acquisitions and make such comments and recommendations as it may believe necessary so that such equipment and facilities will be compatible with electronic data processing equipment and programs under the supervision of the division. The office of management and budget may not approve vouchers for acquisition of word processing equipment and facilities by executive branch agencies unless the vouchers have attached to them the division's comments and recommendations.~~
- ~~8. Conduct conferences and meetings with various state agencies, departments, institutions, and political subdivisions to review proposals and provide information on improving telecommunications and transmission facilities in government and coordinate information technology services. The information services division shall report annually to the legislative council or its designated committee regarding the coordination of services with political subdivisions.~~
- ~~9. Implement improvements in the state telecommunications and transmission facilities as are feasible and within the limitations of appropriated funds.~~
- ~~10. Adopt any rules determined to be necessary to establish standard procedures and practices in the development and use of telecommunications and transmission facilities provided by the division.~~
- ~~11. Provide advice, general guidelines, and information to political subdivisions on the compatibility and interactive capacity of computers and other electronic information systems with the goal of developing a statewide compatible electronic communications network by 1996.~~
42. 6. Have authority to request information on or review information technology systems, applications, system development projects, and application

development projects of executive branch departments, agencies, and institutions.

7. Perform all other duties necessary to carry out this chapter.

**SECTION 9.** Four new sections to chapter 54-44.2 of the North Dakota Century Code are created and enacted as follows:

**Information technology standards.** The information services division, based on information from state agencies, institutions, and departments, and in consultation with the legislative council, shall develop statewide information technology policies, standards, and guidelines. Unless an exception is granted by the information services division, each executive branch state agency, institution, or department, excluding the institutions under the control of the board of higher education, shall comply with the policies and standards developed by the information services division.

**Information technology planning.** Each executive branch state agency, institution, or department, including the institutions under the control of the board of higher education, shall prepare an information technology strategic plan, subject to approval by the information services division. The plan must be submitted to the information services division and the legislative council by January fifteenth of each even-numbered year. The plan must be prepared based on guidelines developed by the information services division in consultation with the legislative council; must provide the information technology goals, objectives, and activities of the organization for the next five years; and must include a detailed list of information technology assets owned, leased, or employed by the agency, institution, or department. Each agency, institution, or department shall provide interim updates to its plan if major information technology changes occur which affect its plan. The information services division shall review each agency's, institution's, or department's strategic plan for compliance with statewide information technology policies and standards and may require an agency, institution, or department to change its strategic plan to comply with statewide policies or standards or to resolve conflicting directions among plans. Agencies of the judicial and legislative branches shall file their information technology strategic plans with the information services division and the legislative council by January fifteenth of each even-numbered year. Each agency, institution, or department shall prepare its budget request for the next biennium based on its information technology strategic plan. Based on the plans prepared by agencies, institutions, and departments, the information services division shall prepare a statewide information technology strategic plan and distribute copies of that plan to members of the legislative assembly as requested by the legislative council or its designee.

**Information technology coordination - Report to legislative council.** The director of the information services division and the commissioner of the board of higher education shall meet at least twice each year to plan and coordinate their information technology systems and services. The director and commissioner shall consider areas in which joint or coordinated information technology systems and services may result in more efficient and effective state government operations. The director and commissioner shall report their findings and recommendations to the legislative council or its designated committee before November of each year.

**Information technology management reviews - Report to legislative audit and fiscal review committee.** The information services division shall review the information technology management of executive branch state agencies, institutions, or departments, including the institutions under the control of the board of higher education, as determined by the director of the information services division. The review must include an evaluation of the organization's planning effectiveness, conformance to its strategic plan, compliance with statewide policies and standards, asset quality, and training methods, and for an organization that contracts for information technology services, an analysis of the organization's contract management system and the contractor's compliance with contract provisions. If an agency, institution, or department is found not to be in compliance with statewide policies and standards and does not agree to come into compliance, the information services division may report the issue to the legislative audit and fiscal review committee. The information services division shall report recurring issues of noncompliance to the legislative audit and fiscal review committee.

**SECTION 10. AMENDMENT.** Section 54-44.2-04 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.2-04. Appointment of data processing information technology coordinators.** Each agency, department, or institution of this state utilizing the services and equipment provided by the information services division shall appoint an electronic data processing information technology coordinator. The coordinator shall maintain liaison with the division and assist the division in such activities as the establishment of priorities, rescheduling, reports, and other areas related to making the most economical use of the data processing services and equipment information technology.

**SECTION 11. AMENDMENT.** Section 54-44.2-06 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.2-06. Secrecy provision Confidentiality.** The personnel of the information services division may receive from the various departments; and the employees of the various departments may provide to the division; any information from the files and records of the various departments necessary to effect the purposes of this chapter without regard to the confidential or secret nature of the information; provided, however, the personnel of the division are is subject to the same restrictions and penalties regarding the dissemination of this information as are the personnel of the department involved.

**SECTION 12. AMENDMENT.** Section 54-44.2-07 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.2-07. Acceptance of federal and other funds.** Funds received by a state agency or institution from the government of the United States for the purpose of matching state funds for the purpose of improving normal or emergency telecommunication systems may be deposited in the information services operating fund, unless the funds have been specifically appropriated by the legislative assembly for some other purpose or unless transfer would be contrary to the federal regulations governing the grant. The information services division may accept federal or other funds, which must be deposited in the information services operating fund and which may be spent subject to legislative appropriations. The director of the information services division may apply for any public or private grants available for the improvement of telecommunication systems information technology.

