

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, April 7, 1999

The Senate convened at 9:00 a.m., with President Myrdal presiding.

The prayer was offered by Pastor Laurie Natwick, Western North Dakota Synod of the ELCA, Bismarck.

The roll was called and all members were present except Senator Bercier.

A quorum was declared by the President.

APPOINTMENT OF CONFERENCE COMMITTEE

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

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1019: Sens. Grindberg, Kringstad, Tallackson.

REPORT OF CONFERENCE COMMITTEE

SEN. GRINDBERG MOVED that the conference committee report on Engrossed SB 2016 as printed on SJ page 1138 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2016, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management; and to provide for the filing and paying of disaster claims relating to the spring 1997 Red River flooding.

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, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Mutch

ABSENT AND NOT VOTING: Bercier

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

REPORT OF CONFERENCE COMMITTEE

SEN. GRINDBERG MOVED that the conference committee report on Engrossed SB 2026 as printed on SJ page 1138 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2026, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2026: A BILL for an Act making an appropriation for defraying the expenses of various state departments and institutions; to amend and reenact subdivision 3 of section 1 of chapter 45 of the 1997 Session Laws, relating to the department of corrections and rehabilitation appropriation; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2026, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. WANZEK MOVED that the conference committee report on SB 2154 as printed on SJ page 1138 be adopted, which motion prevailed on a voice vote.

SB 2154, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2154: A BILL for an Act to create and enact a new subsection to section 15-40.1-07.6 of the North Dakota Century Code, relating to authority of the superintendent of public instruction to withhold state special education funds; and to amend and reenact section 15-59-02.1 of the North Dakota Century Code, relating to special education policies.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

SB 2154, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. D. MATHERN MOVED that the conference committee report on SCR 4021 as printed on SJ page 1138 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SEN. O'CONNELL MOVED that the conference committee report on HB 1035 as printed on SJ page 1138 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SEN. WANZEK MOVED that the conference committee report on Engrossed HB 1040 as printed on SJ page 1094 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1040, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1040: A BILL for an Act to amend and reenact sections 61-04.1-03, 61-04.1-08, 61-04.1-09, 61-04.1-20, 61-04.1-21, 61-04.1-26, 61-04.1-38, and 61-04.1-39 of the North Dakota Century Code, relating to hail suppression pilot operations by the atmospheric resource board; and to repeal section 61-04.1-03.1 of the North Dakota Century Code, relating to the transition from the weather modification board to the atmospheric resource board.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mathern, D.; Mutzenberger; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Kelsh; Klein; Krauter; Lindaas; Mathern, T.; Mutch; Naaden; O'Connell; Schobinger; Tallackson

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1040, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. KILZER MOVED that the conference committee report on Engrossed HB 1158 as printed on SJ page 1138 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1158, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1158: A BILL for an Act to create and enact a new section to chapter 43-17 of the North Dakota Century Code, relating to exceptions to the licensure requirements to practice medicine; and to amend and reenact sections 43-17-01, 43-17-02, 43-17-06, 43-17-30.1, and 43-17-31 of the North Dakota Century Code, relating to the definitions of practice of medicine, persons exempt from medical practice licensure requirements, officers of the board of medical examiners, and disciplinary action of the board.

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, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Andrist

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1158, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. FISCHER MOVED that the conference committee report on HB 1167 as printed on SJ pages 1138-1140 be adopted, which motion prevailed on a voice vote.

HB 1167, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1167: A BILL for an Act to create and enact a new section to chapter 11-33.2, a new subsection to section 61-16.2-02, and a new section to chapter 61-16.2 of the North Dakota Century Code, relating to identifying the floodplain on plats, definition of community, and state engineer review of uses in floodways; to amend and reenact subsection 2 of section 11-33-03, subsection 2 of section 40-47-03, subsection 11 of section 40-50.1-01, sections 58-03-12, 61-16.2-04, 61-16.2-08, and 61-16.2-13 of the North Dakota Century Code, relating to emergency management, identifying floodplain on plats, delineation of the floodway for lakes, elevation of structure in the floodway, and mandatory community participation in the flood insurance program; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

HB 1167, as amended, passed and the title was agreed to.

