

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, March 23, 1999

The Senate convened at 1:05 p.m., with President Myrdal presiding.

The prayer was offered by Pastor Bob Nordvall, Charity Lutheran Church, Bismarck.

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

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 19, 1999, I have signed the following: SB 2353, SB 2358, SB 2366, and SB 2436.

Also, on March 22, 1999, I have signed the following: SB 2054, SB 2132, SB 2223, SB 2255, SB 2257, SB 2264, SB 2271, and SB 2347.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 22, 1999, I have signed the following: SB 2187 and SB 2335.

Also, on March 23, 1999, I have signed the following: SB 2234 and SB 2282.

MOTION

SEN. ST. AUBYN MOVED that HB 1153, which is on the Sixth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. St. Aubyn's motion, HB 1153 was rereferred.

MOTION

SEN. ST. AUBYN MOVED that after action taken on the Sixth order, HB 1196 and HB 1326 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1196, as engrossed: SEN. REDLIN (Education Committee) MOVED that the amendments on SJ pages 799-801 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1196: A BILL for an Act to amend and reenact subsection 1 of section 57-15-14.2 and section 57-15-17.1 of the North Dakota Century Code, relating to mill levies for alternative education programs; and to provide an effective date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier; Mutch

Engrossed HB 1196, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1150: SEN. KLEIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 798-799 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1227, as engrossed: SEN. WARDNER (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 801-802 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1326, as engrossed: SEN. COOK (Transportation Committee) MOVED that the amendments on SJ page 802 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1326: A BILL for an Act to provide damages in accidents with uninsured motorists.

ROLL CALL

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

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

NAYS: Mathern, T.

ABSENT AND NOT VOTING: Bercier; Mutch

Engrossed HB 1326, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1414: SEN. SAND (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 802 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1444, as engrossed: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 802-803 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

REPORT OF DELAYED BILLS COMMITTEE

MADAM PRESIDENT: Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of a bill for an Act to provide for school district reorganization bonuses.

The bill will be SB 2441.

SECOND READING OF HOUSE BILL

HB 1121: A BILL for an Act to amend and reenact section 14-09-08.1, subsection 9 of section 14-09-09.16, and section 14-09-09.29 of the North Dakota Century Code, relating to notice procedures, procedures upon failure to pay child support, and coordination of income withholding services; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger;

Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Mutch

Engrossed HB 1121, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1307: A BILL for an Act to amend and reenact subsection 1 of section 57-38.3-02 and subsection 1 of section 57-38.3-05 of the North Dakota Century Code, relating to claimant agencies for setoff of income tax refunds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 34 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Cook; DeMers; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wardner

NAYS: Bowman; Christmann; Freborg; Kilzer; Klein; Lyson; Naaden; Sand; Solberg; Stenehjem, B.; Tomac; Watne

ABSENT AND NOT VOTING: Bercier; Mutch; Wanzek

Engrossed HB 1307, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1039: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to insurance coverage of ambulance services for prehospital emergency medical services.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier; Mutch; Wanzek

Engrossed HB 1039, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1081: A BILL for an Act to create and enact a new section to chapter 43-30 of the North Dakota Century Code, relating to temporary private investigative and security service licenses or registrations; and to amend and reenact sections 43-30-04, 43-30-06, and 43-30-16, of the North Dakota Century Code, relating to fees and criminal history record checks for applicants for a license or registration to provide private investigative and security services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Solberg

ABSENT AND NOT VOTING: Bercier; Mutch; Wanzek

Engrossed HB 1081, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1399: A BILL for an Act to amend and reenact section 4-28-07 of the North Dakota Century Code, relating to the wheat tax levy and its use.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: O'Connell; Redlin

ABSENT AND NOT VOTING: Bercier; Mutch; Wanzek

HB 1399, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3044: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of supporting development of the state's wind energy resources.

REQUEST

SEN. CHRISTMANN REQUESTED a recorded roll call vote be taken, which request was granted.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 14 YEAS, 32 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Krauter; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Redlin; Robinson; Schobinger; Tomac; Urlacher

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Naaden; Nelson, G.; Nething; O'Connell; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Mutch; Wanzek

HCR 3044, as amended, was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3046: A concurrent resolution directing the Legislative Council study the challenges facing the delivery of health care in this state, including the concerns relating to

reimbursement of hospitals for medical services, technological innovation, and possible regionalization of services.

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

HCR 3046, as amended, was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3074: A concurrent resolution directing the Legislative Council to study the amount and value of property owned by nonprofit organizations and other tax-exempt entities, including ownership in trust for Indian tribes, in this state and the impact of that ownership on local communities and the economy of this state.

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

HCR 3074, as amended, was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1057: A BILL for an Act to amend and reenact section 54-18-04 of the North Dakota Century Code, relating to the powers and duties of the industrial commission in operating the North Dakota mill and elevator association.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 44 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Nelson, G.; Nothing

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

ABSENT AND NOT VOTING: Bercier; Mutch; Wanzek

Engrossed HB 1057 lost.