**SECTION 13. AMENDMENT.** Section 54-44.2-08 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-44.2-08. Access to electronically stored information - Coordination by information services division.** An entity of the state may establish procedures for providing access to any computer data base or electronically filed or stored information maintained by that entity. The procedures must address the measures that are necessary to maintain the confidentiality of information protected by federal or state law. The entity may charge a reasonable fee for providing that access. If the original information is keyed, entered, provided, compiled, or submitted by any political subdivision, the fees must be shared by the state and the political subdivision based on their proportional costs to make the data available. The information services division shall cooperate with each state entity providing access to any computer data base or electronically filed or stored information to assist in providing economical, efficient, and compatible access.

**SECTION 14. REPEAL.** Sections 15-65-04, 54-44.2-02.1, 54-44.2-02.2, 54-44.2-02.3, and 54-44.2-02.4 of the North Dakota Century Code and section 54-44.2-02.5 of the 1995 Supplement to the North Dakota Century Code are repealed.

**SECTION 15. LEGISLATIVE INTENT - INFORMATION TECHNOLOGY STRATEGIC PLANS.** It is the intent of the fifty-fifth legislative assembly that state agency information technology strategic plans include the following:

1. Each state agency information technology strategic plan should include an executive summary consisting of:
  - a. Proposed information technology direction for the agency.
    - (1) Overall information technology plan summary, including benefits and outcomes justifying the plan.
    - (2) The compatibility of the agency's plan with the statewide information technology plan (when complete).

- (3) Major goals, objectives, timelines, and projected costs, by funding source.
    - (a) Short-term - The current biennium.
    - (b) Medium-term - One to three years (subsequent biennium).
    - (c) Long-term - Three to five years (second subsequent biennium).
  - (4) A summary of each major project in the plan which includes information on:
    - (a) Total project cost.
    - (b) Cost for each biennium, by funding source.
    - (c) Estimated development costs, including costs within the agency, information services division services required, and contract services needed.
    - (d) Estimated ongoing maintenance and support costs, including costs within the agency, information services division services required, and contract services needed.
    - (e) Personnel training costs.
  - b. Annual projections for five years of operational costs by funding source, including federal funds, of the agency's current information technology systems including full-time equivalent positions, information services division services, contract services, and training.
  - c. Information technology accomplishments, including major agency accomplishments relating to the agency's goals and objectives included in the previous information technology plan.
2. Each state agency information technology strategic plan should also include:
- a. A description of the agency and a summary of services provided by the agency.
  - b. A list of current information technology systems of the agency, including:
    - (1) Major systems, including a description of the systems, the systems' capabilities to share information with other agencies and political subdivisions, and public access to information in the systems.
    - (2) Other systems, including a description of the systems, the systems' capabilities to share information with other agencies and political subdivisions, and public access to information in the systems.
    - (3) Projected annual operational and support costs by funding source, including federal funds for systems, for five years including projections relating to agency full-time equivalent positions, information services division services, the use of outside consultants, and employee training.
    - (4) An information technology inventory, including the cost of inventory.
    - (5) A description of the agency's information technology contract management system, including procedures used in securing contracts and monitoring procedures during the contract period.

- (6) A list of employee training methods relating to information technology.
  - (7) A disaster recovery plan for the agency's information technology systems.
- c. An assessment of current systems of the agency, including:
- (1) An analysis of the systems, including those aspects of the systems that work well and those that need improvement, including:
    - (a) In-office applications and services.
    - (b) Capability of sharing information with other agencies and political subdivisions.
    - (c) Availability of public access to information.
  - (2) Systems' requirements - Whether federal or state law affects systems' requirements and whether the systems must be approved by the federal government or other organization.
  - (3) Options for systems' modifications, if any are being considered.
- d. Information technology direction for the agency, including:
- (1) An overall agency information technology plans summary.
  - (2) A list of goals and objectives for the agency's information technology systems, including:
    - (a) Short-term - The current biennium.
    - (b) Medium-term - One to three years (subsequent biennium).
    - (c) Long-term - Three to five years (second subsequent biennium).
    - (d) Specific estimated costs by funding source, including federal funds, for each objective during the next three years and an estimated cost range for long-term goals and objectives, if a specific estimate is unavailable.
    - (e) Identification of plans to use agency employees, information services division, or outside consultants to accomplish each objective and, if applicable, the method of contracting which will be used.
    - (f) The benefits resulting from achieving the goals, including the effect on employee productivity and on agency services.
    - (g) The impact on other agencies or users resulting from achieving the goals or objectives.
    - (h) Measurable outcomes that may be realized as a result of achieving the goals or objectives.
  - (3) For each major information technology project in the plan, specific information should be included on:
    - (a) A detailed cost-benefit analysis.
    - (b) Total project cost information, by year and by funding source.

- (c) Project development costs, including costs within the agency, information services division services required, and contract services needed.
  - (d) Estimated ongoing maintenance and support costs, including costs within the agency, information services division services required, and contract services needed.
  - (e) Personnel training costs.
  - (f) Options for phasing in the project.
  - (g) Options for implementing only certain components of the project.
- (4) A list of methods used by the agency to manage information technology costs and to ensure that the systems and services are cost effective.
  - (5) A review of the compatibility of the agency's plan with the statewide information technology plan (when complete) and with statewide information technology policies and standards (when established).
- e. Accomplishments in achieving information technology goals and objectives; including:
    - (1) A list of specific agency accomplishments relating to the agency's goals and objectives included in the previous information technology plan.
    - (2) A comparison of outcomes realized resulting from achieving goals and objectives compared to projected outcomes included in the previous plan.
    - (3) A comparison of actual project costs to project estimates included in the previous plan.