MOTION

SEN. ST. AUBYN 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.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: SCR 4021.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2016, SB 2026, SB 2154.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1035.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1040, HB 1158, HB 1167.

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 1019: Sens. Grindberg; Kringstad; Tallackson

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 2300, SB 2327.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval on April 7, 1999: SB 2001, SB 2217, SB 2371.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2013 as printed on SJ pages 1130-1138 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 2013: Sens. Holmberg, Naaden, Robinson.

REPORT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the conference committee report on Engrossed HB 1304 as printed on SJ page 1140 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SEN. COOK MOVED that the conference committee report on HB 1365 as printed on SJ page 1095 be adopted, which motion prevailed on a voice vote.

HB 1365, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1365: A BILL for an Act to amend and reenact subsection 4 of section 28-32-02 of the North Dakota Century Code, relating to notice of rulemaking by the superintendent of public instruction; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

HB 1365, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the conference committee report on HB 1431 as printed on SJ page 1095 be adopted, which motion prevailed on a voice vote.

HB 1431, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1431: A BILL for an Act to amend and reenact subsection 2 of section 53-06.1-03 of the North Dakota Century Code, relating to calcuttas.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 21 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Christmann; DeMers; Heitkamp; Kinnoin; Klein; Krebsbach; Kringstad; Kroepflin; Lyson; Mathern, D.; Mutzenberger; Nelson, C.; Nething; Schobinger; Stenehjem, W.; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne

NAYS: Andrist; Bowman; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Krauter; Lee; Lindaas; Mathern, T.; Mutch; Naaden; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Wardner

ABSENT AND NOT VOTING: Bercier

HB 1431, as amended, lost.

REPORT OF CONFERENCE COMMITTEE

SEN. CHRISTMANN MOVED that the conference committee report on Engrossed HB 1447 as printed on SJ page 1095 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1447, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1447: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 62.1-04-03 of the North Dakota Century Code, relating to who may have a concealed weapons permit; to amend and reenact section 62.1-02-01 of the North Dakota Century Code, relating to possession of weapons; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger;

Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1447, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2153, as engrossed: Your conference committee (Sens. Klein, Sand, Kroeplin and Reps. Pollert, Renner, Nowatzki) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 796-797, adopt further amendments as follows, and place SB 2153 on the Seventh order:

That the Senate accede to the House amendments as printed on pages 796 and 797 of the Senate Journal and pages 874-876 of the House Journal and that Engrossed Senate Bill No. 2153 be further amended as follows:

Page 3, line 19, after the second underscored comma insert "vomitoxin level,"

Page 3, line 26, after the third underscored comma insert "vomitoxin level,"

ReNUMBER accordingly

Engrossed SB 2153 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. KLEIN MOVED that the conference committee report on Engrossed SB 2153 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2153, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2153: A BILL for an Act to create and enact chapter 60-02.1 of the North Dakota Century Code, relating to grain buyers and grain buyer insolvency proceedings; to amend and reenact subsection 5 of section 60-02-01, sections 60-03-01, 60-03-01.1, 60-03-02, 60-03-04, 60-03-04.1, 60-03-05, 60-03-08, 60-03-10, 60-03-11, 60-03-12, 60-03-14, 60-03-17, and 60-03-18 of the North Dakota Century Code, relating to the definition of a public warehouse; hay buyer procedures and insolvency proceedings; to repeal section 60-03-03 of the North Dakota Century Code, relating to hay buyer procedures; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2153, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2015 as printed on SJ pages 1124-1128 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 2015: Sens. Nething, G. Nelson, T. Mathern.

MOTION

SEN. ST. AUBYN MOVED that the Senate stand in recess until 4:15 p.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2013 and SB 2015 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2013: Sens. Holmberg; Naaden; Robinson

SB 2015: Sens. Nething; G. Nelson; T. Mathern

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

MR. SPEAKER: The Senate has adopted the conference committee report and failed to pass: HB 1431.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1365, HB 1447.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1304.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2153.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

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

SB 2168: Reps. Delzer; Timm; Kerzman

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2161, SB 2181.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1335.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1171, HB 1329.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has not adopted the conference committee report on SB 2267. The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2267: Reps. Kempenich; Weisz; Meyer

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. B. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed SB 2267, which motion prevailed.

