

**JOURNAL OF THE SENATE**

**Fifty-sixth Legislative Assembly**

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**Bismarck, April 12, 1999**

The Senate convened at 9:05 a.m., with President Pro Tem W. Stenehjem presiding.

The prayer was offered by Senator Cook.

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

A quorum was declared by the President Pro Tem.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on April 9, 1999, I have signed the following: SB 2068, SB 2071, SB 2088, SB 2125, SB 2217, SB 2300, SB 2327, and SB 2371.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NOTHING MOVED** that the President Pro Tem appoint a committee of three to act with a like committee from the House as a new Conference Committee on Engrossed SB 2008, which motion prevailed.

**THE PRESIDENT PRO TEM APPOINTED** as a new Conference Committee on Engrossed SB 2008: Sens. Holmberg, Solberg, Tomac.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. SCHOBINGER MOVED** that the conference committee report on Engrossed SB 2267 as printed on SJ page 1199 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2267, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2267:** A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to the special road committee; to amend and reenact subsection 3 of section 24-02-37 of the North Dakota Century Code, relating to the special road fund; to provide an effective 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; 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.; Nothing; 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; DeMers

Engrossed SB 2267, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the conference committee report on Engrossed SB 2004 as printed on SJ pages 1193-1194 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2004, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; Cook; 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; DeMers

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

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. HOLMBERG MOVED** that the conference committee report on Engrossed SB 2010 as printed on SJ pages 1194-1195 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2010, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2010:** A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; to provide for the appointment of legislative representatives to the national conference of insurance legislators; and to amend and reenact subsection 3 of section 26.1-01-07.1, sections 26.1-01-09, and 26.1-23-03 of the North Dakota Century Code, relating to the cash balance of the insurance regulatory trust fund, the salary of the insurance commissioner, and the unsatisfied judgment fund.

**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; 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; DeMers

Engrossed SB 2010, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the conference committee report on Engrossed SB 2003 as printed on SJ page 1193 be adopted, which motion prevailed on a voice vote.

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

**SECOND READING OF SENATE BILL**

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide statements of legislative intent; to amend and reenact subsection 3 of section 53-06.1-14 and section 54-12-11 of the North Dakota Century Code, relating to gaming stamp fees and the salary of the attorney general; 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; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Heitkamp; Mathern, D.; Nelson, C.; O'Connell; Redlin

**ABSENT AND NOT VOTING:** Bercier; DeMers

Engrossed SB 2003, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed SB 2022 as printed on SJ pages 1197-1198 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2022, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2022:** A BILL for an Act to provide an appropriation for defraying the expenses of the tourism 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; Bowman; Christmann; Cook; 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; DeMers

Engrossed SB 2022, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. FISCHER MOVED** that the conference committee report on Engrossed SB 2114 as printed on SJ pages 1195-1197 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2114, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2114:** A BILL for an Act to amend and reenact subsection 2 of section 50-01.2-00.1 and subsection 1 of section 50-09-29 of the North Dakota Century Code, relating to local expenses of administration and requirements for temporary assistance for needy families; to authorize the department of human services to negotiate a pilot project for the state's participation in direct funding and administration of tribal temporary assistance to needy families; to provide for a legislative council study; and to provide for reports to the legislative council.

#### 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; 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; DeMers

Engrossed SB 2114, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. SCHOBINGER MOVED** that the conference committee report on Engrossed SB 2127 as printed on SJ pages 1198-1199 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2127, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2127:** A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to demerit points; and to amend and reenact subsection 2 of section 39-06.1-06 and section 39-21-41.2 of the North Dakota Century Code, relating to use of seatbelts and restraints.

**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, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Christmann; Freborg; Mutch; Naaden; Nething; Solberg; Stenehjem, B.; Urlacher

**ABSENT AND NOT VOTING:** Bercier; DeMers

Engrossed SB 2127, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. FLAKOLL MOVED** that the conference committee report on Engrossed SB 2381 as printed on SJ page 1199 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2381, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2381:** A BILL for an Act to amend and reenact section 15-40.1-07.7 of the North Dakota Century Code, relating to per student payments for limited English proficient students.

**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; 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; DeMers

Engrossed SB 2381, as amended, passed and the title was agreed to.

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**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 2003, SB 2004, SB 2010, SB 2022, SB 2114, SB 2127, SB 2267, SB 2381.

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

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

**SB 2008:** Sens. Holmberg; Solberg; Tomac

**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 2038, SB 2171.

**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 1020, HB 1043, HB 1405.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on the veto certification on HB 1266.

**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 Pro Tem W. Stenehjem presiding.

**MOTION**

**SEN. MUTCH MOVED** that the Senate Conference Committee on Engrossed SB 2307 be dissolved and that a new conference committee be appointed, which motion prevailed.

**THE PRESIDENT PRO TEM APPOINTED** as a new Conference Committee on Engrossed SB 2307: Sens. Krebsbach, Klein, Thompson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to Engrossed SB 2148 as printed on SJ pages 792-796.

**REQUEST**

**SEN. THOMPSON REQUESTED** a recorded roll call vote on the motion to concur in the House amendments to Engrossed SB 2148, which request was granted.

**ROLL CALL**

The question being on the motion to concur in the House amendments to Engrossed SB 2148, the roll was called and there were 30 YEAS, 16 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

**ABSENT AND NOT VOTING:** Bercier; DeMers; Freborg

The Senate concurred in the House amendments to Engrossed SB 2148. Engrossed SB 2148, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2148:** A BILL for an Act to create and enact a new section to chapter 16.1-08.1 and a new section to chapter 16.1-11 of the North Dakota Century Code, relating to reporting requirements for political committees that organize and register according to federal law and deadlines for placing county and city measures on election ballots; and to amend and reenact sections 11-07-06, 16.1-05-03, 16.1-08.1-01, 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.2, subsection 3 of section 16.1-08.1-03.3, sections 16.1-08.1-06, 16.1-11-06, 16.1-11-11, 16.1-11-22, subsection 3 of section 16.1-13-22, sections 16.1-15-01, 16.1-15-19, and subsection 6 of section 16.1-16-01, relating to election of county commissioners, election worker training sessions, campaign contribution statements, the time for submitting nominating petitions or certificates of endorsement, the primary election ballot, and county canvassing boards and recount boards being authorized to stamp and initial absentee ballots.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

**ABSENT AND NOT VOTING:** Bercier; DeMers; Freborg

Reengrossed SB 2148 passed and the title was agreed to.

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#### MOTION

**SEN. ST. AUBYN MOVED** that the Senate stand at ease due to technical problems, which motion prevailed.

**THE SENATE RECONVENED**, with President Pro Tem W. Stenehjem presiding.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. WANZEK MOVED** that the conference committee report on Engrossed HB 1252 as printed on SJ pages 1199-1200 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1252, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1252:** A BILL for an Act relating to sale and use of crop protection products; 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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; 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

**ABSENT AND NOT VOTING:** Bercier; DeMers; Freborg; Watne

Engrossed HB 1252, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. KLEIN MOVED** that the conference committee report on HB 1276 as printed on SJ pages 1200-1202 be adopted, which motion prevailed on a voice vote.

HB 1276, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1276:** A BILL for an Act to create and enact a new section to chapter 36-01, a new section to chapter 36-05, and a new section to chapter 36-14 of the North Dakota Century Code, relating to livestock unfit for sale and animals imported into the state; to amend and reenact sections 36-01-05, 36-01-07, 36-01-08, 36-01-08.1, 36-01-08.3, 36-01-08.4, 36-01-13, 36-01-14, 36-01-28, 36-05-01, subsection 4 of section 36-05-13.2, sections 36-07-07, 36-14-10, 36-14-20, 36-14-21, 36-15-01, 36-15-02, 36-15-08.1, 36-15-09, 36-15-14, 36-15-19, 36-15-21, 36-15-22, and subsection 1 of section 36-21.1-06 of the North Dakota Century Code, relating to the board of animal health, livestock auction markets, rendering plants, contagious and infectious livestock diseases, tuberculosis and brucellosis eradication in animals, and humane treatment of animals; to repeal sections 36-14-04, 36-14-05, 36-14-06, 36-14-07, 36-15-08, and 36-15-12 of the North Dakota Century Code, relating to horses, cattle, sheep, and swine imported into the state, compensation for owners of animals infected with tuberculosis or paratuberculosis, and bovine tuberculosis and brucellosis funds; to provide a penalty; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; 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; DeMers; Freborg

HB 1276, 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 Engrossed HB 1428 as printed on SJ page 1202 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1428, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1428:** A BILL for an Act to authorize the production of industrial hemp; to amend and reenact subsection 13 of section 4-09-01 of the North Dakota Century Code, relating to the definition of noxious weed seeds; 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 44 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Cook; Lyson; Sand

**ABSENT AND NOT VOTING:** Bercier; DeMers

Engrossed HB 1428, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1043, as reengrossed:** Your conference committee (Sens. W. Stenehjem, Watne, C. Nelson and Reps. Delzer, DeKrey, Nichols) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1168 and pages 1298-1299, adopt amendments as follows, and place HB 1043 on the Seventh order:

That the Senate recede from its amendments as printed on page 1168 and pages 1298 and 1299 of the House Journal and page 740 and page 1024 of the Senate Journal and that Reengrossed House Bill No. 1043 be amended as follows:

Page 1, line 1, after "enact" insert "a new section to chapter 14-02.4 and"

Page 1, line 4, remove the second "and"

Page 1, line 5, after "appropriation" insert "; and to provide an effective date"

Page 1, after line 6, insert:

"**SECTION 1.** A new section to chapter 14-02.4 of the North Dakota Century Code is created and enacted as follows:

**Discriminatory housing practices.**

1. It is a discriminatory practice for an owner of rights to housing or real property or the owner's agent or a person acting under court order, deed or trust, or will to:
  - a. Refuse to transfer an interest in real property or housing accommodation to a person because of the person's status with respect to public assistance;
  - b. Discriminate against a person in the terms, conditions, or privileges of the transfer of an interest in real property or housing accommodation because of the person's status with respect to public assistance; or
  - c. Indicate or publicize that the transfer of an interest in real property or housing accommodation by persons is unwelcome, objectionable, not acceptable, or not solicited because of the person's status with respect to public assistance.
2. It is a discriminatory practice for a person, or agent or employee of the person, who lends or provides other financial assistance for the purchase, lease, acquisition, construction, rehabilitation, repair, or maintenance of real property to discriminate in lending or financial assistance decisions, or in the extension of services in connection with those decisions, based on the status with respect to public assistance of the person seeking the loan or financial assistance.
3. Any person claiming to be aggrieved by a discriminatory practice in violation of this section may bring an action in district court under the procedure provided in section 14-02.4-19."

Page 2, line 10, replace "14-02.5-19" with "14-02.5-18"

Page 2, line 23, replace "14-02.5-03" with "14-02.5-02"

Page 2, line 24, replace "14-02.5-09" with "14-02.5-08" and replace "14-02.5-46" with "14-02.5-45"

Page 2, line 29, after the first underscored period insert:

"Familial status" means one or more minors being domiciled with a parent or another person having legal custody of the minor or minors; or the designee of the parent or other person having such custody with the written permission of the parent or other person. The protections afforded against discrimination on the basis of familial status apply to any person who is pregnant or is in the process of securing legal custody of any minor.

10."

Page 2, line 30, replace "10" with "11"

Page 3, line 1, replace "14-02.5-22" with "14-02.5-21"

Page 3, line 3, replace "11" with "12"

Page 3, remove lines 5 through 10

Page 3, line 11, replace "14-02.5-03" with "14-02.5-02"

Page 3, line 23, replace "14-02.5-04" with "14-02.5-03"

Page 3, line 28, replace "14-02.5-05" with "14-02.5-04"

Page 4, line 1, replace "14-02.5-06" with "14-02.5-05"

Page 4, line 5, replace "14-02.5-07" with "14-02.5-06"

Page 4, line 13, replace the second "the" with "that"

Page 4, line 15, replace "the other" with "that"



Page 4, line 20, after "premises" insert ", except that, in the case of a rental, the landlord may condition, when it is reasonable to do so, permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted"

Page 5, line 9, replace "ANSI A 117.1" with "ANSI A 117.1 (1986)"

Page 5, line 20, replace "14-02.5-08" with "14-02.5-07"

Page 5, line 27, after the underscored period insert "For the purposes of this section, a person is in the business of selling residential real property if within the preceding twelve months, the person has participated as principal in three or more transactions involving the sale of any dwelling or any interest in a dwelling or has participated as agent, other than in the sale of the person's own personal residence, in providing sales facilities or sales services in two or more transactions involving the sale of any dwelling or any interest in a dwelling."

