

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, March 25, 1999

The Senate convened at 1:00 p.m., with President Myrdal presiding.

The prayer was offered by Pastor Don Burnett, Bismarck Baptist Church, Bismarck.

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

A quorum was declared by the President.

REQUEST

SEN. T. MATHERN REQUESTED the unanimous consent of the Senate to withdraw SB 2439, which is on the Eleventh order. There being no objection, it was so ordered by the President.

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

MADAM PRESIDENT: The House respectfully requests the return of: SB 2411.

MOTION

SEN. G. NELSON MOVED that the Senate return SB 2411 to the House in accordance with Senate Rule 204, which motion prevailed.

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

MR. SPEAKER: The Senate accedes to the House request for the return of: SB 2411.

MOTION

SEN. ST. AUBYN MOVED that after action taken on the Sixth order, HB 1041 and HCR 3057 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1035: SEN. O'CONNELL (Education Committee) MOVED that the amendments on SJ page 838 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that HB 1035 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1035: A BILL for an Act to amend and reenact section 11-10-10.5, subsection 1 of section 12.1-05-05, sections 15-20.2-04, 15-36-12, 15-41-25, 15-47-42, subsection 1 of section 15-47-46, section 15-59.2-02, subsection 5 of section 40-01.1-04, subsection 1 of section 54-07-01.2, and subsection 4 of section 57-39.2-04 of the North Dakota Century Code, relating to cross references to statutes in the education title.

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; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Mutch

HB 1035, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1041, as engrossed: SEN. C. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 838 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1041: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to posting games of chance rules; and to amend and reenact sections 53-06.1-03, 53-06.1-06, 53-06.1-07.3, 53-06.1-07.4, 53-06.1-10, and subsection 5 of section 53-06.1-14 of the North Dakota Century Code, relating to games of chance.

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, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: 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.; 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; Mutch

Engrossed HB 1041, as amended, lost.

CONSIDERATION OF AMENDMENTS

HB 1135, as engrossed: SEN. D. MATHERN (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 838 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1156, as engrossed: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ pages 838-839 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3057, as engrossed: SEN. LEE (Human Services Committee) MOVED that the amendments on SJ page 839 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3057: A concurrent resolution urging Congress and the Secretary of Agriculture to reevaluate the feasibility, desirability, and cost effectiveness of requiring states to collect certain outstanding claims of overissued food stamp benefits.

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

Engrossed HCR 3057, as amended, was declared adopted on a verification vote and the title was agreed to.

MOTION

SEN. KELSH MOVED that the Senate reconsider its action whereby HB 1275 passed.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1275 passed, the roll was called and there were 23 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Kroepin; Lindaas; Mathern, D.; Mathern, T.; Naaden; O'Connell; Redlin; Robinson; Sand; Solberg; Tallackson; Thompson; Tomac

NAYS: Cook; DeMers; Fischer; Flakoll; Grindberg; Kilzer; Krebsbach; Kringstad; Lee; Lyson; Mutzenberger; Nelson, C.; Nelson, G.; Nothing; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Mutch

The motion to reconsider the action whereby HB 1275 passed, was defeated.

SECOND READING OF HOUSE BILL

HB 1487: A BILL for an Act to amend and reenact subsection 2 of section 57-39.2-02.1 and subsection 2 of section 57-40.2-02.1 of the North Dakota Century Code, relating to the rate of sales and use tax for farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes; to provide an effective date; to provide an expiration date; and to declare an emergency.