THE PRESIDENT REAPPOINTED as a Conference Committee on Engrossed SB 2267: Sens. Schobinger, B. Stenehjem, Thompson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2012 as printed on SJ pages 1116-1124 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 2012: Sens. St. Aubyn, Bowman, Krauter.

REPORT OF CONFERENCE COMMITTEE

SB 2075, as engrossed: Your conference committee (Sens. Cook, Wanzek, O'Connell and Reps. L. Thoreson, Nottestad, Solberg) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 698, adopt amendments as follows, and place SB 2075 on the Seventh order:

That the House recede from its amendments as printed on page 698 of the Senate Journal and page 784 of the House Journal and that Engrossed House Bill No. 2075 be amended as follows:

Page 1, line 10, replace "sixty" with "forty"

Page 2, line 27, replace "sixty-day" with "forty-day"

Page 2, line 28, after the underscored period insert "A provisional teaching certificate may be renewed upon approval of the board."

Page 2, line 29, after "rule" insert ", but no fee may be imposed for the renewal of a provisional teaching certificate"

Renumber accordingly

Engrossed SB 2075 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. COOK MOVED that the conference committee report on Engrossed SB 2075 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2075, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2075: A BILL for an Act to amend and reenact sections 15-36-08, 15-38-18, 15-38-18.2, and 15-41-25 of the North Dakota Century Code, relating to provisional teaching certificates, application fees, and education standards and practices board equivalency endorsements; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Mutch

Engrossed SB 2075, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2027, as engrossed: Your conference committee (Sens. W. Stenehjem, Traynor, C. Nelson and Reps. Klemin, Hawken, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 660, adopt amendments as follows, and place SB 2027 on the Seventh order:

That the House recede from its amendments as printed on page 660 of the Senate Journal and page 722 of the House Journal and that Engrossed Senate Bill No. 2027 be amended as follows:

Page 1, line 19, after "The" insert "abbreviated"

Page 1, line 23, replace the first "and" with ". The notice must also include"

Page 1, line 24, after "rules" insert "or to submit written comments,"

Renumber accordingly

Engrossed SB 2027 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the conference committee report on Engrossed SB 2027 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2027, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act to amend and reenact subsection 4 of section 28-32-02 of the North Dakota Century Code, relating to publication of notice of administrative rulemaking; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2027, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2319: Your conference committee (Sens. W. Stenehjem, Lyson, C. Nelson and Reps. Koppelman, Klemin, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 768, adopt amendments as follows, and place SB 2319 on the Seventh order:

That the House recede from its amendments as printed on page 768 of the Senate Journal and page 845 of the House Journal and that Senate Bill No. 2319 be amended as follows:

Page 1, line 8, after "damages" insert "against the driver under the motion procedures provided in subsection 1" and replace the second "the" with "clear and convincing"

Page 1, line 9, remove "preponderance of the"

Page 1, line 10, replace ", for a second time in" with "within the" and replace the second comma with "immediately preceding the accident has been convicted for violation of section 39-08-01 and who"

Page 1, line 14, after "substance" insert "unless a drug that predominantly caused impairment was used only as directed or cautioned by a practitioner who legally prescribed or dispensed the drug to the driver"

Page 1, line 17, replace "Knowingly under significant" with "Under the" and replace "medication or other substance that" with "volatile chemical as listed in section 12.1-31-06."

Page 1, remove lines 18 through 20

Page 1, line 21, remove "damages under this section."

Renumber accordingly

SB 2319 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. LYSON MOVED that the conference committee report on SB 2319 be adopted, which motion prevailed on a voice vote.