Page 5, line 28, replace "14-02.5-09" with "14-02.5-08"

Page 6, line 3, replace "14-02.5-10" with "14-02.5-09"

Page 6, line 4, replace "14-02.5-03" with "14-02.5-02" and replace "14-02.5-09" with "14-02.5-08"

Page 6, line 15, replace "14-02.5-04" with "14-02.5-03"

Page 6, line 16, replace "14-02.5-03" with "14-02.5-02" and replace "14-02.5-09" with "14-02.5-08"

Page 6, line 24, replace "14-02.5-11" with "14-02.5-10"

Page 7, line 1, after the second "not" insert "in fact"

Page 7, line 10, replace "14-02.5-12" with "14-02.5-11" and after the third underscored period insert:

"1."

Page 7, line 15, after the underscored period insert "In determining whether housing qualifies as housing for elderly under this section, the department shall adopt rules that require at least the following factors:

- a. The existence of significant facilities and services specifically designed to meet the physical or social needs of older individuals or, if the provision of the facilities and services is not practicable, that the housing is necessary to provide important housing opportunities for older individuals;
  - b. That at least eighty percent of the units are occupied by at least one individual fifty-five years of age or older per unit; and
  - c. The publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for individuals fifty-five years of age or older.
2. Housing may not be considered to be in violation of the requirements for housing for elderly under this section by reason of:
- a. Individuals residing in the housing as of the effective date of this Act who do not meet the age requirements of this section, provided that new occupants of the housing meet the age requirements; or
  - b. Unoccupied units, provided that the units are reserved for occupancy by individuals who meet the age requirements of this section."

Page 7, line 16, replace "14-02.5-13" with "14-02.5-12"

Page 7, line 22, replace "14-02.5-14" with "14-02.5-13"

Page 7, line 25, after the underscored period insert "Within the limits of legislative appropriations the department shall foster prevention of discrimination under this chapter through education for the public, landlords, publishers, realtors, brokers, lenders, and sellers on the rights and responsibilities provided under this chapter and ways to respect those protected rights. The department shall emphasize conciliation to resolve complaints."

Page 7, line 26, replace "**14-02.5-15**" with "**14-02.5-14**", replace "14-02.5-19" with "14-02.5-18", and replace "14-02.5-36" with "14-02.5-35"

Page 7, line 29, replace "**14-02.5-16**" with "**14-02.5-15**"

Page 8, line 3, replace "**14-02.5-17**" with "**14-02.5-16**"

Page 8, line 7, replace "**14-02.5-18**" with "**14-02.5-17**"

Page 8, line 8, remove "gifts and", replace "any source" with "the federal government", and remove "Gifts"

Page 8, line 9, replace "and grants" with "Grants"

Page 8, line 12, replace "**14-02.5-19**" with "**14-02.5-18**"

Page 8, line 22, replace "twentieth" with "tenth"

Page 8, line 24, replace "14-02.5-23" with "14-02.5-22"

Page 8, line 28, replace "**14-02.5-20**" with "**14-02.5-19**"

Page 8, line 30, replace "14-02.5-19" with "14-02.5-18"

Page 9, line 5, replace "**14-02.5-21**" with "**14-02.5-20**"

Page 9, line 11, replace "unable" with "impracticable"

Page 9, line 18, replace "**14-02.5-22**" with "**14-02.5-21**"

Page 9, line 20, replace "should be accused of a" with "is alleged to be engaged or to have engaged in the"

Page 9, line 21, after "practice" insert "upon which the complaint is based"

Page 9, line 22, replace "14-02.5-19" with "14-02.5-18"

Page 9, line 24, replace "**14-02.5-23**" with "**14-02.5-22**"

Page 10, line 10, replace "**14-02.5-24**" with "**14-02.5-23**"

Page 10, line 18, replace "14-02.5-32" with "14-02.5-31"

Page 10, line 19, replace "**14-02.5-25**" with "**14-02.5-24**"

Page 10, line 25, replace "**14-02.5-26**" with "**14-02.5-25**"

Page 11, line 5, replace "14-02.5-28" with "14-02.5-27"

Page 11, line 7, replace "**14-02.5-27**" with "**14-02.5-26**"

Page 11, line 8, replace "14-02.5-26" with "14-02.5-25"

Page 11, line 13, replace "Not later than the twentieth day after the date the department issues" with "Upon issuing"

Page 11, line 15, replace "14-02.5-31" with "14-02.5-30"

Page 11, line 18, replace "14-02.5-32" with "14-02.5-31"

Page 11, line 19, replace "**14-02.5-28**" with "**14-02.5-27**"

Page 11, line 23, replace "**14-02.5-29**" with "**14-02.5-28**"

Page 11, line 27, replace "14-02.5-30" with "14-02.5-29"

Page 12, line 1, replace "14-02.5-31" with "14-02.5-30"

Page 12, line 3, replace "14-02.5-37" with "14-02.5-36"

Page 12, line 5, replace "14-02.5-27" with "14-02.5-26"

Page 12, line 9, replace "14-02.5-32" with "14-02.5-31"

Page 12, line 10, replace "14-02.5-31" with "14-02.5-30"

Page 12, line 15, replace "14-02.5-33" with "14-02.5-32"

Page 12, line 16, replace "14-02.5-32" with "14-02.5-31"

Page 12, line 23, replace "Ten" with "Eleven"

Page 12, line 26, replace "twenty-five" with "twenty-seven"

Page 12, line 29, replace "fifty" with "fifty-five"

Page 13, line 10, replace "state treasury to the credit of the fair housing" with "general"

Page 13, line 12, replace "14-02.5-34" with "14-02.5-33"

Page 13, line 13, replace "14-02.5-33" with "14-02.5-32"

Page 13, line 16, replace "14-02.5-35" with "14-02.5-34"

Page 13, line 22, replace "14-02.5-36" with "14-02.5-35"

Page 13, line 24, replace "14-02.5-34" with "14-02.5-33"

Page 13, line 25, replace "14-02.5-37" with "14-02.5-36"

Page 13, line 26, replace "14-02.5-31" with "14-02.5-30"

Page 14, line 1, replace "14-02.5-40" with "14-02.5-39" and replace "14-02.5-45" with "14-02.5-44"

Page 14, line 5, replace "14-02.5-38" with "14-02.5-37"

Page 14, line 23, replace "14-02.5-39" with "14-02.5-38"

Page 14, line 26, replace "14-02.5-40" with "14-02.5-39"

Page 15, line 6, replace "14-02.5-19" with "14-02.5-18"

Page 15, line 16, replace "14-02.5-41" with "14-02.5-40"

Page 15, line 19, replace "14-02.5-42" with "14-02.5-41"

Page 15, line 21, replace "14-02.5-43" with "14-02.5-42"

Page 15, line 25, replace "14-02.5-43" with "14-02.5-42" and replace "14-02.5-40" with "14-02.5-39"

Page 15, line 26, replace "14-02.5-45" with "14-02.5-44"

Page 15, line 30, replace "14-02.5-44" with "14-02.5-43"

Page 15, line 31, replace "14-02.5-40" with "14-02.5-39" and replace "14-02.5-45" with "14-02.5-44"

Page 16, line 3, replace "14-02.5-38" with "14-02.5-37"

Page 16, line 4, replace "14-02.5-45" with "14-02.5-44"

Page 16, line 5, replace "14-02.5-32" with "14-02.5-31"

Page 16, line 7, replace "**14-02.5-46**" with "**14-02.5-45**"

Page 16, line 31, replace "\$29,000" with "\$39,000"

Page 17, after line 4, insert:

**"SECTION 6. EFFECTIVE DATE.** This Act becomes effective on October 1, 1999."

Renumber accordingly

Reengrossed HB 1043 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 Reengrossed HB 1043 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1043, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1043:** A BILL for an Act to create and enact a new section to chapter 14-02.4 and chapter 14-02.5 of the North Dakota Century Code, relating to discriminatory housing practices; to amend and reenact section 14-02.4-19 of the North Dakota Century Code, relating to actions for discrimination; to repeal sections 14-02.4-12 and 14-02.4-13, relating to unfair housing; to provide a penalty; to provide an appropriation; to provide a continuing appropriation; 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 41 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Kelsh; Krauter; Mathern, T.; Nelson, C.; O'Connell; Thompson

**ABSENT AND NOT VOTING:** Bercier; DeMers

Reengrossed HB 1043, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1405, as engrossed:** Your conference committee (Sens. Schobinger, B. Stenehjem, O'Connell and Reps. Sveen, Weisz, Grumbo) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1038-1039, adopt further amendments as follows, and place HB 1405 on the Seventh order:

That the House accede to the Senate amendments as printed on pages 1038 and 1039 of the House Journal and page 886 of the Senate Journal and that Engrossed House Bill No. 1405 be further amended as follows:

Page 1, line 1, replace "section" with "sections" and after "39-12-02" insert "and 43-09-21"

Page 1, line 2, after "moving" insert "and electrical certificates for"

Page 1, line 23, replace "The" with "Upon any" and after "unit" insert "from outside this state"

Page 1, line 24, replace "must be accompanied by a statement by" with an underscored comma

Page 2, line 1, after "manufacturer" insert "is deemed to have certified"

Page 2, after line 17, insert:

"**SECTION 2. AMENDMENT.** Section 43-09-21 of the North Dakota Century Code is amended and reenacted as follows:

**43-09-21. Standards for electrical wiring and equipment.** All electrical wiring, apparatus, or equipment ~~shall~~ must comply with the rules of the board made under authority of the laws of this state and in conformity with the approved methods of construction for safety to life and property. The regulations ~~laid down~~ in the national electrical code and the national electrical safety code as approved by the American national standards institute ~~shall be~~ are prima facie evidence of ~~such these~~ approved methods. Any municipality may make more stringent requirements. ~~No An~~ electrical installation ~~shall~~ may not be connected for use until proof has been furnished to the person, firm, corporation, or limited liability company supplying electrical energy that ~~such there is compliance with the applicable regulations have been complied with.~~ The manufacturer of a new manufactured building or modular unit shall make any changes required for the proof within fourteen days from the notice that the building or unit does not comply with the applicable regulations. This section does not apply to the movement of a new manufactured building or modular unit into or within this state before the process of being connected for use."

Renumber accordingly

Engrossed HB 1405 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. B. STENEHJEM MOVED** that the conference committee report on Engrossed HB 1405 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1405, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1405:** A BILL for an Act to amend and reenact sections 39-12-02 and 43-09-21 of the North Dakota Century Code, relating to applications for moving and electrical certificates for manufactured buildings and modular units.

#### 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; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; 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; DeMers

Engrossed HB 1405, as amended, passed and the title was agreed to.

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

**MR. SPEAKER:** The committee was unable to agree and the President has appointed as a new conference committee to act with a like committee from the House on:

**SB 2307:** Sens. Krebsbach; Klein; Thompson

#### 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 2148.

#### 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 1043, HB 1252, HB 1276, HB 1405, HB 1428.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1007, HB 1013, HB 1014, HB 1015, HB 1121, HB 1156, HB 1274, HB 1290, HB 1291, HB 1325, HB 1422.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on SB 2003.

**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 2004, SB 2010, SB 2022, SB 2114, SB 2127, SB 2267.

**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 1024, HB 1089, HB 1443, HB 1490.

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Dorso to replace Rep. Grosz on the Conference Committee on HB 1108.

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Dorso to replace Rep. Belter on the Conference Committee on SB 2307.

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Clark to replace Rep. Grosz on the Conference Committee on SB 2307.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2014, SB 2019, SB 2021, SB 2074.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2016, SB 2026, SB 2027, SB 2075, SB 2153, SB 2154, SB 2161, SB 2181, SB 2319, SCR 4021, SCR 4029.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1034, HB 1171, HB 1329.