**SECTION 16. LEGISLATIVE INTENT - GRANTS FOR THE CENTER FOR INNOVATION IN INSTRUCTION.** It is the intent of the fifty-fifth legislative assembly that the funds appropriated for grants to the center for innovation in instruction be distributed by the board of higher education to support teacher and school staff training in educational technology through the center for innovation in instruction.

**SECTION 17. LEGISLATIVE INTENT - PRAIRIE PUBLIC BROADCASTING - MATCHING GRANTS.** It is the intent of the fifty-fifth legislative assembly that prairie public broadcasting receive grants from the board of higher education. The grants are to be distributed four times each year, in July, October, January, and April. The grants must be fifty cents for each dollar raised by prairie public broadcasting during the three-month period ending in the month immediately preceding the month in which the grants must be distributed. In determining the amount of the grant, revenue from the following sources must be considered: membership contributions for prairie public television and prairie public radio from North Dakota residents, program underwriting contributions raised from organizations doing business in North Dakota, and fees received for the prairie on-line program. Grants may not exceed \$475,000 during any state fiscal year. If, as of June thirtieth of any year, the amount of grants distributed during the preceding twelve months is less than \$475,000, the undistributed amount available for that fiscal year must be deposited in the state general fund.

**SECTION 18. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from other income, to the board of higher education for grants for the biennium beginning July 1, 1997, and ending June 30, 1999, as follows:

Grants - center for innovation in instruction	\$ 297,250
Grants - prairie public broadcasting	<u>950,000</u>
Total general fund appropriation	\$1,247,250

**SECTION 19. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$466,960, or so much of the sum as may be necessary, to the legislative council for the purpose of defraying the expenses of its information technology program for the biennium beginning July 1, 1997, and ending June 30, 1999."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 160 - LEGISLATIVE COUNCIL

SENATE - This amendment makes the following appropriations changes:

Reduces the general fund appropriation provided to the Legislative Council for its information technology functions by \$381,316, from \$848,276 provided in the House version to \$466,960 provided in the Senate version.

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

SENATE - This amendment makes the following appropriations changes:

Adds a section of legislative intent providing the information that the Legislative Assembly recommends to be included in state agency information technology strategic plans.

Removes funding added by the House of \$8,223,250, \$8,027,250 of which is from the general fund, for the Educational Telecommunications Council to distribute as educational technology grants. The associated legislative intent sections added by the House relating to this funding are also removed.

Adds a general fund appropriation of \$1,247,250 from the general fund to the Board of Higher Education for providing grants to the Center for Innovation in Instruction of \$297,250 and to Prairie Public Broadcasting of \$950,000. Sections of legislative intent are added providing guidance on the distribution of these grants.

**REPORT OF STANDING COMMITTEE**

**HB 1035, as engrossed and amended: Appropriations Committee (Sen. Naaden, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1035, as amended, was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 697 and 698 of the Senate Journal, Engrossed House Bill No. 1035 is amended as follows:

Page 13, line 5, remove "**Election -**"

Page 13, line 6, replace "twenty" with "nine"

Page 13, line 7, replace ", commissioner of higher" with "and"

Page 13, line 8, remove "education or the commissioner's designee," and remove ", and the president of the North"

Page 13, line 9, remove "Dakota library association" and replace "voting" with "nonvoting"

Page 13, line 10, replace "four" with "nine", remove "a", and replace "or institutional" with "libraries, one of whom must represent higher education institution libraries, one of whom must represent school libraries"

Page 13, line 11, remove "library"

Page 13, line 12, replace "one citizen at large" with "four of whom must represent public libraries. The governor shall take into account reasonable geographic considerations when appointing the members to represent public libraries" and remove "The state librarian shall divide the state into four"

Page 13, remove lines 13 through 16

Page 13, line 17, remove "established North Dakota libraries are qualified voters for purposes of the election."

Page 13, line 18, replace "four" with "three" and remove "elected and two"

Page 13, line 19, remove the first "members", replace "four" with "three", and remove "elected and"

Page 13, line 20, remove "two members" and replace "four" with "three"

Page 13, line 21, replace "elected" with "appointed by the governor" and remove ", as designated by the state librarian"

Page 13, line 23, replace "council" with "governor"

Page 13, line 24, remove "elected or"

Page 14, line 18, replace "Advise the state librarian on" with "Approve"

Page 15, line 11, replace "\$30,000" with "\$70,000"

Page 15, line 13, replace "and" with a comma and after "schools" insert ", or regional library cooperatives"

Page 15, line 14, replace the second "and" with a comma

Page 15, line 15, after "schools" insert ", or regional library cooperatives"

Page 15, line 17, replace "or" with a comma and after "school" insert ", or regional library cooperative"

Page 15, line 18, replace the first "and" with a comma and after "schools" insert ", and regional library cooperatives"

Renumber accordingly

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

DEPARTMENT 250 - STATE LIBRARY

SENATE - This amendment makes the following changes:

Reduces the number of members on the Library Coordinating Council by 11, from 20 to nine.

Provides that the council approve grants rather than advise the State Librarian on grants.

Increases funding for Internet access grants by \$40,000 from the general fund, from \$30,000 to \$70,000, and allows regional library cooperatives to apply for these grants, in addition to libraries and schools.

#### **REPORT OF STANDING COMMITTEE**

**HB 1226, as engrossed: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1226 was placed on the Sixth order on the calendar.