SECOND READING OF HOUSE BILL

HB 1297: A BILL for an Act to amend and reenact sections 26.1-36-09.1 and 54-52.1-04.4 of the North Dakota Century Code, relating to health insurance and public employee retirement system coverage of mammograms.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 34 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Cook; DeMers; Fischer; Flakoll; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Kringstad; Kroepflin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wardner

NAYS: Andrist; Christmann; Freborg; Grindberg; Kilzer; Klein; Krebsbach; Lee; Nelson, G.; Solberg; Stenehjem, B.; Watne

ABSENT AND NOT VOTING: Bercier; Mutch; Wanzek

HB 1297 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1314: A BILL for an Act to provide for the protection of the intellectual property rights in the design of vehicle number plates.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 39 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Kinnoin; Kroeplin; Mathern, D.; Mathern, T.; O'Connell; Tallackson; Thompson

NAYS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Traynor; Urlacher; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Mutch; Wanzek

HB 1314 lost.

SECOND READING OF HOUSE BILL

HB 1412: A BILL for an Act to amend and reenact section 39-21-39 of the North Dakota Century Code, relating to tinted windows of motor vehicles.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 43 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Holmberg; Krebsbach; Schobinger

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

ABSENT AND NOT VOTING: Bercier; Mutch; Wanzek

Engrossed HB 1412 lost.

SECOND READING OF HOUSE BILL

HB 1424: A BILL for an Act to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to the registration of sexual offenders and offenders against children.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 41 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Flakoll; Kinnoin; Krauter; Mathern, T.; Thompson

NAYS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Mutch; Wanzek

Engrossed HB 1424 lost.

SECOND READING OF HOUSE BILL

HB 1441: A BILL for an Act to provide for minimum safety standards for passenger contract carriers.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier; Mutch; Wanzek

Engrossed HB 1441 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. THANE MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1075, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1075: Sens. Fischer, Thane, DeMers.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to SB 2088 as printed on SJ pages 769-770 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2088: Sens. Wanzek, Freborg, Kelsh.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. B. STENEHJEM MOVED that the Senate do not concur in the House amendments to Engrossed SB 2127 as printed on SJ page 770 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2127: Sens. Schobinger, Cook, O'Connell.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to SB 2154 as printed on SJ page 770 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2154: Sens. Wanzek, Cook, O'Connell.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2170 as printed on SJ page 798 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2170: Sens. Fischer, Thane, Mutzenberger.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do not concur in the House amendments to Engrossed SB 2189 as printed on SJ page 767 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2189: Sens. W. Stenehjem, Traynor, C. Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do not concur in the House amendments to SB 2319 as printed on SJ page 768 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2319: Sens. W. Stenehjem, Lyson, C. Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2320 as printed on SJ page 797 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2320: Sens. Kilzer, Lee, DeMers.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do not concur in the House amendments to Engrossed SCR 4036 as printed on SJ page 773 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SCR 4036: Sens. Thane, Lee, DeMers.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The President has signed: HB 1095, HB 1154, HB 1155, HB 1161, HB 1169, HB 1185, HB 1260, HB 1315, HB 1356, HB 1372, HB 1388, HB 1417, HB 1439, HB 1450, HCR 3027.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HB 1300, HB 1359, HCR 3014, HCR 3029, HCR 3031, HCR 3033, HCR 3035, HCR 3052, HCR 3071.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1025, HB 1146.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1082.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1075: Sens. Fischer; Thane; DeMers

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2088, SB 2127, SB 2154, SB 2170, SB 2189, SB 2319, and SB 2320 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2088: Sens. Wanzek; Freborg; Kelsh
SB 2127: Sens. Schobinger; Cook; O'Connell
SB 2154: Sens. Wanzek; Cook; O'Connell
SB 2170: Sens. Fischer; Thane; Mutzenberger
SB 2189: Sens. W. Stenehjem; Traynor; C. Nelson
SB 2319: Sens. W. Stenehjem; Lyson; C. Nelson
SB 2320: Sens. Kilzer; Lee; DeMers

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

MR. SPEAKER: The Senate does not concur in the House amendments to SCR 4036 and the President has appointed as a conference committee to act with a like committee from the House on:

SCR 4036: Sens. Thane; Lee; DeMers

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 1071, HB 1128, HB 1136, HB 1141, HB 1157, HB 1211, HB 1223, HB 1237, HB 1242, HB 1259, HB 1284, HB 1331, HB 1357, HB 1362, HB 1370, HB 1452, HB 1454, HCR 3004, HCR 3007, HCR 3016, HCR 3019, HCR 3038, HCR 3045, HCR 3047, HCR 3049, HCR 3050, HCR 3053, HCR 3054, HCR 3061, HCR 3064, HCR 3068, HCR 3072, HCR 3073, HCR 3077, HCR 3078.

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

MADAM PRESIDENT: The Speaker has signed: SB 2005, SB 2007, SB 2045, SB 2080, SB 2321, SB 2403, SCR 4016, SCR 4037.

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

MR. SPEAKER: The President has signed: HB 1071, HB 1128, HB 1136, HB 1141, HB 1157, HB 1211, HB 1223, HB 1237, HB 1242, HB 1259, HB 1284, HB 1331, HB 1357, HB 1362, HB 1370, HB 1452, HB 1454, HCR 3004, HCR 3007, HCR 3016, HCR 3019, HCR 3038, HCR 3045, HCR 3047, HCR 3049, HCR 3050, HCR 3053, HCR 3054, HCR 3061, HCR 3064, HCR 3068, HCR 3072, HCR 3073, HCR 3077, HCR 3078.