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

**MR. SPEAKER:** The President has signed: HB 1422.

**MOTION**

**SEN. ST. AUBYN MOVED** that the Senate stand in recess until 5:00 p.m., which motion prevailed.

**THE SENATE RECONVENED** pursuant to recess taken, with President Pro Tem W. Stenehjem presiding.

**REPORT OF CONFERENCE COMMITTEE**

**SCR 4033:** Your conference committee (Sens. Klein, Krebsbach, Heitkamp and Reps. Gorder, Brekke, Fairfield) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 739 and place SCR 4033 on the Seventh order.

SCR 4033 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. KLEIN MOVED** that the conference committee report on SCR 4033 be adopted, which motion prevailed on a voice vote.

SCR 4033, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4033:** A concurrent resolution directing the Legislative Council to study outmigration of North Dakota residents.

The question being on the final adoption of the amended resolution, which has been read.

SCR 4033, as amended, was declared adopted on a voice vote and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2242:** Your conference committee (Sens. Krebsbach, Sand, Heitkamp and Reps. Byerly, Carlson, Huether) recommends that the **HOUSE RECEDE** from the House

amendments on SJ pages 816-817, adopt amendments as follows, and place SB 2242 on the Seventh order:

That the House recede from its amendments as printed on pages 816 and 817 of the Senate Journal and page 900 of the House Journal and that Senate Bill No. 2242 be amended as follows:

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

Page 1, line 2, remove "provide an appropriation"

Page 1, line 7, after "school" insert "or has received a general equivalency certificate"

Page 1, line 20, replace "one" with "eighty-five"

Page 1, line 21, remove "hundred"

Page 2, line 21, after the second period insert "The Bank may not guarantee more than five hundred thousand dollars in loans under the beginning entrepreneur loan guarantee program."

Page 2, line 27, replace "The" with "Notwithstanding any provision of this chapter, the"

Page 3, remove lines 1 through 5

Renumber accordingly

SB 2242 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SEN. KREBSBACH MOVED** that the conference committee report on SB 2242 be adopted, which motion prevailed on a voice vote.

SB 2242, as amended, was placed on the Eleventh order.

#### **SECOND READING OF SENATE BILL**

**SB 2242:** A BILL for an Act to provide for a beginning entrepreneur loan guarantee program.

#### **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; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; 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; DeMers; Mathern, D.

SB 2242, as amended, passed and the title was agreed to.

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#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2396, as engrossed:** Your conference committee (Sens. Sand, Krebsbach, Thompson and Reps. Berg, Keiser, Lemieux) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 772 and place SB 2396 on the Seventh order.

Engrossed SB 2396 was placed on the Seventh order of business on the calendar.

#### **REPORT OF CONFERENCE COMMITTEE**

**SEN. SAND MOVED** that the conference committee report on SB 2396 be adopted, which motion prevailed on a voice vote.

SB 2396, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2396:** A BILL for an Act to provide for nonprofit mutual insurance companies to evaluate hospital reimbursement rates; and to provide an expiration 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 0 YEAS, 46 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; 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; DeMers; Mathern, D.

SB 2396, as amended, lost.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2008, as engrossed:** Your conference committee (Sens. Holmberg, Solberg, Tallackson and Reps. Byerly, Poolman, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 871-873, adopt amendments as follows, and place SB 2008 on the Seventh order:

That the House recede from its amendments as printed on pages 871-873 of the Senate Journal and pages 952-954 of the House Journal and that Engrossed Senate Bill No. 2008 be amended as follows:

Page 1, line 2, after "49-01-05" insert "and subsection 3 of section 49-21-01"

Page 1, line 3, after "commissioners" insert "and the definition of an essential telecommunications service"

Page 1, line 11, replace "4,389,004" with "4,383,989"

Page 1, line 12, replace "1,067,294" with "1,054,694"

Page 1, line 16, replace "9,202,101" with "9,184,486"

Page 1, line 17, replace "5,633,045" with "5,663,045"

Page 1, line 18, replace "3,569,056" with "3,521,441"

Page 2, after line 3, insert:

**"SECTION 3. AMENDMENT.** Subsection 3 of section 49-21-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. "Essential telecommunications service" means service that is necessary for switched access to interexchange telecommunications companies and necessary for two-way switched communications for both residential and business service within a local exchange area. A charge based on measured service may not be required for residential and business local exchange service. Essential telecommunications services are limited to:
  - a. Switched access;
  - b. Any new product or service offered in North Dakota after July 1, 1989, deemed essential by the commission after notice and hearing in accordance with chapter 28-32;
  - c. Billing and collection of the billing company's own essential telecommunications services and billing and collection recording for interexchange carriers to which the local exchange carrier provides feature group C access service;



- d. Primary directory listing, including nonlisted and nonpublished service, and ~~local exchange~~ access to directory assistance;
- e. Emergency 911 services and emergency operator assistance in local exchange areas in which emergency 911 service is not available;
- f. Except as provided in section 49-02-01.1, mandatory, flat-rate extended area service to designated nearby local exchange areas;
- g. Installation of the service connection for essential services from the end user's premises to the local exchange network;
- h. Transmission service necessary for the connection between the end user's premises and the local exchange central office switch including a trunk connection that has direct inward dialing and necessary signaling service such as touchtone used by end users for essential telecommunications services;
- i. Single or multiparty flat-rate or measured residence and business service;
- j. Single or multiparty flat-rate or measured combination business and residence service; and
- k. The transmission service line for a coin or pay telephone."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE COMPARISON TO HOUSE VERSION
Salaries and wages	\$4,614,184	\$4,389,004	(\$5,015)	\$4,383,989	\$4,383,989	
Operating expenses	1,074,694	1,067,294	(12,600)	1,054,694	1,054,694	
Equipment	71,311	71,311		71,311	71,311	
Grants	6,000	6,000		6,000	6,000	
AML contractual services	<u>3,668,492</u>	<u>3,668,492</u>		<u>3,668,492</u>	<u>3,668,492</u>	
Total all funds	\$9,434,681	\$9,202,101	(\$17,615)	\$9,184,486	\$9,184,486	\$0
Less special funds	<u>5,640,789</u>	<u>5,633,045</u>	<u>30,000</u>	<u>5,663,045</u>	<u>5,663,045</u>	
General fund	\$3,793,892	\$3,569,056	(\$47,615)	\$3,521,441	\$3,521,441	\$0
FTE	43.00	42.00	0.00	42.00	43.00	(1.00)

Detail of Conference Committee changes to the Senate version includes:

	RESTORE ATTORNEY POSITION 1	REDUCE SALARIES AND REMOVE AN UNDESIGNATED POSITION	REDUCE OPERATING EXPENSES	FUNDING SOURCE CHANGE	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$144,985	(\$150,000) <sup>2</sup>			(\$5,015)
Operating expenses	7,400		(\$20,000) <sup>3</sup>		(12,600)
Equipment					
Grants					
AML contractual services					
Total all funds	\$152,385	(\$150,000)	(\$20,000)	\$0	(\$17,615)
Less special funds				<u>30,000</u> <sup>4</sup>	<u>30,000</u>
General fund	\$152,385	(\$150,000)	(\$20,000)	(\$30,000)	(\$47,615)
FTE	1.00	(1.00)	0.00	0.00	0.00

Conference Committee changes narrative:

<sup>1</sup> Restores 1 FTE attorney position removed by the Senate, the same as the House version.

<sup>2</sup> Reduces salaries and wages funding by \$150,000 and remove 1 FTE undesignated position. The House had reduced salaries and wages by \$150,000, but did not remove an FTE position.

<sup>3</sup> Reduces operating expenses as follows, the same as the House version:

Office supplies	(\$10,000)
Travel	(10,000)
Total	(\$20,000)

<sup>4</sup> Provides for a funding source change of \$117,027 rather than the \$147,027 approved in the executive budget and the Senate version relating to increasing the general fund support for the Public Service Commission as a result of an anticipated reduction in federal administrative cost reimbursements. The House also made this change.

The section added by the House is included which provides that an essential telecommunications service includes access to directory assistance rather than local exchange directory assistance.

Engrossed SB 2008 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. HOLMBERG MOVED** that the conference committee report on Engrossed SB 2008 be adopted.

#### REQUEST

**SEN. B. STENEHJEM REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on Engrossed SB 2008, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed SB 2008, the roll was called and there were 17 YEAS, 29 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Christmann; Flakoll; Freborg; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Mutch; Nelson, G.; Sand; St. Aubyn; Tallackson; Traynor; Wanzek

**NAYS:** Bowman; Cook; Fischer; Heitkamp; Kelsh; Kilzer; Kinnoin; Krauter; Kroeplin; Lindaas; Lyson; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Schobinger; Solberg; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; DeMers; Mathern, D.

The conference committee report on Engrossed SB 2008 was rejected.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1020, as engrossed:** Your conference committee (Sens. Holmberg, Grindberg, Tallackson and Reps. Carlson, Lloyd, Nichols) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1091, adopt amendments as follows, and place HB 1020 on the Seventh order:

That the Senate recede from its amendments as printed on page 1091 of the House Journal and pages 941 and 942 of the Senate Journal and that Engrossed House Bill No. 1020 be amended as follows:

Page 1, line 14, replace "445,760" with "525,760"

Page 1, line 16, replace "27,907,410" with "27,987,410"

Page 1, line 18, replace "12,174,391" with "12,254,391"

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 270 - STATE BOARD FOR VOCATIONAL AND TECHNICAL EDUCATION

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Salaries and wages	\$2,718,940	\$2,688,484		\$2,688,484	\$2,688,484	
Operating expenses	567,192	567,192		567,192	567,192	
Equipment	60,000	60,000		60,000	60,000	
Grants	25,188,522	23,788,522		23,788,522	23,788,522	
Adult farm management	445,760	445,760	\$80,000	525,760	545,760	(\$20,000)
Postsecondary education grants	<u>357,452</u>	<u>357,452</u>		<u>357,452</u>	<u>357,452</u>	
Total all funds	\$29,337,866	\$27,907,410	\$80,000	\$27,987,410	\$28,007,410	(\$20,000)
Less special funds	<u>15,745,712</u>	<u>15,733,019</u>		<u>15,733,019</u>	<u>15,733,019</u>	
General fund	\$13,592,154	\$12,174,391	\$80,000	\$12,254,391	\$12,274,391	(\$20,000)
FTE	28.50	28.50	0.00	28.50	28.50	0.00

Detail of Conference Committee changes to the House version:

	INCREASE ADULT FARM MANAGEMENT GRANTS	ADD FUNDING FOR GRANTS FOR MARKETING CLUBS	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages			
Operating expenses			
Equipment			
Grants			
Adult farm management	\$30,000	\$50,000	\$80,000
Postsecondary education grants			
Total all funds	\$30,000	\$50,000	\$80,000
Less special funds			
General fund	\$30,000	\$50,000	\$80,000

Conference Committee changes narrative:

This amendment makes the following changes:

- Increases grants for the adult farm management program by \$30,000 (\$20,000 less than the amount added by the Senate).
- Adds \$50,000 (which was included in the Senate amendments) to the adult farm management line item for grants to create and expand marketing clubs as adjuncts to farm management programs, as provided in House Bill No. 1434.

Engrossed HB 1020 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. HOLMBERG MOVED** that the conference committee report on Engrossed HB 1020 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1020, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1020:** A BILL for an Act to provide an appropriation for defraying the expenses of the state board for vocational and technical education.

**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; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; 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; DeMers; Mathern, D.