Page 1, line 17, after the fifth comma insert "50-09-20, 50-09-20.1, 50-09-21,"

Page 1, line 21, after the second semicolon insert "to provide for the transfer of responsibilities;"

Page 3, line 25, after "activities" insert "may"

Page 4, line 3, replace "Vocational" with "Postsecondary and vocational"

Page 4, line 10, remove "and"

Page 4, line 12, replace the underscored period with "; and"

m. Court-ordered treatment for mental illness or drug or alcohol dependency if the court determines that illness or dependency negatively impacts the individual's ability to work."

Page 4, line 17, overstrike "one thousand dollars or more"

Page 4, line 18, after "support" insert "in an amount greater than three times the monthly child support obligation and the obligor is not current in a court-established plan to repay the unpaid child support arrears,"

Page 5, line 15, overstrike "one thousand dollars"

Page 5, line 16, overstrike "or more" and after "support" insert "in an amount greater than three times the monthly child support obligation and the obligor is not current in a court-established plan to repay the unpaid child support arrears"

Page 6, line 4, replace the underscored colon with "except as provided for through contract pursuant to subsection 2."

Page 6, remove lines 5 through 8

Page 6, line 12, after the underscored period insert "If the clerk of court of any county elects to enter into a contract and the clerk can demonstrate that the provision of services under the contract will not be more costly nor take more time to establish or operate on a statewide basis than if the services are provided through the state disbursement unit, the public authority shall contract with the clerk to provide collection and disbursement services under this section."

Page 6, line 20, after "parties" insert ", including the obligor and obligee," and after "and" insert ", at least annually, regarding"

Page 13, line 11, remove "for child support"

Page 13, line 12, remove "services"

Page 16, line 16, replace "clerks of court" with "public authority"

Page 16, line 17, after "withholding" insert "and the receipt and disbursement of child support payments" and replace the underscored colon with "as provided for through contract pursuant to subsection 2 of section 9 of this Act."

Page 16, remove lines 18 through 21

Page 18, line 7, after the underscored period insert "Before commencing any rulemaking proceeding under this section, the department shall convene a drafting advisory committee that includes two members of the legislative assembly appointed by the chairman of the legislative council."

Page 26, line 14, overstrike "implementing" and insert immediately thereafter "exempting"

Page 26, line 15, overstrike "be in" and insert immediately thereafter "have an adverse effect on"

Page 26, line 16, overstrike "previously ordered" and insert immediately thereafter "previous"

Page 26, line 29, overstrike "assured" and insert immediately thereafter "to be provided"

Page 27, line 24, after the underscored period insert "If the final determination of paternity results in the nonexistence of a father and child relationship between the child and a party who was ordered to pay child support under this subsection, that party may seek reimbursement from the department of human services for that amount and the department is subrogated to that party's claim."

Page 33, line 20, replace "and the unpaid child support obligation is at" with "in an amount greater than six times the monthly child support obligation and the judgment debtor is not current in a court-established plan to repay the unpaid child support judgment"

Page 33, line 21, remove "least six months past due"

Page 36, line 23, after the underscored period insert:

"1."

Page 36, line 26, replace "1" with "a"

Page 36, line 27, replace "2" with "b"

Page 36, line 29, replace "3" with "c"

Page 36, line 30, replace "4" with "d" and after the second underscored period insert:

"2. Information acquired under subsection 1 remains confidential subject to the confidentiality requirements of the plans and programs identified in subsection 1."

Page 37, line 13, after "a" insert "past due"

Page 37, line 14, replace "months past due" with "times the monthly child support obligation and the obligor is not current in a court-established plan to repay the past due support"

Page 40, line 1, after "found" insert "or with the secretary of state"

Page 40, line 6, after the underscored period insert:

"The information filed with a register of deeds or with the secretary of state under this section must be included in the computerized central notice system maintained by the secretary of state under section 41-09-46 and must be accessible to the public on the same terms and conditions that apply to access other statutory lien information maintained in the computerized central notice system.

3."

Page 43, line 25, replace "The" with "Subject to the approval of the legislative council, the"

Page 45, line 11, replace "The" with "Subject to the approval of the legislative council, the"

Page 48, line 2, overstrike "make such" and insert immediately thereafter "adopt" and overstrike "and regulations"

Page 48, line 7, overstrike "promulgate such" and insert immediately thereafter "adopt" and overstrike "and regulations"

Page 48, line 26, overstrike "Comply with", remove "the", overstrike "provisions, rules, and regulations", and overstrike "the federal government"

Page 48, line 27, overstrike "may find", overstrike "necessary", and overstrike "to assure the correctness and"

Page 48, line 28, overstrike "verification of the reports to be made" and insert immediately thereafter "Make any determinations respecting title IV-A not expressly reserved to the federal government under federal law"

Page 51, line 5, replace "22" with "23"

Page 51, line 11, replace "46" with "47"

Page 54, line 27, after "compensation" insert "bureau" and after "records" insert "identifying the last-known address of a person who owes or who is owed support, the wage-loss benefits, permanent partial impairment benefits, death benefits, or additional benefits that person has received or is entitled to receive from the bureau, and whether and where that person is currently employed"

Page 56, after line 6, insert:

"k. Provide an informal grievance process concerning matters not subject to determination in a judicial proceeding."