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

MADAM PRESIDENT: The House has failed to pass: SB 2279.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2220.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2276.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2002, SB 2010, SB 2018, SB 2058, SB 2216, SB 2242, SB 2327, SB 2390, SB 2400, SB 2409, SB 2425.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2002

Page 1, line 15, replace "1,846,778" with "1,827,218"

Page 1, line 19, replace "3,592,568" with "3,573,008"

Page 1, line 21, replace "3,342,568" with "3,323,008"

Page 2, line 3, replace "3,877,768" with "3,858,208"

Page 2, line 5, replace "4,127,768" with "4,108,208"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 108 - SECRETARY OF STATE

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$1,868,340	\$1,846,778	(\$19,560)	\$1,827,218
Operating expenses	1,673,790	1,673,790		1,673,790
Equipment	60,000	60,000		60,000
Petition review	12,000	12,000		12,000
Presidential preference contest	250,000			
Total all funds	\$3,864,130	\$3,592,568	(\$19,560)	\$3,573,008
Less special funds		250,000		250,000
General fund	\$3,864,130	\$3,342,568	(\$19,560)	\$3,323,008
FTE	26.00	26.00	(0.50)	25.50

Detail of House changes to the Senate version includes:

	REMOVE UNDESIGNATED POSITION	TOTAL HOUSE CHANGES
Salaries and wages	(\$19,560) ¹	(\$19,560)
Operating expenses		
Equipment		
Petition review		
Presidential preference contest		
Total all funds	(\$19,560)	(\$19,560)
Less special funds		
General fund	(\$19,560)	(\$19,560)
FTE	(0.50)	(0.50)

House changes narrative:

¹ Removes a .5 FTE undesignated position.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2010

Page 1, line 2, after the semicolon insert "to provide for the appointment of legislative representatives to the national conference of insurance legislators; and", after "reenact" insert "subsection 3 of section 26.1-01-07.1", and after "26.1-01-09" insert a comma

Page 1, line 3, after "to" insert "the cash balance of the insurance regulatory trust fund," and after "commissioner" insert a comma

Page 1, line 4, remove "; and to provide for a legislative council study"

Page 1, line 13, replace "1,503,289" with "1,493,289"

Page 1, line 14, replace "153,155" with "119,355"

Page 1, line 15, replace "5,852,093" with "5,808,293"

Page 2, replace lines 13 through 15 with:

"SECTION 7. National conference of insurance legislators - Appointment of representatives. The majority leader of the house of representatives shall appoint two members of the house of representatives and the majority leader of the senate shall appoint one member of the senate to represent the state at functions of the national conference of insurance legislators. Each member shall serve a two-year term. If a member is unable to complete the member's term, the majority leader of the respective chamber shall appoint another member to complete the term. The insurance commissioner shall pay the necessary expenses of the legislative members for attending functions of the national conference of insurance legislators.

SECTION 8. AMENDMENT. Subsection 3 of section 26.1-01-07.1 of the North Dakota Century Code is amended and reenacted as follows:

3. Except as otherwise provided by law, at the end of each fiscal year, the state treasurer shall transfer, after all fiscal year expenses have been paid, any cash balance remaining in the insurance regulatory trust fund that exceeds one million ~~five hundred thousand~~ dollars to the general fund."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 401 - INSURANCE DEPARTMENT

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$4,244,556	\$4,195,649		\$4,195,649
Operating expenses	1,503,289	1,503,289	(\$10,000)	1,493,289
Equipment	<u>153,155</u>	<u>153,155</u>	<u>(33,800)</u>	<u>119,355</u>
Total special funds	\$5,901,000	\$5,852,093	(\$43,800)	\$5,808,293
Less special funds	<u>5,901,000</u>	<u>5,852,093</u>	<u>(43,800)</u>	<u>5,808,293</u>
General fund	\$0	\$0	\$0	\$0

FTE 45.50 45.50 0.00 45.50

Detail of House changes to the Senate version includes:

	REDUCE OFFICE EQUIPMENT AND FURNITURE	REDUCE TRAVEL	TOTAL HOUSE CHANGES
Salaries and wages			
Operating expenses		(\$10,000)	(\$10,000)
Equipment	(\$33,800)		(33,800)
Total special funds	(\$33,800)	(\$10,000)	(\$43,800)
Less special funds	(33,800)	(10,000)	(43,800)
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

House changes narrative:

The section added in the Senate providing for an interim Legislative Council study of the activities of and the need for continuing the petroleum tank release compensation fund is removed.

A section is added providing that the House majority leader appoint two members from the House, and the Senate majority leader appoint one member from the Senate to represent the state at functions of the National Conference of Insurance Legislators (NCOIL). Expenses of the appointed legislators for attending these functions are to be paid by the Insurance Commissioner.

A section is added reducing the balance that may remain in the insurance regulatory trust fund at the end of each fiscal year by \$500,000, from \$1.5 million to \$1 million. This change will result in an estimated \$500,000 of additional funding being transferred from the insurance regulatory trust fund to the general fund during the 1999-2001 biennium.