Engrossed HB 1020, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1024, as engrossed:** Your conference committee (Sens. Wardner, W. Stenehjem, DeMers and Reps. Koppelman, Klemin, Meyer) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1068, adopt further amendments as follows, and place HB 1024 on the Seventh order:

That the Senate recede from its amendments as printed on page 1068 of the House Journal and page 911 of the Senate Journal and that Engrossed House Bill No. 1024 be amended as follows:

Page 1, line 4, remove "subsection 1 of section 28-32-03.3,"

Page 1, line 6, replace "void" with "suspend"

Page 2, line 11, remove the overstrike over "~~thirty~~" and remove "fourteen"

Page 2, line 16, replace "fourteen" with "thirty"

Page 2, line 21, remove the overstrike over "~~thirty~~" and remove "fourteen"

Page 3, remove lines 8 through 29

Page 4, remove lines 1 through 29

Page 5, line 3, after "agency" insert ", and if the administrative rules committee makes the specific finding that there is substantial evidence that with regard to that rule or portion of a rule there is an absence of statutory authority or a conflict with state law or express legislative intent"

Page 5, line 9, after "28-32-03.3" insert "except that the administrative rules committee may not void a rule called up for review under this section but may suspend from operation all or part of such a rule through July thirty-first of the first ensuing odd-numbered year if the committee makes the specific finding that with regard to that rule or portion of a rule there is an absence of statutory authority or a conflict with state law or express legislative intent"

Page 5, remove line 18

Page 5, line 19, remove "agency under this section and otherwise"

Page 5, line 23, replace "Sections" with "Section", remove "and 5", and replace "are" with "is"

Page 5, line 24, remove "Section 4 of this Act is suspended from"

Page 5, remove lines 25 through 28

ReNUMBER accordingly

Engrossed HB 1024 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. WARDNER MOVED** that the conference committee report on Engrossed HB 1024 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1024, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1024:** A BILL for an Act to create and enact section 28-32-03.4 of the North Dakota Century Code, relating to authority of the administrative rules committee to call up existing administrative rules for review; to amend and reenact subsection 1 of section 4-18.1-20, subsections 4 and 7 of section 28-32-02, and section 28-32-04 of the North Dakota Century Code, relating to statutory references to administrative rulemaking provisions, administrative rulemaking procedures, authority of the administrative rules committee to suspend or object to administrative rules, and petitions for reconsideration of administrative rules; 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 20 YEAS, 26 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Grindberg; Kinnoin; Klein; Kroepflin; Lyson; Mutch; Nelson, G.; Sand; Schobinger; Solberg; Stenehjelm, B.; Tallackson; Tomac; Wanzek

**NAYS:** Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Nething; O'Connell; Redlin; Robinson; St. Aubyn; Stenehjelm, W.; Thane; Thompson; Traynor; Urlacher; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; DeMers; Mathern, D.

Engrossed HB 1024, as amended, lost.

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#### REPORT OF CONFERENCE COMMITTEE

**HB 1089, as reengrossed:** Your conference committee (Sens. Mutch, Krebsbach, Thompson and Reps. Berg, Poolman, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1121, adopt amendments as follows, and place HB 1089 on the Seventh order:

That the Senate recede from its amendments as printed on page 1121 of the House Journal and pages 711 and 712 of the Senate Journal and that Reengrossed House Bill No. 1089 be amended as follows:

Page 1, line 4, after the second semicolon insert "to provide a continuing appropriation;"

Page 1, line 8, after "**audit**" insert "**- Continuing appropriation**"

Page 2, line 8, replace "money" with "moneys", replace "and" with an underscored comma, and after "2001" insert ", and 2002"

Page 2, line 10, replace "money is" with "moneys are"

Page 2, line 11, after the underscored period insert "Moneys are hereby appropriated for the federal fiscal years identified in this subsection for purposes of administration of the unemployment compensation program."

Page 3, line 1, replace "and" with a comma, after "2001" insert ", and 2002", and replace "\$300,000" with "\$327,000"

Page 3, line 4, replace "one" with "one-half"

Page 3, line 5, after "preceding" insert "program" and after the first comma insert "excluding every claimant who is on temporary layoff and returning to employment with the former employer within four weeks and excluding every claimant with demonstrated job attachment and a reasonable expectation of returning to a former base period employer once work becomes available"

Renumber accordingly

Reengrossed HB 1089 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. MUTCH MOVED** that the conference committee report on Reengrossed HB 1089 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1089, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1089:** A BILL for an Act to amend and reenact section 52-02-18 and subsection 3 of section 52-03-07 of the North Dakota Century Code, relating to an audit of job service North Dakota and the administration of unemployment compensation programs; to provide for an audit of job service North Dakota; to provide an appropriation; to provide a continuing appropriation; and to provide an expiration 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

Reengrossed HB 1089, as amended, passed and the title was agreed to.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed to pass: HB 1024.

**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 1020, HB 1089.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently failed to pass: SB 2396.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report on SB 2008.

**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 2242, SCR 4033.

**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 1002, HB 1017, HB 1021, HB 1037.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on SB 2381.

#### **MOTION**

**SEN. ST. AUBYN MOVED** that the absent members 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., Tuesday, April 13, 1999, which motion prevailed.

#### **REPORT OF CONFERENCE COMMITTEE**

**SB 2168, as engrossed:** Your conference committee (Sens. St. Aubyn, Bowman, Krauter and Reps. Delzer, Timm, Kerzman) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1101-1102, adopt further amendments as follows, and place SB 2168 on the Seventh order:

That the Senate accede to the House amendments as printed on pages 1101 and 1102 of the Senate Journal and pages 1150 and 1151 of the House Journal and that Engrossed Senate Bill No. 2168 be further amended as follows:

Page 3, line 15, replace "the period beginning July first of each year and ending" with "a twelve-month period determined by the department"

Page 3, line 16, remove "June thirtieth of the next year"

ReNUMBER accordingly

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

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

CONFERENCE COMMITTEE - The Senate accedes to the House amendment which changes Section 3 to reflect changes to Senate Bill No. 2036, amends Section 4 to reflect a revised total

of \$12,409,448, of which \$3,618,391 is from the general fund, related to the government nursing facility funding pool in Section 2, amends Section 5 to reflect total trust fund deposits of \$8,524,820, of which \$4,262,410 will be appropriated in Senate Bill No. 2012 for the SPED program and \$4,262,410 for the trust fund loans and grants with an additional \$190,460 of trust fund earnings for loans and grants, limits Department of Human Services share of a project to \$1 million or 80 percent of project costs, whichever is less, and provides an expiration date.

In addition, the Conference Committee adds language to change the "fiscal period" definition from a July 1 to June 30 reference to a 12-month period as determined by the Department of Human Services.

Engrossed SB 2168 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2202, as engrossed:** Your conference committee (Sens. Christmann, Bowman, Heitkamp and Reps. Carlson, Poolman, Aarsvold) recommends that the **HOUSE RECEDE** from the House amendments and place SB 2202 on the Seventh order.

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

#### REPORT OF CONFERENCE COMMITTEE

**SB 2344, as engrossed:** Your conference committee (Sens. Cook, Freborg, O'Connell and Reps. D. Johnson, Drovdal, Solberg) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 904-905, adopt amendments as follows, and place SB 2344 on the Seventh order:

That the House recede from its amendments as printed on pages 904 and 905 of the Senate Journal and pages 981 and 982 of the House Journal and that Engrossed Senate Bill No. 2344 be amended as follows:

Page 1, line 1, remove "to create and enact a new section to chapter 15-40.1 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to the closure of schools in weather emergencies;"

Page 1, line 4, replace "; and" with a period

Page 1, remove lines 5 and 6

Page 1, remove lines 8 through 18

Page 3, remove lines 9 and 10

Re-number accordingly

Engrossed SB 2344 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2355, as engrossed:** Your conference committee (Sens. Wanzek, Klein, Kinnoin and Reps. Brusegaard, Berg, Froelich) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1129-1130, adopt amendments as follows, and place SB 2355 on the Seventh order:

That the House recede from its amendments as printed on pages 1129 and 1130 of the Senate Journal and pages 1166 and 1167 of the House Journal and that Engrossed Senate Bill No. 2355 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 11-33-02 and 58-03-11 of the North Dakota Century Code, relating to zoning regarding farming and ranching.

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

**SECTION 1. AMENDMENT.** Section 11-33-02 of the North Dakota Century Code is amended and reenacted as follows:

**11-33-02. Board of county commissioners to designate districts.**

1. For any or all of the purposes designated in section 11-33-01, the board of county commissioners may divide by resolution ~~divide~~ all or any parts of the county, subject to ~~the provisions of~~ section 11-33-20, into districts of such number, shape, and area as may be ~~deemed~~ determined necessary, and ~~may~~ likewise may enact suitable regulations to carry out the purposes of this chapter. These regulations ~~shall~~ must be uniform in each district, but the regulations in one district may differ from those in other districts. ~~No~~ A regulation or restriction, ~~however, shall~~ may not prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming. ~~The provisions of this~~ or ranching. For purposes of this section, "farming or ranching" means cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services.
2. A board of county commissioners may regulate the nature and scope of concentrated feeding operations permissible in the county; however, if a regulation would impose a substantial economic burden on a concentrated feeding operation in existence before the effective date of the regulation, the board of county commissioners shall declare that the regulation is ineffective with respect to any concentrated feeding operation in existence before the effective date of the regulation.
3. A regulation may not preclude the development of a concentrated feeding operation in the county. A regulation addressing the development of a concentrated feeding operation in the county may set reasonable standards, based on the size of the operation, to govern its location.
4. For purposes of this section, "concentrated feeding operation" means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate, or in an area where the space per animal unit is less than six hundred square feet [55.74 square meters]. The term does not include normal wintering operations for cattle. For purposes of this section, "livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, and fur animals raised for their pelts.
5. A board of county commissioners may not prohibit, through regulation, the reasonable diversification or expansion of a farming or ranching operation.
6. ~~This chapter shall~~ does not be construed to include any power relating to the establishment, repair, and maintenance of highways or roads.

**SECTION 2. AMENDMENT.** Section 58-03-11 of the North Dakota Century Code is amended and reenacted as follows:

**58-03-11. Establishment of zoning districts - Limitation - Scope of zoning regulations and restrictions.**

1. For the purpose of promoting the health, safety, morals, or the general welfare, or to secure the orderly development of approaches to municipalities, the board of township supervisors may establish one or more zoning districts and within such districts may, subject to the provisions of chapter 54-21.3, regulate and restrict the erection, construction, reconstruction, alteration, repair, or use of buildings and structures, the height, number of stories, and size of buildings and structures, the percentage of lot that may be occupied, the size of courts, yards, and other open spaces, the density of population, and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes. All such regulations and restrictions must be uniform throughout each district, but the regulations and restrictions in one district may differ from those in other districts.
2. ~~No~~ A regulation or restriction, ~~however,~~ may not prohibit or prevent the use of land or buildings for farming or ranching or any of the normal incidents of farming. ~~The provisions of sections~~ or ranching. For purposes of this



section, "farming or ranching" means cultivating land for production of agricultural crops or livestock, or raising, feeding, or producing livestock, poultry, milk, or fruit. The term does not include producing timber or forest products, nor does the term include a contract whereby a processor or distributor of farm products or supplies provides grain, harvesting, or other farm services.

3. A board of township supervisors may regulate the nature and scope of concentrated feeding operations permissible in the township; however, if a regulation would impose a substantial economic burden on a concentrated feeding operation in existence before the effective date of the regulation, the board of township supervisors shall declare that the regulation is ineffective with respect to any concentrated feeding operation in existence before the effective date of the regulation.
4. A regulation may not preclude the development of a concentrated feeding operation in the township. A regulation addressing the development of a concentrated feeding operation in the township may set reasonable standards, based on the size of the operation, to govern its location.
5. For purposes of this section, "concentrated feeding operation" means any livestock feeding, handling, or holding operation, or feed yard, where animals are concentrated in an area that is not normally used for pasture or for growing crops and in which animal wastes may accumulate, or in an area where the space per animal unit is less than six hundred square feet [55.74 square meters]. The term does not include normal wintering operations for cattle. For purposes of this section, "livestock" includes beef cattle, dairy cattle, sheep, swine, poultry, horses, and fur animals raised for their pelts.
6. A board of township supervisors may not prohibit, through regulation, the reasonable diversification or expansion of a farming or ranching operation.
7. Sections 58-03-11 through 58-03-15 may do not be construed to include any power relating to the establishment, repair, and maintenance of highways or roads."