Page 56, line 21, replace "A" with "As provided in title IV-D, a"

Page 60, line 26, overstrike "early childhood services"

Page 60, line 27, after the third "~~program~~" insert "child care assistance"

Page 61, line 29, after "~~50-09-24~~" insert "of"

Page 63, line 5, after "worker" insert "in the training, education, employment, and management program"

Page 67, line 27, after "2" insert ", 3, and 5" and replace "6" with "7"

Page 68, line 4, after the third "or" insert "mental or physical"

Page 68, line 5, after "parent" insert ", including the incapacity of a parent attributable to domestic violence"

Page 68, line 12, remove "and then"

Page 68, line 21, replace "of any" with "with a market" and after "value" insert "not exceeding ten thousand dollars"

Page 68, line 24, after the third "or" insert "mental or physical"

Page 68, line 25, after "parent" insert ", including the incapacity of a parent attributable to domestic violence"

Page 69, line 16, replace "benefit" with "fund"

Page 69, line 29, after "fails" insert ", without good cause,"

Page 70, line 3, remove "such as hospitalization"

Page 70, line 16, after the second underscored comma insert "except in cases of pregnancy resulting from rape or incest,"

Page 70, line 19, after "chapter" insert "during the month of the child's probable conception" and remove "and"

Page 70, line 21, replace the underscored period with "; and"

ff. Not reduce or terminate benefits based on a refusal of an individual to work if the individual is a single custodial parent caring for a child who has not attained six years of age and the individual proves a demonstrated inability to obtain needed child care because of the:

- (1) Unavailability of appropriate child care within a reasonable distance from the individual's home or work site;
- (2) Unavailability or unsuitability of informal child care by a relative or under other arrangements; or
- (3) Unavailability of appropriate and affordable formal child care arrangements."

Page 70, line 30, remove "budget section of the"

Page 71, line 7, remove "budget section of the"

Page 71, line 13, remove "budget section of the"

Page 71, line 19, remove "budget section of the"

Page 71, after line 23, insert:

"8. Within federal guidelines, the department shall place emphasis in spending child care assistance moneys on the development and maintenance of quality child care positions."

Page 71, line 27, replace "sections" with "section" and remove "and 50-08.1-02"

Page 71, after line 28, insert:

**"SECTION 78. REPEAL.** Sections 50-09-20 and 50-09-21 of the North Dakota Century Code and section 50-09-20.1 of the 1995 Supplement to the North Dakota Century Code are repealed.

**SECTION 79. REPEAL.** Section 50-08.1-02 of the 1995 Supplement to the North Dakota Century Code is repealed."

Page 72, line 7, after the comma insert "the caseload ratio established in section 50-09-20.1, the training and expertise of the managers administrating training, education, employment, and management program,"

Page 72, line 12, after the second comma insert "o,"

Page 72, line 14, after "parties" insert ", and also includes two members of the legislative assembly appointed by the chairman of the legislative council"

Page 72, after line 14, insert:

**"SECTION 83. TRANSFER OF RESPONSIBILITIES.** To provide for an orderly transfer of responsibilities under this chapter and chapter 14-08.1 from the clerks of court to the public authority and its state disbursement unit, it is the intention of the legislative assembly that, during the periods between July 1, 1997, and July 1, 1999, with respect to the state disbursement unit activities, and between July 1, 1997, and the system implementation date, with respect to income withholding and other activities, the clerks of court and the public authority shall share responsibilities. The public authority, upon consultation with the supreme court and other representatives selected by the clerks of court, shall prepare schedules for the transfer of specific responsibilities on a county-by-county and case-by-case basis. As soon as the public authority is able to assume responsibilities with respect to a particular county, it is the intention of the legislative assembly that responsibilities with respect to newly issued and newly amended child support orders be assumed by the public authority."

Page 72, after line 25, insert:

**"SECTION 89. EFFECTIVE DATE.** Section 78 of this Act becomes effective January 1, 1998, if House Bill No. 1041 becomes law and that bill includes provisions repealing North Dakota Century Code sections 50-09-20, 50-09-20.1, and 50-09-21, but is otherwise ineffective."

Page 72, remove lines 28 and 29

Page 73, line 2, remove "and" and after "75" insert ", 79, and 83"

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

**SB 2136, as engrossed:** Your conference committee (Sens. Klein, Mutch, LaFountain and Reps. Froseth, Axtman, Thorpe) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 735 and place SB 2136 on the Seventh order.

Engrossed SB 2136 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2160, as engrossed:** Your conference committee (Sens. Schobinger, Cook, O'Connell and Reps. Monson, Keiser, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 880-882, adopt amendments as follows, and place SB 2160 on the Seventh order:

That the House recede from its amendments as printed on pages 880 through 882 of the Senate Journal and pages 1015 through 1018 of the House Journal and that Engrossed Senate Bill No. 2160 be amended as follows:

Page 1, line 1, after "enact" insert "a new subsection to section 12-60-16.4," and after "20.1-02-15.1" insert a comma

Page 1, line 3, after "39-24-09" insert "and section 39-24-11"

Page 1, after line 6, insert:

"**SECTION 1.** A new subsection to section 12-60-16.4 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

Infractions and misdemeanor violations of subdivision c of subsection 5 of section 39-24-09 and chapter 39-24.1."

Page 1, after line 13, insert:

"**SECTION 4. AMENDMENT.** Section 39-24-11 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-24-11. Penalties.** Any person who violates subdivision b, ~~e~~, or g of subsection 5 of section 39-24-09 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section 39-24.1-07. Any person who violates any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register as required by section 39-24-02 must be assessed a fee of fifty dollars. If the person provides proof of registration since the violation, the fee may be reduced by one-half. Any person who violates any other provision of this chapter for which a specific penalty is not provided must be assessed a fee of ten dollars."