HOUSE AMENDMENTS TO SENATE BILL NO. 2018

Page 1, line 8, replace "3,701,911" with "3,523,363"

Page 1, line 14, replace "5,493,381" with "5,314,833"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 616 - SEED DEPARTMENT

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$3,701,911	\$3,701,911	(\$178,548)	\$3,523,363
Operating expenses	1,201,470	1,201,470		1,201,470
Equipment	70,000	70,000		70,000
Major improvements	20,000	20,000		20,000
Grants	300,000	300,000		300,000
Contingency	200,000	200,000		200,000
Total all funds	\$5,493,381	\$5,493,381	(\$178,548)	\$5,314,833
Less special funds	5,493,381	5,493,381	(178,548)	5,314,833
General fund	\$0	\$0	\$0	\$0
FTE	35.50	35.50	(2.50)	33.00

Detail of House changes to the Senate version includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	REMOVE VACANT POSITIONS	TOTAL HOUSE CHANGES
Salaries and wages	(\$34,854)	\$10,549	(\$154,243) ¹	(\$178,548)
Operating expenses				
Equipment				
Major improvements				
Grants				
Contingency				
Total all funds	(\$34,854)	\$10,549	(\$154,243)	(\$178,548)
Less special funds	(34,854)	10,549	(154,243)	(178,548)
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	(2.50)	(2.50)

House changes narrative:

1 Removes the following vacant positions:

(1 FTE) Potato/grain inspector	(\$53,938)
(1 FTE) Potato/grain inspector	(53,938)
(.5 FTE) Potato/grain supervisor	(46,367)
Total	(\$154,243)

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2058

In lieu of the amendments printed on page 698 of the House Journal, Engrossed Senate Bill No. 2058 is amended as follows:

Page 1, line 7, overstrike the second "a" and insert immediately thereafter "each"

Page 1, line 9, after "for" insert "each record check for" and after "operated" insert "in this state"

Page 1, line 10, remove "and which does not"

Page 1, line 11, remove "receive gaming proceeds from a charitable organization"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment limits the application of the lower \$3 background check fee to nonprofit organizations that are organized and operated in North Dakota but does not limit it only to organizations that do not receive gaming proceeds.

HOUSE AMENDMENTS TO SENATE BILL NO. 2216

Page 1, line 14, after "1" insert "or 2"

Page 1, line 16, after "1" insert "or 2" and remove "and each subsequent"

Page 1, line 17, after "1" insert "or 2" and after "class" insert "A misdemeanor and a third and subsequent violation is a class"

Page 1, line 18, remove "For a first violation of subsection 2, the state treasurer shall notify, by certified mail,"

Page 1, remove lines 19 through 24

Page 2, line 1, remove "6."

Page 2, after line 2, insert "This section does not apply to a transaction in which an individual twenty-one years of age or older who imports or transports into this state 2.38 gallons [9 liters] or less of liquor or two hundred eighty-eight fluid ounces [8517.18 milliliters] or less of beer per month for personal use and not for resale from a person as described under subsection 1 or 2. Every package of alcoholic beverages shipped directly to an individual in this state must be labeled with conspicuous words "SIGNATURE OF PERSON AGE 21 OR OLDER REQUIRED FOR DELIVERY". A shipper shall obtain the signature of an individual twenty-one years of age or older before delivering any alcoholic beverages shipped directly to an individual in this state."

Re-number accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2242

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 one million 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

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2327

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

Page 1, line 2, replace "subsections" with "subsection"

Page 1, line 9, replace "specifically provides in a case in which a guardian is appointed and if" with "approves"

Page 1, remove line 10

Page 1, line 11, remove "well-being,"

Page 1, line 12, after "proceeding" insert ", that person"

Page 1, line 13, after "estate" insert "if the compensation will not unreasonably jeopardize the ward's well-being"

Page 2, line 12, replace "Two" with "A" and replace "subsections" with "subsection"

Page 2, line 13, replace "are" with "is"

Page 2, line 16, remove "unless a court of competent jurisdiction"

Page 2, remove lines 17 through 20

Page 2, line 21, remove "competent"

Page 2, remove lines 22 through 27

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2390

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to the appointment of state's attorneys;"

Page 1, line 5, after "attorney" insert "; and to provide for application"

Page 2, line 6, after "11-10-02" insert ", except as provided in section 12 of this Act"

Page 3, line 28, overstrike "The"

Page 3, line 29, after "~~manager~~" insert "Except as provided in section 12 of this Act, the"

Page 5, line 8, after "appointed" insert ", except as provided in section 12 of this Act"

Page 5, line 18, overstrike "One state's attorney."

Page 5, overstrike line 19

Page 5, line 20, overstrike "6."

Page 5, line 21, overstrike "7." and insert immediately thereafter "5."

Page 5, line 22, overstrike "8." and insert immediately thereafter "6."