SB 2319, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2319: A BILL for an Act to create and enact a new subsection to section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages for accidents involving motor vehicle operators under the influence of alcohol or a controlled substance.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsch; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

SB 2319, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1171, as engrossed: Your conference committee (Sens. W. Stenehjem, Thane, DeMers and Reps. L. Thoreson, Haas, Kroeber) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1065-1067, adopt amendments as follows, and place HB 1171 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1065-1067 of the House Journal and pages 913-915 of the Senate Journal and that Engrossed House Bill No. 1171 be amended as follows:

Page 1, line 1, after the first comma insert "54-44.3-12.2,"

Page 1, line 2, after "board" insert ", employee complaints,"

Page 1, line 3, remove the first "and" and after "director" insert a comma

Page 1, line 14, replace "in either public or private employment nominated by" with "appointed by the governor"

Page 1, line 15, remove "board members and confirmed by majority vote of the other board members"

Page 1, line 23, overstrike "However, if a board"

Page 1, line 24, overstrike "member voluntarily withdraws from deliberation and voting on an" and remove "issue"

Page 2, line 1, overstrike "where there may be a possible conflict of interest, the vacancy", remove "may", and overstrike "be filled"

Page 2, line 2, overstrike "temporarily"

Page 2, line 7, remove "by a"

Page 2, remove line 8

Page 2, line 9, remove "members" and overstrike the period

Page 2, after line 19, insert:

"**SECTION 2. AMENDMENT.** Section 54-44.3-12.2 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-44.3-12.2. Employee complaints - Cooperation in development and implementation of basic agency grievance procedures and a statewide appeal mechanism - Appeals. It is the intent of the state of North Dakota to assure fair and equitable treatment and promote harmony between and among all classified employees. To ensure this the state desires to resolve bona fide employee complaints as quickly as possible. The division shall cooperate with and assist the various departments, agencies, and institutions of the state in the development and implementation of basic agency grievance procedures and a statewide appeal mechanism. The division shall certify appeals from nonprobationary employees in the classified service which are related to discrimination, merit system qualification, reprisals, reduction in force, forced relocation, demotion with loss of pay, suspension without pay, and dismissal, and from applicants for positions in the classified service related to discrimination. Upon receipt of an appeal, the division shall submit a written request to the director of the office of administrative hearings to designate an administrative hearing officer for the division to conduct the hearing and related proceedings, including receiving evidence and preparing findings of fact, conclusions of law, and issuing a final decision. The moving party in the initial action bears the burden of proof in the appeal. An appeal to the district court from the determination of the ~~office of administrative hearings~~ hearing officer must be filed according to chapter 28-32, but neither the division nor the office of administrative hearings may be named as a party to the appeal under chapter 23-32 unless an employee of one of those two agencies is involved in the grievance."

Renumber accordingly

Engrossed HB 1171 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. DEMERS MOVED that the conference committee report on Engrossed HB 1171 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1171, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1171: A BILL for an Act to amend and reenact sections 54-44.3-03, 54-44.3-12.2, 54-44.3-15, and 54-44.3-16 of the North Dakota Century Code, relating to membership and voting on the state personnel board, employee complaints, certification of payroll by the central personnel division director, and agency personnel officers.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1171, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1329, as engrossed: Your conference committee (Sens. Traynor, Lyson, C. Nelson and Reps. DeKrey, Klemin, Meyer) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1095 and place HB 1329 on the Seventh order.

REPORT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the conference committee report on Engrossed HB 1329 be adopted, which motion prevailed on a voice vote.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1011 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1011: Reps. Keiser; Dalrymple; Huether

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

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

SB 2013: Reps. Carlson; Monson; Nichols

SB 2162: Reps. R. Kelsch; Monson; Grumbo

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1156.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1274.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SCR 4029.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1329.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2012 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2012: Sens. St. Aubyn; Bowman; Krauter

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2027, SB 2075, SB 2319.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1171.

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:

SB 2267: Sens. Schobinger; B. Stenehjem; Thompson

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 2071, SB 2098, SB 2125.