Page 1, line 17, replace "in this state" with "on any public land or private land with public access"

Page 3, line 12, replace "following" with "test is evidence of a per se violation of subdivision c of subsection 5 of section 39-24-09."

Page 3, remove lines 13 through 31

Page 4, remove lines 1 through 15

Page 4, line 20, replace "statement of intent to prohibit the person from operating a snowmobile." with "summons or otherwise notify that person in writing to appear at the time and place specified in the summons or notice. The hearing and any appeal must be conducted as provided in section 39-06.1-03. If the person requests a hearing at a time and date other than as stated in the summons or notice, that person must post an appearance bond as required by subsection 2 of section 39-06.1-03. Upon establishing at the hearing by a preponderance of the evidence"

Page 4, remove lines 21 through 25

Page 4, line 26, remove "intent, showing"

Page 4, line 31, after the underscored comma insert "the court"

Page 5, line 1, replace "in this state" with "on all public land or private land with public access" and after "section" insert ", and shall impose a noncriminal statutory fee of five hundred dollars. A violation of this section must be reported to the parks and recreation department. The department shall keep a record of all reported violations"

Page 5, line 18, remove "No administrative hearing request is made under section 39-24.1-08;"

Page 5, line 19, remove "b.", replace "mails" with "files", and replace "to the director within ten days after the law" with "with the court before the time set for hearing in the summons or notice, or, with the permission of the court, within five days after the hearing"

Page 5, line 20, remove "enforcement officer issues the statement of intent"

Page 5, line 23, replace "twenty-five" with "thirty" and replace "law" with "date of the offense"

Page 5, line 24, remove "enforcement officer issues the statement of intent"

Page 5, line 26, after "period" insert "defined in section 39-24.1-07"

Page 5, line 27, replace "39-24.1-08" with "39-06.1-03"

Page 5, line 28, replace "39-24.1-09" with "39-06.1-03"

Page 6, line 2, replace "twenty-five" with "thirty" and replace "law enforcement officer issues" with "date of the offense"

Page 6, line 3, remove "the statement of intent"

Page 6, line 4, after the underscored semicolon insert "and"

Page 6, line 5, replace "c" with "b"

Page 6, line 6, replace "twenty-five" with "thirty" and replace "law enforcement officer issues the" with "date of the offense."

Page 6, line 7, remove "statement of intent;"

Page 6, remove lines 8 through 18

Page 6, line 19, replace "**29-24.1-07**" with "**39-24.1-07**" and replace "**Administrative sanction**" with "**Criminal penalties**"

Page 6, line 20, after "**certain**" insert "**alcohol or**" and replace "After the receipt of the certified report of a law enforcement" with "Upon conviction of a violation of subdivision c of subsection 5 of section 39-24-09, the court shall impose the following minimum penalties:"

1. Notwithstanding subsection 7 of section 12.1-32-01, if the person's record indicates that, within the five years preceding the date of the offense, the person has not violated subdivision c of subsection 5 of section 39-24-09 or the person has not been prohibited from operating a snowmobile under this chapter, the offense is an infraction. The court shall impose a minimum fine of two hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for sixty days within the snowmobile season that runs from December first through April first.
2. Notwithstanding subsection 7 of section 12.1-32-01, if the person's record indicates that, within the five years preceding the date of the offense, the person has one violation of subdivision c of subsection 5 of section 39-24-09 or the person has once been prohibited from operating a snowmobile under this chapter, the offense is an infraction. The court shall impose a minimum fine of three hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for one year from the date of the sentence.
3. If the person's record indicates that, within the five years preceding the date of the offense, the person has two violations of subdivision c of subsection 5 of section 39-24-09 or the person has twice been prohibited from operating a snowmobile under this chapter, the offense is a class B misdemeanor. The court shall impose a minimum fine of four hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for two years from the date of the sentence."

Page 6, remove lines 21 through 30

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 4

Page 10, line 5, replace "**39-24.1-10**" with "**39-24.1-08**"

Page 11, line 29, replace "**39-24.1-11**" with "**39-24.1-09**"

Page 12, line 3, replace "**39-24.1-12**" with "**39-24.1-10**"

Page 12, line 10, replace "39-24.1-13" with "39-24.1-11"

Page 12, line 13, replace "39-24.1-14" with "39-24.1-12"

Page 12, line 14, replace "in this state" with "on any public land or private land with public access"

Page 12, after line 15, insert:

**39-24.1-13. Fleeing or attempting to elude a peace officer.**

1. Any driver of a snowmobile who willfully fails or refuses to bring the snowmobile to a stop, or who otherwise flees or attempts to elude, in any manner, a pursuing police vehicle or peace officer, when given a visual or audible signal to bring the snowmobile to a stop, is guilty of a class B misdemeanor for a first or second offense and a class A misdemeanor for a subsequent offense. A signal complies with this section if the signal is perceptible to the driver and:
  - a. If given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the stopping vehicle is appropriately marked showing it to be an official police vehicle; or
  - b. If not given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the officer is in uniform and prominently displays the officer's badge of office.
2. Any sentence imposed under this section must include a minimum fine of at least five hundred dollars.

Renumber accordingly

Engrossed SB 2160 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2202:** Your conference committee (Sens. W. Stenehjem, Watne, C. Nelson and Reps. Stenehjem, Nottestad, Fairfield) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 863 and place SB 2202 on the Seventh order.