Renumber accordingly

Engrossed SB 2355 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1002, as engrossed:** Your conference committee (Sens. Nething, Kringstad, Robinson and Reps. Byerly, Dorso, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1189-1192, adopt amendments as follows, and place HB 1002 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1189-1192 of the House Journal and pages 1059-1061 of the Senate Journal and that Engrossed House Bill No. 1002 be amended as follows:

Page 1, line 1, after the semicolon insert "to provide for a legislative council study;"

Page 1, line 21, replace "8,334,038" with "8,937,038"

Page 2, line 2, replace "32,469,271" with "33,072,271"

Page 2, line 4, replace "31,689,328" with "32,292,328"

Page 2, line 13, replace "3,129,346" with "1,000,000"

Page 2, line 14, replace "3,129,346" with "1,000,000"

Page 2, line 15, replace "42,166,922" with "40,640,576"

Page 2, line 17, replace "43,216,865" with "41,690,519"

Page 2, after line 27, insert:

**"SECTION 4. LEGISLATIVE COUNCIL STUDY OF UNIFIED COURT SYSTEM.** The legislative council shall consider studying, during the 1999-2000 interim, the impacts of court unification on the judicial system and on the effective provision of judicial services to state residents.

**SECTION 5. ALLOCATION FOR INDIGENT DEFENSE FUNDS.** The supreme court shall develop criteria for the equitable allocation of indigent defense funds contained in the operating expenses line item for district courts. The criteria must be based on number of cases, complexity of cases, the level of efficiency in handling cases, and the historical funding levels in different districts. The supreme court may use any other factors deemed appropriate by the supreme court. The historical funding levels may be used as one factor of many and may not be given consideration in excess of any other factor. The supreme court shall use these criteria in the allocation of indigent defense funds appropriated under this Act.

**SECTION 6. CLERK OF COURT UNIFICATION.** Notwithstanding the provisions of 1999 House Bill No. 1275, the supreme court shall implement the clerk of court unification effective April 1, 2001."

Page 3, line 9, replace "seventy-nine" with "seventy-seven", replace "one" with "three", and replace "seventy-one" with "forty"

Page 3, line 10, replace "eighty" with "seventy-eight", remove the overstrike over "eight", and remove "seven"

Page 3, line 11, replace "fifty-four" with "eighty-seven"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 182 - DISTRICT COURTS

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Salaries and wages	\$23,500,870	\$22,526,069		\$22,526,069	\$22,526,069	
Operating expenses	9,178,319	8,334,038	\$603,000	8,937,038	8,937,038	
Equipment	788,600	674,603		674,603	674,603	
Judges retirement	851,889	814,561		814,561	814,561	
Alternative dispute resolution	60,000	40,000		40,000	40,000	
UND - Central legal research		80,000		80,000	80,000	
Total all funds	\$34,379,678	\$32,469,271	\$603,000	\$33,072,271	\$33,072,271	\$0
Less special funds	<u>774,155</u>	<u>779,943</u>		<u>779,943</u>	<u>779,943</u>	
General fund	\$33,605,523	\$31,689,328	\$603,000	\$32,292,328	\$32,292,328	\$0
FTE	191.00	189.50	0.00	189.50	189.50	0.00

Detail of Conference Committee changes to the House version includes:

	RESTORE A PORTION OF THE INDIGENT DEFENSE FUNDING	RESTORE FUNDING FOR INTEGRATED CASE MANAGEMENT SYSTEM	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages			
Operating expenses	\$135,000	\$468,000	\$603,000
Equipment			
Judges retirement			
Alternative dispute resolution			
UND - Central legal research			
Total all funds	\$135,000	\$468,000	\$603,000
Less special funds			
General fund	\$135,000	\$468,000	\$603,000
FTE	0.00	0.00	0.00

Conference Committee changes narrative:

This amendment also corrects the salaries of district court judges, which are as follows under the 2/2 compensation plan:

	PRESIDING JUDGE	DISTRICT COURT JUDGE
Current	\$77,619	\$75,824
July 1, 1999	\$79,171	\$77,340
July 1, 2000	\$80,755	\$78,887

The amendment also adds the following new sections:

Section 4 - Requires a Legislative Council study of the unified court system.

Section 5 - Provides guidelines for the allocation of district court indigent defense funds.

#### DEPARTMENT 184 - CLERK OF DISTRICT COURT

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Clerk of district courts	<u>\$3,035,898</u>	<u>\$3,129,346</u>	<u>(\$2,129,346)</u>	<u>\$1,000,000</u>	<u>\$399,601</u>	<u>\$600,399</u>
Total all funds	\$3,035,898	\$3,129,346	(\$2,129,346)	\$1,000,000	\$399,601	\$600,399
Less special funds	_____	_____	_____	_____	_____	_____
General fund	\$3,035,898	\$3,129,346	(\$2,129,346)	\$1,000,000	\$399,601	\$600,399
FTE	129.00	129.00	(16.00)	113.00	113.00	0.00

Detail of Conference Committee changes to the House version includes:

	REDUCE FUNDING	TOTAL CONFERENCE COMMITTEE CHANGES
Clerk of district courts	<u>(\$2,129,346)</u>	<u>(\$2,129,346)</u>
Total all funds	(\$2,129,346)	(\$2,129,346)
Less special funds	_____	_____
General fund	(\$2,129,346)	(\$2,129,346)
FTE	(16.00)	(16.00)

Conference Committee changes narrative:

The amendment reduces clerk of court funding by \$2,129,346, to \$1,000,000 of general fund moneys, due to delaying the implementation date from January 1, 2001, to April 1, 2001.

The amendment also adds a section providing for an April 1, 2001, implementation date for the clerk of court unification.

Engrossed HB 1002 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1017, as engrossed:** Your conference committee (Sens. Holmberg, Grindberg, Tallackson and Reps. Bernstein, Timm, Kerzman) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1102-1103, adopt amendments as follows, and place HB 1017 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1102 and 1103 of the House Journal and pages 971 and 972 of the Senate Journal and that Engrossed House Bill No. 1017 be amended as follows:

Page 1, line 2, after "Dakota" insert "; to provide for a report to the budget section; and to declare an emergency"

Page 1, line 9, replace "31,186,659" with "31,431,972"

Page 1, line 10, replace "10,318,989" with "11,237,676"

Page 1, line 14, replace "1,000,676" with "1,250,676"

Page 1, line 15, replace "51,864,230" with "53,278,230"

Page 1, line 16, replace "50,864,230" with "52,028,230"

Page 1, line 17, replace "1,000,000" with "1,250,000"

Page 1, after line 20, insert:

**"SECTION 3. APPROPRIATION.** The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated from special funds derived from federal funds, to job service North Dakota for the purpose of defraying its expenses, for the period beginning with the effective date of this Act and ending June 30, 1999, as follows:

Operating expenses	\$707,580
Equipment	<u>460,600</u>
Total special funds	\$1,168,180"

Page 1, line 22, replace "\$1,000,676" with "\$1,250,676"

Page 2, line 4, replace "expanding businesses, newly" with "training to assist expanding businesses, new businesses creating new jobs, training which requires substantive instruction resulting from the introduction of new technologies or equipment, or training related to significant changes in business operations or production methods."

Page 2, remove lines 5 through 7

Page 2, line 8, after "FUNDS" insert "- REPORT TO BUDGET SECTION"

Page 2, line 9, after the period insert "All earnings on the asbestos abatement fund are to be deposited in the asbestos abatement fund."

Page 2, line 11, after the period insert "Job service North Dakota shall report to the budget section on the status of its asbestos abatement project."

Page 2, after line 20, insert:

**"SECTION 9. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 380 - JOB SERVICE NORTH DAKOTA

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Salaries and wages	\$31,727,196	\$31,186,659	\$245,313	\$31,431,972	\$31,431,972	
Operating expenses	15,268,989	10,318,989	918,687	11,237,676	15,267,676	(\$4,030,000)
Equipment	887,100	887,100		887,100	887,100	
Capital improvements	493,553	493,553		493,553	493,553	
Grants	7,977,253	7,977,253		7,977,253	7,977,253	
Work Force 2000	<u>2,000,676</u>	<u>1,000,676</u>	<u>250,000</u>	<u>1,250,676</u>	<u>2,000,676</u>	<u>(750,000)</u>
Total all funds	\$58,354,767	\$51,864,230	\$1,414,000	\$53,278,230	\$58,058,230	(\$4,780,000)
Less special funds	<u>56,354,767</u>	<u>50,864,230</u>	<u>1,164,000</u>	<u>52,028,230</u>	<u>56,058,230</u>	<u>(4,030,000)</u>
General fund	\$2,000,000	\$1,000,000	\$250,000	\$1,250,000	\$2,000,000	(\$750,000)
FTE	390.40	387.40	3.00	390.40	390.40	0.00

Detail of Conference Committee changes to the House version includes:

	RESTORE SALARY FUNDING FROM CONTRACTING FEES	RESTORE A PORTION OF THE WORK FORCE 2000 FUNDING	RESTORE ASBESTOS SETTLEMENT PROCEEDS	REDUCE OASIS ADMINISTRATIVE FEE FUNDING	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$250,000			(\$4,687)	\$245,313
Operating expenses	(250,000)		\$1,170,000	(1,313)	918,687

Equipment					
Capital improvements					
Grants					
Work Force 2000		<u>\$250,000</u>			<u>250,000</u>
Total all funds	\$0	\$250,000	\$1,170,000	(\$6,000)	\$1,414,000
Less special funds			<u>1,170,000</u>	<u>(6,000)</u>	<u>1,164,000</u>
General fund	\$0	\$250,000	\$0	\$0	\$250,000
FTE	3.00	0.00	0.00	0.00	3.00

Conference Committee changes narrative:

This amendment restores three information technology positions and transfers \$250,000 of other funds from the operating expenses line item (contracted services) to salaries and wages.

The amendment also restores the \$250,000 of general fund money for Work Force 2000 and \$1,170,000 of asbestos settlement proceeds.

The amendment also reduces the administrative costs paid from the OASIS fund by \$6,000, from \$16,000 to \$10,000.

The amendment also:

- Adds a requirement that Job Service report to the Budget Section on its asbestos abatement project; and
- Adds a section appropriating \$1,168,180 of federal funds to Job Service North Dakota for the 1997-99 biennium for implementation of a one-step career center delivery system (\$460,600) and to upgrade computer equipment and software for year 2000 issues (\$707,580).

Engrossed HB 1017 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1021, as engrossed:** Your conference committee (Sens. Solberg, Bowman, Tomac and Reps. Lloyd, Boehm, Nichols) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1113-1120, adopt amendments as follows, and place HB 1021 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1113-1120 of the House Journal and pages 972-979 of the Senate Journal and that Engrossed House Bill No. 1021 be amended as follows:

Page 1, line 17, replace "24,744,286" with "24,795,190"

Page 1, line 18, replace "3,546,836" with "3,656,836"

Page 1, line 19, replace "432,850" with "517,850"

Page 1, line 21, replace "29,303,972" with "29,549,876"

Page 1, line 22, replace "16,596,765" with "16,732,669"

Page 1, line 23, replace "12,707,207" with "12,817,207"

Page 2, line 10, replace "2,850,752" with "3,076,552"

Page 2, line 11, replace "2,211,908" with "2,268,108"

Page 2, line 12, replace "250,000" with "256,000"

Page 2, line 14, replace "6,462,660" with "6,750,660"

Page 2, line 15, replace "5,980,240" with "6,268,240"

Page 2, line 19, replace "38,080,539" with "37,935,339"

Page 2, line 20, replace "4,163,330" with "4,193,330"

Page 2, line 22, replace "658,800" with "748,800"

Page 2, line 25, replace "46,735,415" with "46,710,215"

Page 2, line 26, replace "20,463,068" with "20,553,068"

Page 2, line 27, replace "26,272,347" with "26,157,147"

Page 2, line 30, replace "2,268,116" with "2,314,316"

Page 2, line 31, replace "1,297,963" with "1,379,963"

Page 3, line 1, replace "1,220,740" with "1,297,740"

Page 3, line 5, replace "2,425,452" with "2,435,452"

Page 3, line 6, replace "10,712,500" with "10,927,700"

Page 3, line 8, replace "6,791,091" with "7,006,291"

Page 3, replace lines 11 through 14 with:

"Agronomy seed farm \$1,202,339"

Page 3, line 16, replace "46,915,156" with "47,125,156"

Page 3, line 17, replace "48,571,778" with "49,085,682"

Page 3, line 18, replace "95,486,934" with "96,210,838"

Page 3, line 28, after "available" insert "and may be expended"

Page 3, line 29, remove ", and may be expended, as directed by the"

Page 3, remove line 30

Page 3, line 31, remove "one-time expenditures"

Page 4, line 6, after "research" insert "and education"

Page 4, after line 9, insert:

**"SECTION 6. INITIATIVES - TRANSFER AUTHORITY.** Upon approval of the state board of agricultural research and education, the director of the North Dakota agricultural experiment station may transfer appropriation authority of up to \$227,335 from subdivision 4 to subdivision 1 of section 1 of this Act and shall notify the office of management and budget within ten days."