MOTION

SEN. KRAUTER MOVED that HB 1487, as amended, be amended as follows:

In lieu of the amendments to House Bill No. 1487 as printed on pages 826 and 827 of the Senate Journal, House Bill No. 1487 is amended as follows:

Page 1, line 3, after "reenact" insert "subsection 3 of section 57-39.2-01," and after "57-39.2-02.1" insert a comma

Page 1, line 4, after "parts" insert "and used farm machinery and used irrigation equipment used exclusively for agricultural purposes"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 57-39.2-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. "Gross receipts" means the total amount of sales of retailers, valued in money, whether received in money or otherwise. Provided, discounts for any purposes allowed and taken on sales are not included, nor is the sale price of property returned by customers when the full sale price is refunded either in cash or by credit. Provided, further, when tangible personal property is taken in trade or in a series of trades as a credit or part payment of a retail sale taxable under this chapter, if the tangible personal property traded in will be subject to the sales tax imposed by this chapter when sold or will be subject to the motor vehicle excise tax imposed by chapter 57-40.3, or if the tangible personal property traded in is used farm machinery or used irrigation equipment, the credit or trade-in value allowed by the retailer are not gross receipts. Provided, further, on all sales of retailers, valued in money, when the sales are made under a conditional sales contract, or under other forms of sale wherein the payment of the principal sum is to be extended over a period longer than sixty days from the date of sale that only the portion of the sale amount shall be accounted for, for the purpose of imposition of tax imposed by this chapter, as has actually been received in cash by the retailer during each quarterly period as defined herein. When a farm machine is purchased as a replacement for machinery which was stolen or totally destroyed, a credit or trade-in credit is allowed in an amount equal to the compensation received for the loss from an insurance company. The purchaser shall provide the seller with a notarized statement from the insurance company verifying that the original farm machine is a total loss and indicating the amount of compensation. The notarized statement must be retained by the seller to verify the amount of credit or trade-in credit allowed. "Gross receipts" also means, with respect to the leasing or renting of tangible personal property, the amount of consideration, valued in money, whether received in money or otherwise, received from the leasing or renting of only tangible personal property the transfer of title to which has not been subjected to a retail sales tax in this state. For the purpose of this chapter, gross receipts shall also include the total amount of sales of every clerk, auctioneer, agent, or factor selling tangible personal property owned by any other retailer."

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

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

Page 1, line 13, after "of" insert "new" and after "and" insert "new"

Page 1, line 18, after "parts" insert "and used farm machinery and used irrigation equipment used exclusively for agricultural purposes. 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, line 23, after the second "of" insert "new"

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

Page 2, line 5, after "of" insert "new"

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

Page 2, line 9, after "of" insert "new" and after the second "and" insert "new"

Renumber accordingly

REQUEST

SEN. THOMPSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1487, as amended, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1487, as amended, the roll was called and there were 17 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroepflin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

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

ABSENT AND NOT VOTING: Bercier; Mutch

The proposed amendments to HB 1487, as amended, were defeated.

ROLL CALL

The question being on the final adoption 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; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Mutch

HB 1487, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1150: A BILL for an Act to create and enact a new section to chapter 43-02.2 of the North Dakota Century Code, relating to substantial equivalency for obtaining a certificate or license to practice public accountancy; to amend and reenact sections 43-02.2-01, 43-02.2-02, 43-02.2-03, 43-02.2-04, 43-02.2-06, 43-02.2-07, 43-02.2-08, 43-02.2-09, 43-02.2-11, 43-02.2-12, 43-02.2-15, 43-02.2-16, and 43-02.2-17 of the North Dakota

Century Code, relating to certified public accountants and the practice of public accountancy; and to repeal section 43-02.2-05 of the North Dakota Century Code, relating to individual permits to practice public accountancy.

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 37 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Heitkamp; Kelsh; Kroeplin; Lindaas; O'Connell; Redlin; Solberg; Stenehjem, B.; Tomac

ABSENT AND NOT VOTING: Bercier; Mutch

HB 1150, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1227: A BILL for an Act to create and enact a new section to chapter 43-35 of the North Dakota Century Code, relating to water well contractor continuing education requirements; to amend and reenact section 43-35-17 of the North Dakota Century Code, relating to water well contractor continuing education requirements; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 29 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Grindberg; Heitkamp; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Lee; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wardner

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Holmberg; Kinnoin; Kroeplin; Lindaas; Lyson; Naaden; O'Connell; Solberg; Stenehjem, B.; Wanzek; Watne

ABSENT AND NOT VOTING: Bercier; Mutch

Engrossed HB 1227, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1414: A BILL for an Act to amend and reenact subdivision e of subsection 2 of section 51-13-02 of the North Dakota Century Code, relating to delinquency and collection charges on retail installment payments.