SB 2202 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1103, as engrossed:** Your conference committee (Sens. B. Stenehjem, Schobinger, O'Connell and Reps. Skarphol, Sveen, Grumbo) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 988, adopt further amendments as follows, and place HB 1103 on the Seventh order:

That the House accede to the Senate amendments as printed on page 988 of the House Journal and page 761 of the Senate Journal and that Engrossed House Bill No. 1103 be further amended as follows:

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

Page 5, after line 5, insert:

**"SECTION 12. EXPIRATION DATE.** This Act becomes ineffective on the date the attorney general certifies to the legislative council that the Federal Driver's Privacy Protection Act of 1994 [Pub. L. 103-322; 108 Stat. 2099; 18 USC 2721] has been declared unconstitutional by the United States Supreme Court or is otherwise void."

Renumber accordingly

Engrossed HB 1103 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1163, as engrossed:** Your conference committee (Sens. Kringstad, Urlacher, Tomac and Reps. Belter, Brown, Gullason) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1008 and place HB 1163 on the Seventh order.

Engrossed HB 1163 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1240:** Your conference committee (Sens. Watne, Grindberg, Berg and Reps. Kilzer, C. Johnsen, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 821-822, adopt amendments as follows, and place HB 1240 on the Seventh order:

That the Senate recede from its amendments as printed on pages 821 and 822 of the House Journal and page 637 of the Senate Journal and that House Bill No. 1240 be amended as follows:

Page 1, line 10, overstrike "chapter"

Page 1, line 11, overstrike "40-46" and after "~~payments~~" insert "an authorized city pension plan"

Page 1, line 12, replace "provisions of that chapter," with "city pension plan. In addition, a board of park commissioners may provide for employer pensions pursuant to"

Page 1, line 16, after "city" insert ". If a board of park commissioners wishes to leave an existing city pension plan, the board, upon the request of the pension fund governing body, shall fund an actuarial study of the financial impacts to the pension fund. Any losses or costs to the fund by the park district leaving the pension plan are the responsibility of the park district. A park district may not leave the city's pension plan without the approval of the pension fund governing body"

Renumber accordingly

HB 1240 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1243:** Your conference committee (Sens. Schobinger, Cook, Lindaas and Reps. Skarphol, Kempenich, Thorpe) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1006-1007, adopt amendments as follows, and place HB 1243 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1006 and 1007 of the House Journal and page 776 of the Senate Journal and that House Bill No. 1243 be amended as follows:

Page 1, line 1, replace "section" with "sections" and after "39-05-17.2" insert "and 39-05-20.2"

Page 1, line 2, after "disclosure" insert "and salvage certificate of title", remove "and", and after "penalty" insert "; and to declare an emergency"

Page 1, line 15, replace "four" with "seven"

Page 1, line 16, replace "five" with "eight"

Page 1, line 23, replace "fifty" with "the greater of five thousand dollars or forty"

Page 2, after line 3, insert:

"4. A person repairing, replacing parts, or performing body work on a motor vehicle that is less than eight years old shall provide a statement to the owner of the motor vehicle when the motor vehicle has sustained motor vehicle damage requiring disclosure under this section. The owner shall disclose this damage when ownership of the motor vehicle is transferred. When a vehicle is damaged in excess of seventy-five percent of its retail value as determined by the national automobile dealers association official used car guide, the person repairing, replacing parts, or performing body work on the motor vehicle that is less than eight years old shall also advise the owner of the motor vehicle that the owner of the vehicle must comply with section 39-05-20.2.

5. The amount of damage to a motor vehicle is determined by adding the retail value of all labor, parts, and material used in repairing the damage. When the retail value of labor has not been determined by a purchase in the ordinary course of business, for example when the labor is performed by the owner of the vehicle, the retail value of the labor is presumed to be the product of the repair time, as provided in a generally accepted autobody repair flat rate manual, multiplied by thirty-five dollars."

Page 2, line 4, replace "4" with "6" and after "violates" insert "this section or"

Page 2, after line 5, insert:

**"SECTION 2. AMENDMENT.** Section 39-05-20.2 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-05-20.2. Issuance of salvage certificate of title.** ~~Any person or organization who completely destroys or completely dismantles a vehicle so as to cause that vehicle to lose its identity~~ The owner of a vehicle that is damaged in excess of seventy-five percent of its retail value as determined by the national automobile dealers association official used car guide, shall forward the title for that vehicle to the department within ten days and the department shall issue a salvage certificate of title.

If a vehicle for which a salvage certificate of title has been issued is reconstructed, a regular certificate of title may be obtained by completing an application for the certificate. The applicant shall include with the application a certificate of inspection in the form required by the department, the salvage certificate of title, and a five dollar fee. The department shall place on the regular certificate of title and on all subsequent certificates of title issued for the vehicle, a notation that damage disclosure information is available from the department. The department may not issue a new certificate unless the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application, or unless other proof of the identity of the vehicle has been provided to the satisfaction of the department.