Page 5, line 24, after the underscored comma insert "unless otherwise provided in section 12 of this Act,"

Page 6, after line 17, insert:

"**SECTION 12.** A new section to chapter 11-10 of the North Dakota Century Code is created and enacted as follows:

Appointment of state's attorney upon voter approval. Upon the submission to the board of county commissioners of a petition signed by ten percent or more of the total number of qualified electors of the county voting for governor at the most recent gubernatorial election or upon resolution of the board of county commissioners, the county auditor shall place the question of appointing the state's attorney on the ballot at the next regular election. If a majority of the qualified electors of the county voting on the question approves the change from elective to appointive, the change is effective at the end of the term of office of the state's attorney holding office at the time of the election."

Page 7, line 3, remove the overstrike over "~~office~~" and remove "offices"

Page 7, line 4, after "judge" insert "sheriff", remove the overstrike over "~~is~~", and remove "sheriff and state's attorney are"

Page 7, after line 14, insert:

"SECTION 16. APPLICATION. Section 12 of this Act does not apply to any county that has an appointive state's attorney before the effective date of this Act."

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2400

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

Page 1, line 16, after the underscored comma insert "a health maintenance organization,"

Page 1, line 17, remove "or health benefits"

Page 2, line 16, replace "Four" with "Three"

Page 2, line 26, after the underscored period insert "As used in this subsection, "medically necessary care" means health care services, supplies, or treatments that a reasonably prudent physician or other health care provider would provide to a patient for the prevention, diagnosis, or treatment of illness, injury, disease, or its symptoms which are in accordance with generally accepted standards of medical practice, clinically appropriate in terms of type, frequency, extent, site, and duration, and not primarily for the convenience of the patient, physician, or other health care provider. This definition does not preclude an entity from establishing a definition of "medically necessary care" for determining which services are covered by the health plan."

Page 2, line 30, after the underscored comma insert "or"

Page 3, remove lines 13 through 17

Page 4, line 15, remove the second "or"

Page 4, line 16, remove "health benefits"

Page 4, line 17, replace "provides the insured with" with "makes available to persons covered under the policy or contract"

Page 4, line 20, replace "insured" with "person covered under the contract, in any manner reasonably assuring availability,"

Page 6, line 30, remove "or health"

Page 6, line 31, remove "benefits"

Page 8, line 4, after "review" insert "or management"

Page 8, line 5, after the second underscored comma insert "to analyze health plan claims or health care records data, to conduct disease management programs with health care providers,"

Page 8, line 20, remove "or health benefits"

Page 8, line 22, after "practitioner" insert "solely"

Page 10, line 20, remove "or health benefits"

Page 11, line 21, after the second underscored comma insert "and" and remove ", and any"

Page 11, line 22, remove "applicable federal or state programs"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2409

Page 1, line 13, after "do" insert ", and doing."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2425

Page 3, line 14, after the period insert "The Bank may not issue a letter of credit for bonds issued under this Act."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4028.

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 Fifth, Seventh, Ninth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, March 24, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1018, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1018 was placed on the Sixth order on the calendar.

Page 1, line 2, after "hearings" insert "; and to authorize a loan from the Bank of North Dakota"

Page 1, line 13, replace "**STATE**" with "**BANK OF NORTH DAKOTA**"

Page 1, line 14, remove "**GENERAL FUND**"

Page 1, line 16, replace "general fund" with "Bank of North Dakota"

Page 1, line 19, replace "general fund" with "Bank of North Dakota"

Page 1, line 21, after the period insert "The office of administrative hearings may include any related interest costs in agency billings for services."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 140 - OFFICE OF ADMINISTRATIVE HEARINGS

SENATE - This amendment changes the Office of Administrative Hearings loan from the general fund to the Bank of North Dakota and allows the agency to pass on any related interest costs to agencies billed for services.

REPORT OF STANDING COMMITTEE

HB 1026: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1026 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "amend and reenact subsection 1 of section 28-32-02 of the North Dakota"

Page 1, remove line 2

Page 1, remove lines 5 through 16

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1052: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1052 was placed on the Sixth order on the calendar.

Page 4, line 23, replace "1998" with "1999"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 127 - TAX DEPARTMENT

SENATE - This amendment changes the effective date of the bill from being effective for taxable years beginning after December 31, 1998, to being effective for taxable years beginning after December 31, 1999.

REPORT OF STANDING COMMITTEE

HB 1067, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1067 was placed on the Sixth order on the calendar.

Page 1, line 21, after the underscored comma insert "the court shall consider the appointment of a guardian ad litem, and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1167: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1167 was placed on the Sixth order on the calendar.

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

Page 1, line 9, after "program" insert "; and to provide an effective date"

Page 3, line 9, remove the overstrike over "~~and~~" and remove ". The comprehensive plan"

Page 4, line 11, replace "**Communities to adopt**" with "**Community**"

Page 4, line 21, overstrike "under this chapter, whichever are more restrictive" and insert immediately thereafter "if the community has not adopted standards, then the structures must meet the standards set forth in paragraphs 2 and 3"

Page 4, line 23, overstrike "or" and insert immediately thereafter "at least one foot [30.48 centimeters]"

Page 4, line 28, after "than" insert "one foot [30.48 centimeters] above"

Page 5, replace lines 3 through 31 with:

"2. a. Standards adopted by the community for structures in the flood fringe must meet or exceed the following:

- (1) Residential structures must be constructed on fill so that the lowest floor, including basements, is elevated to or above the base flood level unless granted a residential floodproof exception under the national flood insurance program [Pub. L. 90-448; 82 Stat. 572; 42 U.S.C. 4001 et seq.].