MOTION

SEN. THOMPSON MOVED that HB 1414, as amended, be amended as follows:

In lieu of the amendments adopted by the Senate as printed on page 802 of the Senate Journal, House Bill No. 1414 is amended as follows:

Page 1, line 9, remove the overstrike over "~~in an amount~~", after "~~to~~" insert "not more than", and remove the overstrike over "~~ten percent of the delinquent installment payment~~"

Page 1, line 10, remove the overstrike over "~~or~~", after "~~ten~~" insert "twenty", remove the overstrike over "~~dollars, whichever is less~~", and remove "as agreed by the parties in the retail"

Page 1, line 11, remove "installment contract"

Renumber accordingly

REQUEST

SEN. T. MATHERN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1414, as amended, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1414, as amended, the roll was called and there were 16 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, T.; Mutzenberger; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac; Urlacher

NAYS: Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Naaden; Nelson, C.; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Mutch

The proposed amendments to HB 1414, as amended, were defeated.

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

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

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

ABSENT AND NOT VOTING: Bercier; Mutch

HB 1414, as amended, passed and the title was agreed to.

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

MR. SPEAKER: The President has signed: HB 1006, HB 1008, HB 1010, HB 1066, HB 1070, HB 1144, HB 1170, HB 1255, HB 1341.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval on March 25, 1999: SB 2005, SB 2007, SB 2011, SB 2045, SB 2080, SB 2321, SB 2356, SB 2393, SB 2403.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing on March 25, 1999: SCR 4016, SCR 4017, SCR 4028, SCR 4037, SCR 4044, SCR 4045.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2220.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1275.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1041.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1035, HB 1150, HB 1227, HB 1414, HCR 3057.

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 1487.

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

MADAM PRESIDENT: The House has failed to pass: SB 2316.

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

MADAM PRESIDENT: The House has passed unchanged: SCR 4058.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2398, SCR 4056.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2413.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SCR 4010.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2411.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2411

Page 1, line 2, after "services" insert "; and to provide for a legislative council study"

Page 1, line 11, replace "determines" with "and the office of management and budget determine"

Page 1, line 15, replace the second "or" with an underscored comma

Page 1, line 16, after "54-46.1-07" insert ", or any other law that provides for any civil or criminal penalty for the release of certain records"

Page 1, line 17, replace "further" with "disclose any information from any record."

Page 1, line 18, replace "and may not" with ", or"

Page 1, line 19, after the underscored period insert "Any contractor hired by the administrator under this section or by an agency under section 54-46.1-05 is subject to the penalties provided by law for unauthorized release of public records, and the contractor must agree to fully comply with all applicable state or federal laws or rules prohibiting release of public records."

Page 2, after line 5, insert:

"SECTION 2. LEGISLATIVE COUNCIL STUDY OF PRIVATIZATION OF SERVICES PROVIDED BY STATE AGENCIES. During the 1999-2001 interim, the legislative council shall conduct a study of privatizing and contracting for services provided by state agencies. In conducting the study, the legislative council shall request information from representatives of the executive branch, the judicial branch, higher education, public employee organizations, entities that have contracted with state agencies for services, and businesses or other entities that are interested in providing services for or in place of state agencies. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly."

Renumber accordingly

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2074.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2074

Page 2, after line 8, insert:

- "4. The education standards and practices board or, in the case of a school administrator, the administrator's professional practices board, may impose a fee against a certificate holder to reimburse the education standards and practices board or, in the case of a school administrator, the administrator's

professional practices board, for all or part of the costs of administrative actions that result in disciplinary action against the certificate holder."

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

Renumber accordingly

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1082, HB 1146, HB 1149, HB 1326.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1158 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1158: Reprs. Weisz; B. Thoreson; Eckre

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

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

SB 2088: Reprs. Drovdal; Nelson; Hanson

MOTION

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

MOTION

SEN. ST. AUBYN MOVED that the Senate be on the Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 26, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2441: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2441 was placed on the Sixth order on the calendar.