Page 4, replace lines 26 through 30 with:

**"SECTION 10. ESTIMATED INCOME - MAIN RESEARCH CENTER - ENVIRONMENT AND RANGELAND PROTECTION FUND.** The estimated income line item in subdivision 4 of section 1 of this Act includes the sum of \$90,000, or so much of the sum as may be necessary, from the environment and rangeland protection fund for the purpose of constructing chemical handling facilities at select research centers for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 11. ESTIMATED INCOME - TRANSPORTATION INSTITUTE - DEPARTMENT OF TRANSPORTATION.** The estimated income line item in subdivision 3 of section 1 of this Act includes \$188,000 of federal strategic planning and research funds from the department of transportation. The director of the department of transportation may not transfer the \$188,000 of federal funds until the director of the upper great plains transportation institute has certified to the department of transportation that the institute has raised \$100,000 to supplement the federal funds available from the department of transportation for the strategic freight transportation analysis for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 12. LEGISLATIVE INTENT - SOIL CONSERVATION DISTRICT SUPERVISOR TRAINING.** It is the intent of the fifty-sixth legislative assembly that the NDSU extension service use the funding provided for the soil conservation leadership initiative only for providing training to soil conservation district supervisors and that the

training address specific issues and concerns of the local district supervisors for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 13. STATE BOARD OF AGRICULTURAL RESEARCH AND EDUCATION - REPORT TO LEGISLATIVE COUNCIL.** The state board of agricultural research and education shall report periodically to the legislative council or a committee designated by the council on its activities associated with researching and developing market opportunities for biotechnologically enhanced crops for the biennium beginning July 1, 1999, and ending June 30, 2001."

Page 6, line 29, overstrike "two" and insert immediately thereafter "one"

Page 7, line 6, overstrike "two" and insert immediately thereafter "one"

Page 7, line 31, replace "services" with "service"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 627 - UPPER GREAT PLAINS TRANSPORTATION INSTITUTE**

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE COMPARISON TO SENATE VERSION
Salaries and wages	\$2,876,922	\$2,850,752	\$225,800	\$3,076,552	\$3,076,552	
Operating expenses	2,211,908	2,211,908	56,200	2,268,108	2,268,108	
Equipment	250,000	250,000	6,000	256,000	256,000	
Grants	1,150,000	1,150,000		1,150,000	1,150,000	
Total all funds	\$6,488,830	\$6,462,660	\$288,000	\$6,750,660	\$6,750,660	\$0
Less special funds	6,001,444	5,980,240	288,000	6,268,240	6,268,240	
General fund	\$487,386	\$482,420	\$0	\$482,420	\$482,420	\$0
FTE	23.00	23.00	2.00	25.00	25.00	0.00

Detail of Conference Committee changes to the House version includes:

	ADD FUNDING FOR STRATEGIC FREIGHT ANALYSIS <sup>1</sup>	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$225,800	\$225,800
Operating expenses	56,200	56,200
Equipment	6,000	6,000
Grants		
Total all funds	\$288,000	\$288,000
Less special funds	288,000	288,000
General fund	\$0	\$0
FTE	2.00	2.00

Conference Committee changes narrative:

<sup>1</sup> Adds funding for conducting a strategic freight transportation analysis. Funding of \$188,000 is to be provided by the Department of Transportation from federal Strategic Planning and Research (SPR) funds and the remaining \$100,000 is to be raised by the Transportation Institute. A section is added providing that the director of the Department of Transportation may not provide the \$188,000 of federal funds until the institute has raised its \$100,000 for the analysis. The Senate also made these changes.

**DEPARTMENT 630 - NDSU EXTENSION SERVICE**

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE COMPARISON TO SENATE VERSION
Salaries and wages	\$25,121,626	\$24,744,286	\$50,904	\$24,795,190	\$24,795,190	
Operating expenses	3,564,436	3,546,836	110,000	3,656,836	3,656,836	

Equipment	625,640	432,850	85,000	517,850	517,850	
Grants	<u>560,000</u>	<u>580,000</u>		<u>580,000</u>	<u>580,000</u>	
Total all funds	\$29,871,702	\$29,303,972	\$245,904	\$29,549,876	\$29,549,876	\$0
Less special funds	<u>16,772,588</u>	<u>16,596,765</u>	<u>135,904</u>	<u>16,732,669</u>	<u>16,732,669</u>	<u>0</u>
General fund	\$13,099,114	\$12,707,207	\$110,000	\$12,817,207	\$12,817,207	\$0
FTE	267.50	266.80	1.00	267.80	267.80	0.00

Detail of Conference Committee changes to the House version includes:

	RESTORE FACULTY POSITION 1	RESTORE EQUIPMENT	RESTORE MIDSIZED FARMS INITIATIVE 3	RESTORE FUNDING FOR VALUE-ADDED CENTER 3	REMOVE UNDESIGNATED INITIATIVE FUNDING 3	REMOVE CROP PROTECTION SPECIALIST
Salaries and wages	\$157,592		\$70,309	\$31,636	(\$101,945)	(\$156,688) 4
Operating expenses			10,100	7,500	(17,600)	
Equipment	10,000	75,000 2	5,290	2,500	(7,790)	
Grants						
Total all funds	\$167,592	\$75,000	\$85,699	\$41,636	(\$127,335)	(\$156,688)
Less special funds	<u>90,129</u>					
General fund	\$77,463	\$75,000	\$85,699	\$41,636	(\$127,335)	(\$156,688)
FTE	1.00	0.00	0.50	0.20	(0.70)	(1.00)
	ADD 4-H YOUTH POSITION	ADD FUNDING FOR DAIRY DIAGNOSTIC TEAMS	ADD FUNDING FOR SOIL CONSERVATION LEADERSHIP	TOTAL CONFERENCE COMMITTEE CHANGES		
Salaries and wages	\$50,000 5			\$50,904		
Operating expenses		\$50,000 6	\$60,000 7	110,000		
Equipment				85,000		
Grants						
Total all funds	\$50,000	\$50,000	\$60,000	\$245,904		
Less special funds	<u>45,775</u>			<u>135,904</u>		
General fund	\$4,225	\$50,000	\$60,000	\$110,000		
FTE	1.00	0.00	0.00	1.00		

Conference Committee changes narrative:

- 1 Restores 1 FTE undesignated faculty position removed by the House. The Senate also restored this position.
- 2 Restores \$75,000 of the \$175,000 equipment funding reduction made by the House. The Senate also restored this funding.
- 3 Restores funding for the midsized farms initiative and value-added center initiative removed by the House and reduces initiative funding in undesignated areas by the same amount. The State Board of Agricultural Research and Education may determine the specific areas to reduce within the total funding available for the initiatives. The Senate also made these changes.
- 4 Removes 1 FTE crop protection specialist position added in the executive budget, the same as the Senate version.
- 5 Adds funding for the 4-H youth position in Burleigh and Morton Counties, the same as the Senate version.
- 6 Adds funding to develop and operate dairy diagnostic teams. The section added by the House providing that the NDSU Extension Service spend up to \$100,000 of its 1999-2001 appropriation for the dairy diagnostic teams is removed. The Senate also made these changes.
- 7 Adds funding for the soil conservation leadership initiative. A section of legislative intent is added providing that this funding is to be used only for training local district supervisors and that the training address specific issues and concerns of the local district supervisors. The Senate also made these changes.

Section 3 of the bill is changed to allow the Agricultural Experiment Station, the NDSU Extension Service, the Upper Great Plains Transportation Institute, and the Northern Crops Institute to spend unspent general fund appropriation authority and excess income continued into the 2001-03 biennium for any types of expenditures, not only capital repairs and improvements, equipment, and one-time expenditures as provided in the House version. The Senate also made this change.



A section is added authorizing the director of the Agricultural Experiment Station, upon approval of the State Board of Agricultural Research and Education, to transfer up to \$227,335 of its appropriation to the NDSU Extension Service based on the agricultural initiatives prioritized by the State Board of Agricultural Research and Education. The Senate also added this section.

North Dakota Century Code Section 4-05.1-16 is amended to provide that the Ag Coalition and the advisory groups to the multicounty program units each submit one or more names to the Board of Higher Education for appointment of representatives to the State Board of Agricultural Research and Education. Current law provides that each of these groups submit two or more names to the board. The Senate also made this change.

The Conference Committee did not change the sections added by the House changing the name of the State Board of Agricultural Research to the State Board of Agricultural Research and Education. The Senate had changed the name of the board to the State Board of Agricultural Research and Extension.

DEPARTMENT 640 - AGRICULTURAL EXPERIMENT STATION

CONFERENCE COMMITTEE - This amendment makes the following **ALL FUNDS** changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE COMPARISON TO SENATE VERSION
Main Research Center	\$47,349,738	\$46,735,415	(\$25,200)	\$46,710,215	\$46,710,215	
Dickinson Research Extension Center	2,232,735	2,268,116	46,200	2,314,316	2,314,316	
Central Grasslands Research Extension Center	1,363,529	1,297,963	82,000	1,379,963	1,379,963	
Hettinger Research Extension Center	1,227,445	1,220,740	77,000	1,297,740	1,297,740	
Langdon Research Extension Center	1,141,330	1,075,049		1,075,049	1,075,049	
North Central Research Extension Center	1,251,892	1,301,950		1,301,950	1,301,950	
Williston Research Extension Center	1,130,090	1,123,230		1,123,230	1,123,230	
Carrington Research Extension Center	2,450,704	2,425,452	10,000	2,435,452	2,435,452	
Agronomy Seed Farm	<u>1,205,952</u>	<u>1,202,339</u>		<u>1,202,339</u>	<u>1,202,339</u>	
Total all funds	\$59,353,415	\$58,650,254	\$190,000	\$58,840,254	\$58,840,254	\$0
FTE	418.10	416.35	0.00	416.35	416.35	0.00

Detail of Conference Committee **ALL FUNDS** changes to the House version includes:

	REALLOCATE FUNDING FOR RANGE INITIATIVE <sup>1</sup>	REALLOCATE OPERATING EXPENSES REDUCTIONS <sup>2</sup>	RESTORE MIDSIZED FARMS INITIATIVE	RESTORE FUNDING FOR VALUE-ADDED CENTER	REMOVE UNDESIGNATED INITIATIVES FUNDING	ADD FUNDING FOR CHEMICAL FACILITIES
Main Research Center	(\$190,200)	(\$25,000)	\$125,163 <sup>3</sup>	\$102,814 <sup>3</sup>	(\$227,977) <sup>3</sup>	\$90,000 <sup>4</sup>
Dickinson Research Extension Center	36,200	10,000				
Central Grasslands Research Extension Center	77,000	5,000				
Hettinger Research Extension Center	77,000					
Langdon Research Extension Center						
North Central Research Extension Center						
Williston Research Extension Center						
Carrington Research Extension Center		10,000				
Agronomy Seed Farm						
Total all funds	\$0	\$0	\$125,163	\$102,814	(\$227,977)	\$90,000
FTE	0.00	0.00	1.00	0.75	(1.75)	0.00
	ADD FUNDING FOR BIOTECH CROPS	TOTAL CONFERENCE COMMITTEE CHANGES				
Main Research Center	\$100,000 <sup>5</sup>	(\$25,200)				
Dickinson Research Extension Center		46,200				
Central Grasslands Research Extension Center		82,000				
Hettinger Research Extension Center		77,000				
Langdon Research Extension Center						
North Central Research Extension Center						
Williston Research Extension Center						
Carrington Research Extension Center		10,000				
Agronomy Seed Farm						