- (2) Commercial and industrial structures must be constructed on fill as specified in subdivision a or must be adequately floodproofed up to an elevation no lower than the base flood level. The floodproofing must be in accordance with the standards adopted by the community under the national flood insurance program [Pub. L. 90-448; 82 Stat. 572; 42 U.S.C. 4001 et seq.] or under this chapter, whichever are more restrictive.
- b. Communities are encouraged to adopt standards that require residential structures to be constructed so that the lowest floor is elevated to at least one foot [30.48 centimeters] above the base flood level and commercial and industrial structures are constructed so that the lowest floor is elevated to at least one foot [30.48 centimeters] above the base flood level or the structures are adequately floodproofed up to an elevation no lower than one foot [30.48 centimeters] above the base flood level."

Page 6, remove lines 1 through 3

Page 6, line 7, remove the overstrike over "~~subject to excessive flooding~~" and insert immediately thereafter ", as determined by the state engineer."

Page 6, line 15, after "**floodways**" insert "- Exceptions"

Page 6, line 24, after the underscored period insert "A community may apply to the state engineer for an exemption from this section. The state engineer may grant the exemption if the state engineer determines that the community has the technical hydraulic expertise to determine if the proposed use is in compliance with state and federal law."

SECTION 11. EFFECTIVE DATE. Section 8 of this Act becomes effective on August 1, 2000."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1174, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1174 was placed on the Sixth order on the calendar.

Page 1, line 12, remove the overstrike over "~~within the employee's agency~~"

Page 1, line 20, remove the overstrike over "~~the~~" and remove the overstrike over "~~agency~~"

Page 1, line 21, remove "government"

Page 2, line 1, after "(2)" insert "The recommendation or proposal is beyond the reasonable expectations of job performance for the employee who has made the suggestion."

(3)"

Page 2, line 3, overstrike "(3)" and insert immediately thereafter "(4)"

Page 2, line 4, remove the overstrike over "~~by the state~~"

Page 2, line 5, remove the overstrike over "~~agency~~"

Page 2, line 7, remove the overstrike over "~~employee submitting~~" and remove "agency benefiting from"

Page 2, line 8, remove "If the"

Page 2, remove lines 9 through 11

Page 2, line 25, remove "If the proposal to reduce expenditures benefits"

Page 2, remove lines 26 through 31

Page 3, remove line 1

Page 3, line 2, remove "the amount of the incentive or its proportionate share of the incentive."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1274, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1274 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "reciprocity" with "reciprocal"

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

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

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

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

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1275: Appropriations Committee (Sen. Nething, Chairman) recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1275 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1294, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1294 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 43-29-13 of the North Dakota Century Code, relating to the practice of veterinary medicine.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-29-13 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

43-29-13. Practices excepted from chapter. The following persons may not be considered to be engaging in the practice of veterinary medicine in this state:

1. Those who administer to livestock, the title to which rests in themselves, or in their regular employer, except where the ownership of the animal was transferred to avoid the requirements of this chapter, or those who perform gratuitous services.
2. Anyone who conducts experiments in scientific research in the development of methods, techniques, or treatment, directly or indirectly applicable to the problems of medicine, and who in connection with these activities uses animals.
3. Anyone who is a regular student in an accredited or approved college of veterinary medicine performing duties or actions assigned by an instructor or working under the direct supervision of a licensed veterinarian during a school vacation period.
4. Anyone licensed in another state or nation when engaged in this state in consultation with veterinarians legally practicing herein.

5. A senior student who is in an approved school of veterinary medicine and who obtains from the board a student permit to practice in the office and under the direct supervision of any veterinarian practicing within this state.
6. Any employee of the United States or this state while in the performance of duties as employees.
7. Any merchant or manufacturer selling medicine, feed, an appliance, or any other product used in the prevention or treatment of animal diseases.
8. Any veterinary technician or other employee of a licensed veterinarian performing duties under the direction and supervision of the veterinarian responsible for the technician's or other employee's performance.
9. Any member of the faculty of an accredited college of veterinary medicine performing regular functions or a person lecturing or giving instructions or demonstrations at an accredited college of veterinary medicine or in connection with a continuing education course or seminar.
10. Any person selling or applying any pesticide, insecticide, or herbicide.
11. Any graduate of a foreign college of veterinary medicine who is in the process of obtaining a certificate and is performing duties or actions assigned by the graduate's instructors in an accredited or approved college of veterinary medicine.
12. Any person performing a direct embryo transfer procedure on a recipient cow. Except as provided in this subsection, a person performing a direct embryo transfer procedure on a recipient cow may not administer prescription drugs to the cow during, or as part of, the procedure. The owner of the recipient cow, however, may administer or cause the administration of prescription drugs to the recipient cow during, or as part of, the procedure if a veterinarian-client-patient relationship exists.