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

Renumber accordingly

HB 1243 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1274, as engrossed:** Your conference committee (Sens. Kringstad, Christmann, Kinnoin and Reps. Belter, Renner, Warner) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 906, adopt amendments as follows, and place HB 1274 on the Seventh order:

That the Senate recede from its amendments as printed on page 906 of the House Journal and pages 699 and 700 of the Senate Journal and that Engrossed House Bill No. 1274 be amended as follows:

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

Page 1, line 2, after "accounts" insert "and revolving charge agreement credit extensions; and to amend and reenact sections 51-14-01, 51-14-02, and 51-14-03 of the North Dakota Century Code, relating to revolving charge agreements"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 51-14-01 of the North Dakota Century Code is amended and reenacted as follows:

**51-14-01. Definitions.** In this chapter, unless the context ~~or subject matter~~ otherwise requires:

1. "Credit service charge" means the amount, however expressed, which the retail buyer contracts to pay or pays the retail seller in excess of the ~~cash sale price of personal property~~ amount of credit extended, representing the total charges by the retail seller incident to investigating and ~~making a retail installment sale~~ extending credit under a revolving charge agreement and for extending to the retail buyer the privilege of paying ~~in installments~~ over a period of time therefor.
2. "Retail buyer" or "buyer" means a person who buys personal property from a retail seller, or to whom a retail seller otherwise extends credit, pursuant to a revolving charge agreement.
3. "Retail seller" or "seller" means a person who agrees to sell or sells goods or services pursuant to a revolving charge agreement, ~~including without~~

~~limitation, and a state-chartered or national bank in issuing bank credit cards for that extends credit by the advancement of moneys thereunder or the sale of goods or services thereunder payment for goods or services under a revolving charge agreement.~~

4. "Revolving charge agreement" means a written instrument, defining the terms of ~~retail installment sales made~~ credit extended from time to time pursuant thereto, pursuant to which the buyer's total unpaid balance thereunder, whenever incurred, is payable ~~in installments~~ over a period of time and under the terms of which a credit service charge, ~~other than the portion thereof consisting of late payment or other charges,~~ is to be computed in relation to the buyer's unpaid balance from time to time.

**SECTION 2. AMENDMENT.** Section 51-14-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**51-14-02. Contents of revolving charge agreements - Requirements for delivery of monthly statements - Exception.** Every revolving charge agreement must be in writing and must be ~~signed~~ accepted by the retail buyer. As used in this section, "accepted" means the buyer has signed the revolving charge agreement, the buyer has used the account issued under a revolving charge agreement, or within thirty days from the date of issuance the buyer has not canceled by written notice a credit card or other access device issued under a revolving charge agreement. A copy of ~~any such~~ the revolving charge agreement must be delivered or mailed to the retail buyer by the retail seller ~~prior to before~~ before the date on which the first payment is due ~~thereunder~~ under the agreement. ~~Such agreements~~ A revolving charge agreement must state the amount and rate of the credit service charge to be charged and paid pursuant thereto under the agreement. Such The credit service charge, exclusive of late payment or other fees included therein, must be set forth in ~~such~~ the revolving charge agreement in terms of a monthly or annual percentage rate to be applied to the balance outstanding from time to time ~~thereunder~~ under the agreement, as of the beginning or end of each billing period or on a daily basis. Upon written notice, a seller may change the terms of any revolving charge agreement, including the credit service charge, if this right of amendment has been reserved. A change under this authority is effective as to existing balances, if within twenty-five days of the effective date of the change, the buyer does not furnish written notice to the seller that the buyer does not agree to abide by the changes. Upon receipt of this written notice by the seller, the buyer has the remainder of the time under the existing terms in which to pay all sums owed to the seller. Any request for additional credit under a revolving charge agreement, including use of a credit card issued under the agreement, after the effective date of the change of terms, including a change in the credit service charge, is deemed to be an acceptance of the new terms, even though the twenty-five days has not expired. The retail seller under a revolving charge agreement shall promptly supply the retail buyer under ~~such~~ the agreement with a statement as of the end of each monthly period or other regular period agreed upon by the retail seller and the retail buyer, in which there is any unpaid balance thereunder. Such statement must recite the following:

1. The unpaid balance under the revolving charge agreement at the beginning or end of the period.
2. An identification of the goods or services purchased, the cash purchase price and the date of each purchase, unless otherwise furnished by the retail seller to the retail buyer by sales slip, memorandum, or otherwise.
3. The payments made by the retail buyer to the retail seller and any other credits to the retail buyer during the period.
4. The amount of the credit service charge, if any, and also the percentage annual simple interest equivalent of ~~such~~ this amount.
5. A legend to the effect that the retail buyer may at any time pay ~~his~~ the total indebtedness.

The items need not be stated in the sequence or order set forth above. Additional items may be included to explain the computations made in determining the amount to be paid by the retail buyer. If a revolving charge or credit account is also subject to the Truth in Lending Act [15 U.S.C. 1601-1667e], the seller may, instead of complying with this section, comply with all requirements of the Truth in Lending Act.

**SECTION 3. AMENDMENT.** Section 51-14-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**51-14-03. Limitation of credit service charge.** ~~A seller may, in~~ In a revolving charge agreement, a seller may contract for and, if so contracted for, the seller or holder ~~thereof of the agreement~~ may charge, receive, and collect the service charge authorized by this section. The service charge may not exceed the amount agreed to by the parties ~~computed on the outstanding indebtedness from month to month~~. In the event any payment by a buyer is insufficient to pay both the credit service charge and that portion of the outstanding indebtedness then due, ~~such~~ the payments must first be applied to the credit service charge then due."

Page 1, underscore line 6

Page 1, line 7, underscore "revolving charge account may collect a late payment or other charge not to exceed the" and replace "lesser" with "amount agreed to by the parties in the revolving charge account agreement."

Page 1, remove lines 8 and 9

Page 1, after line 9, insert:

**"SECTION 5.** A new section to chapter 51-14 of the North Dakota Century Code is created and enacted as follows:

**Application of other provisions.** Credit extended by a seller or holder of a revolving charge agreement to a buyer is not subject to chapter 13-03, 13-03.1, or 47-14."

Re-number accordingly

Engrossed HB 1274 was placed on the Seventh order of business on the calendar.

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

**William C. Parker, Secretary**