Total all funds	\$100,000	\$190,000
FTE	0.00	0.00

This amendment makes the following **GENERAL FUND** changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE COMPARISON TO SENATE VERSION
Main Research Center	\$26,793,360	\$26,272,347	(\$115,200)	\$26,157,147	\$26,157,147	
Dickinson Research Extension Center	1,468,109	1,503,592	46,200	1,549,792	1,549,792	
Central Grasslands Research Extension Center	841,086	775,520	82,000	857,520	857,520	
Hettinger Research Extension Center	732,281	726,792	77,000	803,792	803,792	
Langdon Research Extension Center	919,578	853,985		853,985	853,985	
North Central Research Extension Center	731,532	782,716		782,716	782,716	
Williston Research Extension Center	847,928	841,226		841,226	841,226	
Carrington Research Extension Center	1,328,872	1,307,260	10,000	1,317,260	1,317,260	
Agronomy Seed Farm						
<b>Total general fund</b>	<b>\$33,662,746</b>	<b>\$33,063,438</b>	<b>\$100,000</b>	<b>\$33,163,438</b>	<b>\$33,163,438</b>	<b>\$0</b>

Detail of Conference Committee **GENERAL FUND** changes to the House version includes:

	REALLOCATE FUNDING FOR RANGE INITIATIVE <sup>1</sup>	REALLOCATE OPERATING EXPENSES REDUCTIONS <sup>2</sup>	RESTORE MIDSIZED FARMS INITIATIVE	RESTORE FUNDING FOR VALUE-ADDED CENTER	REMOVE UNDESIGNATED INITIATIVES FUNDING	ADD FUNDING FOR CHEMICAL FACILITIES <sup>4</sup>
Main Research Center	(\$190,200)	(\$25,000)	\$125,163 <sup>3</sup>	\$102,814 <sup>3</sup>	(\$227,977) <sup>3</sup>	
Dickinson Research Extension Center	36,200	10,000				
Central Grasslands Research Extension Center	77,000	5,000				
Hettinger Research Extension Center	77,000					
Langdon Research Extension Center						
North Central Research Extension Center						
Williston Research Extension Center						
Carrington Research Extension Center		10,000				
Agronomy Seed Farm						
<b>Total general fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$125,163</b>	<b>\$102,814</b>	<b>(\$227,977)</b>	<b>\$0</b>
	ADD FUNDING FOR BIOTECH CROPS	TOTAL CONFERENCE COMMITTEE CHANGES				
Main Research Center	\$100,000 <sup>5</sup>	(\$115,200)				
Dickinson Research Extension Center		46,200				
Central Grasslands Research Extension Center		82,000				
Hettinger Research Extension Center		77,000				
Langdon Research Extension Center						
North Central Research Extension Center						
Williston Research Extension Center						
Carrington Research Extension Center		10,000				
Agronomy Seed Farm						
<b>Total general fund</b>	<b>\$100,000</b>	<b>\$100,000</b>				

Conference Committee changes narrative:

<sup>1</sup> Reallocates funding for the range initiative from the Main Research Center to the Dickinson, Central Grasslands, and Hettinger Extension Centers as follows (the Senate also made this change):

	MAIN RESEARCH CENTER	DICKINSON RESEARCH EXTENSION CENTER	CENTRAL GRASSLANDS RESEARCH EXTENSION CENTER	HETTINGER RESEARCH EXTENSION CENTER	TOTAL
Salaries and wages	(\$145,200)	\$30,000	\$60,000	\$60,000	\$4,800
Operating expenses	(45,000)	6,200	17,000	17,000	(4,800)
Total general fund	(\$190,200)	\$36,200	\$77,000	\$77,000	\$0

- 2 Reallocates operating expenses reductions made by the House to the Dickinson, Central Grasslands, and Carrington Extension Centers to the Main Research Center. The Senate also made this change.
- 3 Restores funding for the midsized farms initiative and the value-added center initiative removed by the House and reduces initiative funding in undesignated areas by the same amount. The State Board of Agricultural Research and Education may determine the specific areas to reduce within the total funding available for the initiatives. The Senate also made these changes. Detail of these changes includes:

	MIDSIZED FARMS INITIATIVE	VALUE-ADDED CENTER INITIATIVE	UNDESIGNATED INITIATIVES	INCREASE (DECREASE)
Salaries and wages	\$111,111	\$52,616	(\$163,727)	\$0
Operating expenses	14,052	50,198	(64,250)	0
Total	\$125,163	\$102,814	(\$227,977)	\$0
FTE	1.00	0.75	(1.75)	0.00

- 4 Adds funding from the environment and rangeland protection fund for constructing chemical handling facilities at the Main Research Center or branch research centers as selected by the State Board of Agricultural Research and Education. It is anticipated that the funds provided will complete one facility that is partially built and will construct three additional facilities. The Senate also made this change.
- 5 Adds operating expenses funding for an initiative to research and develop market opportunities for biotechnologically enhanced crops in North Dakota. A section is added providing that the State Board of Agricultural Research and Education report to an interim Legislative Council committee during the 1999-2000 interim on its activities associated with this initiative. The Senate also made these changes.

The Agronomy Seed Farm appropriation is changed from a specific line item appropriation to a lump sum appropriation, the same as the Senate version.

Section 3 of the bill is changed to allow the Agricultural Experiment Station, the NDSU Extension Service, the Upper Great Plains Transportation Institute, and the Northern Crops Institute to spend unspent general fund appropriation authority and excess income continued into the 2001-03 biennium for any types of expenditures, not only capital repairs and improvements, equipment, and one-time expenditures as provided in the House version. The Senate also made this change.

A section is added authorizing the director of the Agricultural Experiment Station, upon approval of the State Board of Agricultural Research and Education, to transfer up to \$227,335 of its appropriation to the NDSU Extension Service based on the agricultural initiatives prioritized by the State Board of Agricultural Research and Education. The Senate also added this section.

North Dakota Century Code Section 4-05.1-16 is amended to provide that the Ag Coalition and the advisory groups to the multicounty program units each submit one or more names to the Board of Higher Education for appointment of representatives to the State Board of Agricultural Research and Education. Current law provides that each of these groups submit two or more names to the board. The Senate also made this change.

The Conference Committee did not change the sections added by the House changing the name of the State Board of Agricultural Research to the State Board of Agricultural Research and Education. The Senate had changed the name of the board to the State Board of Agricultural Research and Extension.

Total general fund changes - House Bill No. 1021

	EXECUTIVE BUDGET	HOUSE VERSION	INCREASE (DECREASE)	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE COMPARISON TO SENATE VERSION
Upper Great Plains Transportation Institute	\$487,386	\$482,420		\$482,420	\$482,420	
NDSU Extension Service	13,099,114	12,707,207	\$110,000	12,817,207	12,817,207	

Northern Crops Institute	668,034	662,091		662,091	662,091	
Agricultural Experiment Station	33,662,746	33,063,438	100,000	33,163,438	33,163,438	
Total general fund	\$47,917,280	\$46,915,156	\$210,000	\$47,125,156	\$47,125,156	\$0

Engrossed HB 1021 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1037, as engrossed:** Your conference committee (Sens. W. Stenehjem, Wardner, DeMers and Reps. Klein, Klemin, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1068-1070, adopt amendments as follows, and place HB 1037 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1068-1070 of the House Journal and pages 911-913 of the Senate Journal and that Engrossed House Bill No. 1037 be amended as follows:

Page 1, line 1, after the first "to" insert "provide for year 2000 information requests; to" and remove "a new section to chapter 28-01.3 and"

Page 1, line 3, remove "and to the liability"

Page 1, line 4, remove "of a manufacturer for a year 2000 claim" and remove "sections 28-01.3-04,"

Page 1, line 5, remove "28-01.3-06," and remove the second comma

Page 1, line 8, remove "and to the liability of a nonmanufacturing seller for a year 2000 claim and the"

Page 1, line 9, remove "determination of a defective product"

Page 1, after line 10, insert:

#### **"SECTION 1. Year 2000 information requests - Use - Exceptions.**

1. Any public entity may gather year 2000 processing information from any person which relates to computer hardware or software, telecommunications networks, or devices containing a computer processor. An information request under this section may specify the person to gather responses to the request. Any year 2000 processing response made to an information gathering request from a public entity is not a public record under section 44-04-18 or section 6 of article 11 of the Constitution of North Dakota and the response may not be directly or indirectly used, offered in evidence, or be subject to discovery in any civil action for damages in tort, contract, or for any other form of relief against the public entity or person.
2. This section does not preclude the public entity from using its requests for year 2000 information or responses to year 2000 information requests as evidence of a good-faith effort to determine year 2000 compliance of its computer hardware or software, telecommunications networks, or devices containing a computer processor.
3. For purposes of this section, year 2000 processing includes calculating, comparing, sequencing, displaying, or storing; transmitting; or receiving data from, into, and between the twentieth and twenty-first centuries, and during the years 1999 and 2000, and any leap year.
4. This section does not preclude any party from separately obtaining the information submitted in response to a year 2000 information request made under this section through other independent legal authority and using the separately obtained information in any action or proceeding.
5. This section does not apply to any information disclosed to the public with the express written consent of the party responding to a year 2000 information request under this section or disclosed by that party separately from a response to a year 2000 information request under this section.
6. This section applies to all responses to any year 2000 information requests received by a public entity whether the response was received before or after the effective date of this Act."

Page 1, remove lines 11 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 20

Page 4, line 1, replace "networks" with "network" and replace "devices" with "device"

Page 4, line 2, replace "all of the following conditions are met:" with "the results of testing establish that the computer hardware or software, telecommunications network, or device containing a computer processor meets the compliance requirements of this section, or if the state has sought and received an assurance of compliance from the manufacturer, or if the state has sought an assurance of compliance from the manufacturer, supplier, government or other reliable source when testing or receiving an assurance from the manufacturer or supplier of the computer hardware or software, telecommunications network, or device containing a computer processor is not practicable. For the purposes of this section computer hardware or software, a telecommunications network, or device containing a computer processor is compliant with the year 2000 date change if:

1. All stored dates or programs contain century recognition, including dates stored in data bases and hardware or internal system dates in devices;
2. The program logic accommodates same century and multcentury formulas and date values; and
3. The year 2000 or any other leap year is correctly treated as a leap year within all program logic."

Page 4, remove lines 3 through 13

Page 5, line 18, replace "networks" with "network" and replace "devices" with "device"

Page 5, line 19, replace "all of the following" with "the results of testing establish that the computer hardware or software, telecommunications network, or device containing a computer processor meets the compliance requirements of this section, or if the political subdivision has sought and received an assurance of compliance from the manufacturer or supplier, or if the political subdivision has sought an assurance of compliance from the manufacturer, supplier, government or other reliable source when testing or receiving an assurance from the manufacturer or supplier of the computer hardware or software, telecommunications network, or device containing a computer processor is not practicable. For purposes of this section, computer hardware or software, a telecommunications network, or device containing a computer processor is compliant with the year 2000 date change if:

- (1) All stored dates or programs contain century recognition, including dates stored in data bases and hardware or internal system dates in devices;
- (2) The program logic accommodates same century and multcentury formulas and date values; and
- (3) The year 2000 or any other leap year is correctly treated as a leap year within all program logic."

Page 5, remove lines 20 through 31

Page 7, line 31, replace "networks" with "network" and replace "devices" with "device"

Page 8, line 1, replace "all of the following" with "the results of testing establish that the computer hardware or software, telecommunications network, or device containing a computer processor meets the compliance requirements of this section, or if the state has sought and received an assurance of compliance from the manufacturer or supplier, or if the state has sought an assurance of compliance from the manufacturer, supplier, government or other reliable source when testing or receiving an assurance from the manufacturer or supplier of the computer hardware or software, telecommunications network, or device containing a computer processor. For purposes of this section, computer hardware or software, a telecommunications network, or device containing a computer processor is compliant with the year 2000 date change if:

- (1) All stored dates or programs contain century recognition, including dates stored in data bases and hardware or internal system dates in devices;
- (2) The program logic accommodates same century and multicentury formulas and date values; and
- (3) The year 2000 or any other leap year is correctly treated as a leap year within all program logic."