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1383, as reengrossed and amended: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1383, as amended, was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1462, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1462 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 57-43.1-02.2, 57-43.1-12.1, 57-43.2-03.1," with "section"

Page 1, line 2, remove "57-43.2-04.4," and remove ", 57-43.3-02.2, 57-43.3-09, 57-43.3-14, 57-43.3-18, 57-43.3-28, and"

Page 1, line 3, remove "chapter 57-43.4" and replace "collection by the supplier of" with "use of dyed special fuel in a licensed motor vehicle and penalties"

Page 1, remove line 4

Page 1, line 5, remove "administration, enforcement, and penalties" and remove "57-43.1-02,"

Page 1, line 6, remove "57-43.1-14, 57-43.1-16, 57-43.1-24, 57-43.1-26," replace ", 57-43.2-02," with "and", and remove the seventh comma

Page 1, line 7, remove "57-43.2-04.1, 57-43.2-05, 57-43.2-07, 57-43.2-11, 57-43.2-21, and 57-43.3-02"

Page 1, line 8, replace "collection by suppliers of motor vehicle, special fuels, aviation" with "definitions for special fuels tax purposes"

Page 1, remove line 9

- Page 1, line 10, remove "penalties" and replace "sections 57-43.1-27 and 57-43.3-24" with "section 57-43.2-02.2"
- Page 1, line 11, replace "motor vehicle fuels tax imposition and credit for losses and aviation fuel" with "refunds of special fuels"
- Page 1, line 12, remove "collection allowances"
- Page 1, remove lines 14 through 24
- Page 2, remove lines 1 through 31
- Page 3, remove lines 1 through 31
- Page 4, remove lines 1 through 31
- Page 5, remove lines 1 through 31
- Page 6, remove lines 1 through 31
- Page 7, remove lines 1 through 31
- Page 8, remove lines 1 through 31
- Page 9, remove lines 1 through 31
- Page 10, remove lines 1 through 20
- Page 13, line 11, remove the overstrike over "~~compressed natural gas~~" and insert immediately thereafter an underscored comma
- Page 13, line 17, remove "alternative fuels as defined in section 57-43.4-01,"
- Page 13, remove lines 28 through 30
- Page 14, remove lines 1 through 31
- Page 15, remove lines 1 through 30
- Page 16, remove lines 1 through 10
- Page 16, line 14, remove the overstrike over "~~two percent~~"
- Page 16, line 15, remove "one and two-tenths cents per gallon [3.79 liters]"
- Page 16, line 16, remove "For a"
- Page 16, remove lines 17 through 19
- Page 16, line 20, overstrike "The special excise tax applies to all special fuels taxed under section 57-43.2-02"
- Page 16, overstrike line 21
- Page 16, line 22, overstrike "3."
- Page 16, line 25, overstrike "4." and insert immediately thereafter "3."
- Page 17, line 1, overstrike "5." and insert immediately thereafter "4."
- Page 17, line 2, remove the overstrike over "~~identify the consumer to whom the sale was made,~~"
- Page 17, line 3, remove the overstrike over "~~specify the purpose for which the special fuel was sold, and~~"
- Page 17, line 5, overstrike "6." and insert immediately thereafter "5." and remove "The tax imposed by this section does not apply on sales by a supplier to another"

Page 17, remove line 6

Page 17, line 7, remove "7.", remove the overstrike over "~~The dealer~~", remove "A supplier", and remove the overstrike over "~~on all sales to a~~"

Page 17, line 8, remove "and shall pass the tax on to the distributor, retailer, or" and remove "A distributor"

Page 17, remove lines 9 through 30

Page 18, remove lines 1 through 30

Page 19, remove lines 1 through 29

Page 20, remove lines 1 through 31

Page 21, remove lines 1 through 31

Page 22, remove lines 1 through 31

Page 23, remove lines 1 through 30

Page 24, remove lines 1 through 31

Page 25, remove lines 1 through 30

Page 26, line 3, replace "**Penalties**" with "**Administrative fees**"

Page 26, line 10, replace "civil penalties" with "administrative fees"

Page 26, line 11, replace "one" with "two", after "hundred" insert "fifty", and replace "fine" with "fee"

Page 26, line 12, replace "fine" with "fee"

Page 26, line 14, replace "fine" with "fee"

Page 26, line 16, replace "fine" with "fee"

Page 27, line 5, after "hearing" insert "before the tax commissioner in the manner provided in chapter 28-32 if, within thirty days after receiving a citation, the person requests a hearing"

Page 27, after line 13, insert:

"6. All administrative fees or civil penalties under this section may be completely or partially waived by the tax commissioner for good cause shown, and any fees or penalties not waived must be collected by the tax commissioner and transferred to the state treasurer and deposited in the state highway fund."

Page 27, remove lines 14 through 29

Page 28, remove lines 1 through 31

Page 29, remove lines 1 through 31

Page 30, remove lines 1 through 31

Page 31, remove lines 1 through 31

Page 32, remove lines 1 through 30

Page 33, remove lines 1 through 29

Page 34, remove lines 1 through 31

Page 35, remove lines 1 through 31

Page 36, remove lines 1 through 30

Page 37, remove lines 1 through 30

Page 38, remove lines 1 through 30

Page 39, remove lines 1 through 31

Page 40, remove lines 1 through 30

Page 41, remove lines 1 through 30

Page 42, remove lines 1 through 31

Page 43, remove lines 1 through 31

Page 44, remove lines 1 through 31

Page 45, remove lines 1 through 31

Page 46, remove lines 1 through 30

Page 47, remove lines 1 through 31

Page 48, remove lines 1 through 31

Page 49, remove lines 1 through 31

Page 50, remove lines 1 through 31

Page 51, remove lines 1 through 31

Page 52, remove lines 1 through 31

Page 53, remove lines 1 through 19

Page 53, line 20, replace "57-43.1-27" with "57-43.2-02.2", after "the" insert "1997 Supplement to the", and replace "and" with "is repealed."