MOTION

SEN. ST. AUBYN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that the Senate be on the Seventh and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Thursday, April 8, 1999, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2074, as engrossed: Your conference committee (Sens. Cook, Freborg, O'Connell and Reps. Drovdal, R. Kelsch, Mueller) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 847-848, adopt amendments as follows, and place SB 2074 on the Seventh order:

That the House recede from its amendments as printed on pages 847 and 848 of the Senate Journal and page 929 of the House Journal and that Engrossed Senate Bill No. 2074 be amended as follows:

Page 2, after line 8, insert:

- "4. The education standards and practices board or, in the case of a school administrator, the administrator's professional practices board, may impose a fee against a certificate holder to reimburse the education standards and practices board or, in the case of a school administrator, the administrator's professional practices board, for all or part of the costs of administrative actions that result in disciplinary action against the certificate holder under this section."

Page 2, line 9, replace "4" with "5"

Page 2, line 16, replace "chapter 12.1-16, 12.1-17, 12.1-18" with "sections 12.1-16-01, 12.1-16-02, 12.1-16-03, 12.1-16-04, 12.1-17-01.1, 12.1-17-02, 12.1-17-03, 12.1-17-04, 12.1-17-05, 12.1-17-06, 12.1-17-07, 12.1-17-07.1, 12.1-17-10, 12.1-18-01, 12.1-18-02, 12.1-18-03, 12.1-29-01, 12.1-29-02, or 12.1-29-03"

Page 2, line 17, remove "or 12.1-29,"

Renumber accordingly

Engrossed SB 2074 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1156, as engrossed: Your conference committee (Sens. Klein, Sand, Kroeplin and Reps. Pollert, Renner, Nowatzki) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1012, adopt amendments as follows, and place HB 1156 on the Seventh order:

That the Senate recede from its amendments as printed on page 1012 of the House Journal and pages 838 and 839 of the Senate Journal and that Engrossed House Bill No. 1156 be amended as follows:

Page 1, line 3, after the fourth comma insert "subsection 1 of section 60-02-24, sections"

Page 2, line 5, after "dockage" insert ", vomitoxin level"

Page 2, line 12, after "dockage" insert ", vomitoxin level"

Page 5, after line 3, insert:

"SECTION 5. AMENDMENT. Subsection 1 of section 60-02-24 of the North Dakota Century Code is amended and reenacted as follows:

1. Prepare for each month a report giving facts and information called for on the form of report prepared by the commission, ~~which~~. The report shall must contain or be verified by a written declaration that it is made under the penalties of perjury. Such The report may be called for more frequently if the commission deems it necessary. Information pertaining to the volume of grain handled is a confidential trade secret and is not a public record. The commission may make the information available for use by other governmental entities, but the commission may not release the information in a manner that jeopardizes the confidentiality of individual licensees."

Renumber accordingly

Engrossed HB 1156 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1274, as engrossed: Your conference committee (Sens. Cook, Flakoll, O'Connell and Reps. Brandenburg, Haas, Nowatzki) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1019, adopt amendments as follows, and place HB 1274 on the Seventh order:

That the Senate recede from its amendments as printed on page 1019 of the House Journal and pages 856 and 857 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, replace "reciprocity" with "reciprocal" and after "teachers" insert "; and to declare an emergency"

Page 1, line 6, replace "**reciprocity**" with "**reciprocal**"

Page 1, line 7, replace "reciprocity" with "reciprocal"

Page 1, line 23, replace "reciprocity" with "reciprocal"

Page 2, line 2, replace "reciprocity" with "reciprocal"

Page 2, line 4, replace "reciprocity" with "reciprocal"

Page 2, after line 5, insert:

SECTION 2. A new section to chapter 15-36 of the North Dakota Century Code is created and enacted as follows:

Reciprocal acceptance of teaching certificates - Report. On or before July 1, 2001, the education standards and practices board shall pursue the reciprocal acceptance of teaching certificates issued by other states. The education standards and practices board shall present a progress report regarding implementation of the program to the legislative council or to a committee designated by the council before October 1, 2000.

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

Renumber accordingly

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

The Senate stood adjourned pursuant to Senator St. Aubyn's motion.

WILLIAM C. PARKER, Secretary