Page 8, remove lines 2 through 13

Renumber accordingly

Engrossed HB 1037 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1443, as reengrossed:** Your conference committee (Sens. Grindberg, Holmberg, Robinson and Reprs. Poolman, Carlisle, Hoffner) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1143-1147, adopt amendments as follows, and place HB 1443 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1143-1147 of the House Journal and pages 1024-1027 of the Senate Journal and that Reengrossed House Bill No. 1443 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact five new sections to chapter 52-08 of the North Dakota Century Code, relating to work force training; to amend and reenact subsection 6 of section 15-10-01 and subsection 13 of section 15-10-17 of the North Dakota Century Code, relating to name changes of institutions of higher education; to repeal section 15-11-02.1 of the North Dakota Century Code, relating to supervision of the college at Devils Lake; and to provide an appropriation.

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

**SECTION 1. AMENDMENT.** Subsection 6 of section 15-10-01 of the North Dakota Century Code is amended and reenacted as follows:

6. The following ~~junior colleges and off-campus educational center:~~ Bismarck state college, ~~university of North Dakota~~ Lake Region state college, and ~~the university of North Dakota~~ Williston ~~center~~ state college.

**SECTION 2. AMENDMENT.** Subsection 13 of section 15-10-17 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

13. To establish a retirement program as an alternative to chapter 15-39.1 for employees of institutions under its control, subject to the following guidelines:
  - a. Benefits under the program ~~shall~~ must be provided through annuity contracts purchased by the board but which ~~shall~~ become the property of the participants;
  - b. The cost of the annuity contracts ~~shall~~ must be defrayed by contributions made pursuant to rules of the state board of higher education;
  - c. Eligible employees appointed before July 1, 1973, shall participate in the alternate retirement program only by their individual election. When the electing eligible employee is a member of the teachers' fund for retirement, the employee's assessments and employer's contributions together with interest credited at the current rate for one-year certificates then being paid by the Bank of North Dakota ~~shall~~ must be transferred to the employee's account in the alternate program. ~~Such~~ The election ~~shall~~ must be made ~~prior to~~ before July 1, 1980, and shall relinquish all rights the eligible employee or the

employee's beneficiary may have to benefits provided in chapters 15-39 and 15-39.2;

- d. Employees of Bismarck state college and ~~university of North Dakota~~ Lake Region state college coming under the jurisdiction of the board who are members of the teachers' fund for retirement may elect ~~prior to~~ before July 1, 1985, to continue membership in the teachers' fund for retirement in lieu of the alternate retirement program. If an employee does not elect to continue membership in the teachers' fund for retirement, membership in that fund will terminate and the employee will become a member of the alternate retirement program established by the board effective July 1, 1985. An employee of ~~the above named these~~ colleges who becomes a member of the alternate retirement program may elect ~~prior to~~ before July 1, 1985, to have the employee's assessments and employer's contributions in the teachers' fund for retirement with interest transferred by the board of trustees of the teachers' fund for retirement to the employee's account in the alternate retirement program. If an employee elects to transfer the employee's assessment and employer's contributions together with interest to the alternate retirement program, the employee relinquishes all rights the employee or the employee's beneficiary may have to benefits provided in chapters 15-39, 15-39.1, and 15-39.2; and
- e. Employees of institutions under the control of the state board of higher education who are members of the public employees retirement system and who become entitled to participate in the alternate retirement program are entitled to a special annuity purchase in the alternate retirement program in accordance with this subdivision. An eligible employee who consents to have that employee's contribution included is entitled to have that employee's contribution and employer's contribution, with interest, in the public employees retirement system fund, used by the retirement board of the public employees retirement system to purchase for that employee an annuity in the alternate retirement program in lieu of any other rights under the public employees retirement fund. However, before the employer's contribution may be used for an annuity purchase, the employee's combined years of service with the public employees retirement system and the alternate retirement program must equal or exceed the years of service necessary to be eligible for retirement benefits under the public employees retirement system. An employee who transferred from the public employees retirement system ~~prior to~~ before March 30, 1987, and who received a refund of that employee's contribution is entitled to have the employer's contribution, with interest, used to purchase an annuity even if that employee did not purchase an annuity in the alternate employee program with the employee's contribution. If an employee makes the election allowed under this subdivision, that employee relinquishes all rights the employee or any of the employee's beneficiaries may have had to benefits provided under chapter 54-52.

The board shall provide for the administration of the alternate retirement program and establish rules ~~therefor for the program~~ consistent with ~~the foregoing guidelines~~ this subsection. ~~Nothing in this~~ This subsection shall be construed in derogation of ~~does not derogate~~ any existing retirement programs approved by the board.

**SECTION 3.** A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

**Institution to serve work force needs.** Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall establish a division or other unit within the institution to serve the work force needs of business and industry and to serve as a broker in arranging the delivery of training.

**SECTION 4.** A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

**Work force training board - Formation.** Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall appoint a work force training board consisting of representatives from businesses, labor, and industries located within the institution's delivery area. The work force training board must consist of at least seven but no more than fifteen members and must include at least one representative from either an Indian-owned business, the tribal government, or the tribal colleges within the designated region.

**SECTION 5.** A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

**Preparation of business plan - Revolving loans.** Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall prepare an annual business plan that must include provisions for use of the training capacity of the tribal colleges within the designated region, in consultation with the work force training board. The work force training board shall approve the business plan and make recommendations for funding of the business plan to the state board of higher education. The state board of higher education may establish for each institution of higher education assigned primary responsibility for work force training a revolving loan fund for work force training program startups using the borrowing authority provided in section 15-10-16.1.

**SECTION 6.** A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

**Performance measurements for work force training.** Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall develop, in consultation with the work force training board, performance measurements for work force training. The measurements must include requirements for being time sensitive and results oriented and must determine how well the training needs of business and industry are being met.

**SECTION 7.** A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

**Work force training - Investment fee.**

1. Except for employers with fewer than twenty-five employees and public and private elementary and secondary schools, job service North Dakota shall assess each employer a work force training investment fee of three one-hundredths of one percent of taxable wages paid by the employer to employees during each calendar year. The work force training investment fee is a fee separate from contributions made under chapter 52-04 and may not be deposited in the unemployment compensation fund. Job service shall assess the fee on an annual basis and may assess the fee in the same manner as it collects contributions and taxable wages reported by reimbursing employers under chapter 52-04. The work force training investment fee payments may not be included in computing unemployment compensation rates assigned to employers and may not be deducted by an employer from the wages of the employer's employees.
2. Funds collected under this section must be deposited in a work force training investment account and used to provide work force training programs at institutions of higher education that are assigned primary responsibility for work force training as defined by the state board of higher education. Administrative costs incurred by job service for collection of the work force training investment fee and for costs related to the establishment and maintenance of the work force training investment account must be paid from the work force training investment account. The funds may not be used by institutions of higher education for capital construction projects. The funds must be used to provide work force training, including operation and administration of a training division, acquisition of equipment, marketing, and program development. The institutions of higher education, job service, the work force 2000 advisory board and the tribal colleges in the state shall cooperate in addressing work force training needs in the state.
3. The state board of higher education shall establish up to four regions reflecting the geographical areas of work force training responsibility for the



institutions of higher education eligible for funds under this section. Funds collected under this section must be allocated for use in the region of the state in which the funds were collected based upon covered employment, as defined by job service, in that region of the state.

4. Each institution of higher education providing a work force training program shall submit a report annually to the legislative council, the governor, the state board of higher education, the state board for vocational and technical education, and the North Dakota work force development council regarding the work force training programs receiving funds under this section.

**SECTION 8. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$875,000, or so much of the sum as may be necessary, to the state board for vocational and technical education for the purpose of contracting with institutions of higher education assigned primary responsibility for work force training in this state for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 9. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$71,000, or so much of the sum as may be necessary, to job service North Dakota for the purpose of creating the collection structure and administering collection of the work force training investment fee for providing work force training programs under this Act, for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 10. APPROPRIATION.** There is hereby appropriated out of any moneys in the work force training investment account, not otherwise appropriated, the sum of \$1,000,000, or so much of the sum as may be necessary, to the state board for vocational and technical education for the purpose of contracting with institutions of higher education assigned primary responsibility for providing work force training programs under this Act, for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 11. APPROPRIATION.** There is hereby appropriated out of any moneys in the work force training investment account, not otherwise appropriated, the sum of \$40,000, or so much of the sum as may be necessary, to job service North Dakota for the purpose of administering the collection of the work force training investment fee for providing work force training programs under this Act, for the biennium beginning July 1, 1999, and ending June 30, 2001.

**SECTION 12. REPEAL.** Section 15-11-02.1 of the North Dakota Century Code is repealed."

Renumber accordingly

Reengrossed HB 1443 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1490, as engrossed:** Your conference committee (Sens. Cook, Freborg, O'Connell and Reps. D. Johnson, Drovdal, Solberg) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1047-1048, adopt amendments as follows, and place HB 1490 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1047 and 1048 of the House Journal and pages 849 and 850 of the Senate Journal and that Engrossed House Bill No. 1490 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to the closure of schools in weather emergencies; to"

Page 1, line 3, after "year" insert "; and to repeal section 15-40.1-09.1 of the North Dakota Century Code, relating to the closure of schools due to emergencies"

Page 1, after line 4, insert:

**"SECTION 1.** A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

**Weather or other emergency conditions - Closure of schools - Foundation aid.** If because of severe weather or other emergency conditions a school or school district remains closed or provides less than a full day of instruction, the school or school district shall make every effort to reschedule classes so that students receive at least one hundred seventy-three full days of instruction. Any school or school district for which the rescheduling of classes would create undue hardship may request that, for purposes of foundation aid, the governor waive the rescheduling in whole or in part. The governor may not grant a waiver for less than a full day of instruction."

Page 1, line 20, overstrike "of instruction time"

Page 1, line 21, after "students" insert ", during which time the students are required to be in attendance for the purpose of receiving curricular instruction"

Page 1, line 22, overstrike "of instruction time" and after "students" insert ", during which time the students are required to be in attendance for the purpose of receiving curricular instruction"

Page 2, line 1, replace "Instruction time exceeding the minimum number of hours per day required for a full" with "If a school's calendar provides for an extension of each schoolday beyond the statutorily required minimum number of hours, and if the extensions when aggregated over an entire school year amount to more than eighty-four hours of additional classroom instruction during the school year, the school is exempt from having to make up six hours of instruction time lost as a result of weather-related closure. In order to make up lost classroom instruction time beyond the six hours, the school must extend its normal school calendar day by at least thirty minutes.

4. A school that does not qualify under the provisions of subsection 3 must extend its normal schoolday by at least thirty minutes to make up classroom instruction time lost as a result of weather-related closure."

Page 2, remove lines 2 and 3

Page 2, line 20, overstrike "of instruction time" and after "students" insert ", during which time the students are required to be in attendance for the purpose of receiving curricular instruction"

Page 2, line 22, overstrike "of instruction time" and after "students" insert ", during which time the students are required to be in attendance for the purpose of receiving curricular instruction"

Page 2, line 23, replace "Instruction time exceeding the minimum number of hours per day required for a full" with "If a school's calendar provides for an extension of each schoolday beyond the statutorily required minimum number of hours, and if the extensions when aggregated over an entire school year amount to more than eighty-four hours of additional classroom instruction during the school year, the school is exempt from having to make up six hours of instruction time lost as a result of weather-related closure. In order to make up lost classroom instruction time beyond the six hours, the school must extend its normal school calendar day by at least thirty minutes.

4. A school that does not qualify under the provisions of subsection 3 must extend its normal schoolday by at least thirty minutes to make up classroom instruction time lost as a result of weather-related closure.

**SECTION 4. REPEAL.** Section 15-40.1-09.1 of the North Dakota Century Code is repealed."

Page 2, remove lines 24 and 25

ReNUMBER accordingly

Engrossed HB 1490 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**