Page 53, remove lines 21 and 22

Page 53, line 24, remove ", and taxable inventories held on,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1487: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1487 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new subsection to section 57-39.2-04 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to a tax exemption for farm machinery parts;"

Page 1, line 4, replace "a tax exemption for" with "the rate of sales and use tax for farm machinery,", after "machinery" insert "repair", after "parts" insert ", and irrigation equipment used exclusively for agricultural purposes", and replace "and" with "to provide an effective date;"

Page 1, line 5, after "date" insert "; and to declare an emergency"

Page 1, line 11, after the second "of" insert "new"

Page 1, line 12, after "and" insert "new"

Page 1, line 15, after the period insert "There is imposed a tax of one and one-half percent upon the gross receipts of retailers from all sales at retail of used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural

purposes, including the leasing or renting of used farm machinery and used irrigation equipment used exclusively for agricultural purposes within this state to consumers or users. For purposes of this subsection, "used" means:

- a. Tax under this chapter has been paid on a previous sale;
- b. Originally purchased outside this state and previously owned by a farmer; or
- c. Has been under lease or rental for three years or more."

Page 1, remove lines 16 through 18

Page 1, line 23, after the second "of" insert "new"

Page 1, line 24, after "and" insert "new"

Page 2, line 5, after "of" insert "new" and overstrike ", farm machinery repair"

Page 2, line 6, overstrike "parts," and after "and" insert "new"

Page 2, line 9, after "of" insert "new", overstrike ", farm machinery repair parts,", and after the second "and" insert "new"

Page 2, line 11, after the period insert "An excise tax is imposed on the storage, use, or consumption in this state of used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes purchased at retail for storage, use, or consumption in this state at the rate of one and one-half percent of the purchase price thereof. Except as limited by section 57-40.2-11, an excise tax is imposed on the storage, use, or consumption in this state of used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes not originally purchased for storage, use, or consumption in this state at the rate of one and one-half percent of the fair market value of the used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes at the time it was brought into this state. For purposes of this subsection, "used" means:

- a. Tax under this chapter has been paid on a previous sale;
- b. Originally purchased outside this state and previously owned by a farmer; or
- c. Has been under lease or rental for three years or more."

Page 2, line 12, after the first period insert "**EFFECTIVE DATE** -" and replace "through December 31, 2000" with "for taxable events occurring after April 30, 1999, and before July 1, 2001"

Page 2, after line 13, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3043: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3043 was placed on the Sixth order on the calendar.

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Council to study the clarity and continuity of end-of-life decisionmaking issues and related laws.

WHEREAS, a broad variety of state laws address end-of-life issues, including informed consent for health care, guardianship, organ donation, living will, durable power of attorney for health care, durable power of attorney, and power of attorney; and

WHEREAS, state law addressing these issues was enacted over the course of several years, resulting in the lack of continuity and dispersal throughout the North Dakota Century Code; and

WHEREAS, many North Dakotans fail to adequately plan for issues that arise at the end of life because of the complexity of relevant laws; and

WHEREAS, the National Conference of Commissioners on Uniform State Laws recognized the value of clarity and continuity in making health care decisions and therefore recommended the Uniform Health Care Decision Act to the states for enactment; and

WHEREAS, at least 16 states have studied the advantages and disadvantages of enacting comprehensive advanced health care directive statutes, concluding a comprehensive statutory scheme is a reasonable solution; and

WHEREAS, the Robert Wood Johnson Foundation provided a grant to the North Dakota End of Life Task Force, which is in part studying end-of-life decisionmaking issues;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Legislative Council study the clarity and continuity of end-of-life decisionmaking issues and related laws; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-seventh Legislative Assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3070, as engrossed: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3070 was placed on the Tenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2066, as engrossed: Your conference committee (Sens. Freborg, Cook, O'Connell and Reps. L. Thoreson, Haas, Grumbo) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 660, adopt amendments as follows, and place SB 2066 on the Seventh order:

That the House recede from its amendments as printed on page 660 of the Senate Journal and page 722 of the House Journal and that Engrossed Senate Bill No. 2066 be amended as follows:

Page 1, line 11, replace "twelve" with "twenty-five"

Page 2, line 12, replace "ten" with "eighteen" and replace "16090" with "28967"

Page 2, line 21, replace "twelve" with "twenty-five"

Page 3, line 9, replace "ten" with "eighteen" and replace "16090" with "28967"

Renumber accordingly

Engrossed SB 2066 was placed on the Seventh order of business on the calendar.

FIRST READING OF SENATE BILL

Sen. Freborg introduced:
(Approved by the Delayed Bills Committee)

SB 2441: A BILL for an Act to provide for school district reorganization bonuses.
Was read the first time and referred to the **Education Committee**.

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

WILLIAM C. PARKER, Secretary