Page 1, line 17, after "the" insert "lesser of the"

Page 1, line 18, after "district" insert "or seven hundred fifty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4055: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4055 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1177, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1177 was placed on the Sixth order on the calendar.

Page 3, line 13, after "it" insert "employs the services of an insurance agent or broker.", replace "two" with "three", and after "criteria" insert an underscored comma

Page 3, line 14, remove the first underscored comma and remove the second underscored comma

Page 3, line 17, replace "seventy-five" with "five hundred"

Page 3, line 18, replace "hundred fifty" with "thousand"

Page 3, line 19, replace "use of a" with "an employee acting as a full-time", remove ", employed", and replace "retained" with "qualified consulting risk manager"

Page 3, line 20, after "annual" insert "property casualty" and replace "seventy-five" with "five hundred"

Page 3, line 21, after "dollars" insert ", excluding contract bonds, crop insurance premiums, and workers' compensation premiums"

Page 3, line 24, after "Is" insert "in"

Page 7, line 3, after "changes" insert "may be made only once in any twelve-month period and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1451, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1451 was placed on the Sixth order on the calendar.

Page 1, line 3, after "49-21-01" insert "and subdivision g of subsection 3 of section 49-23-04"

Page 1, line 4, after "definitions" insert "and time periods under the one-call excavation notice system", remove "and", and after "application" insert "; and to declare an emergency"

Page 5, line 26, replace "Notwithstanding any other provision of law or home rule charter" with "Unless the governing body of a political subdivision has submitted to the qualified electors of that political subdivision the question of whether to impose a fee other than a fee for management costs and a majority of the voters approved the fee"

Page 5, line 27, replace "recover" with "impose after December 31, 1998," and after "fee" insert "to recover"

Page 5, line 29, after the underscored comma insert "in order to accomplish a necessary public improvement on the right of way,"

Page 5, line 30, replace "the company's" with "no cost to the political subdivision. Necessary public improvements are limited to construction and maintenance activities directly related to improved transportation and safety"

Page 5, line 31, remove "sole cost and expense"

Page 7, after line 26, insert:

"SECTION 7. AMENDMENT. Subdivision g of subsection 3 of section 49-23-04 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- g. An excavator may not use a location more than ~~seventy-two hours~~ ten days, or any extension of that period, after the planned excavation date unless the excavator has made previous arrangements with the operators affected."

Page 7, line 27, remove "**OF ACT**", replace "This" with "Sections 1 through 6 of this", and replace "applies" with "apply"

Page 7, after line 28, insert:

"SECTION 9. EMERGENCY. Section 7 of this Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1465, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1465 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1490, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1490 was placed on the Sixth order on the calendar.

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 "Daily instruction time in excess of five hours and thirty minutes for elementary students and six hours for high school students may be aggregated, after a weather-related closure, to make up for up to six hours of instruction time lost during a school year because of a weather-related school closure, if the school's calendar provides for instruction time that exceeds the minimum required hours of instruction by at least fifteen minutes during each of the one hundred seventy-three full days of instruction. If the school's calendar does not provide for instructional time that exceeds the minimum required hours of instruction by at least fifteen minutes during each of the one hundred seventy-three full days of instruction, any extension of a normal schoolday to make up for time lost as a result of a weather-related closure must have a duration of at least thirty minutes."

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 "Daily instruction time in excess of five hours and thirty minutes for elementary students and six hours for high school students may be aggregated, after a weather-related closure, to make up for up to six hours of instruction time lost during a school year because of a weather-related school closure, if the school's calendar provides for instruction time that exceeds the minimum required hours of instruction by at least fifteen minutes during each of the one hundred seventy-three full days of instruction. If the school's calendar does not provide for instructional time that exceeds the minimum required hours of instruction by at least fifteen minutes during each of the one hundred seventy-three full days of instruction, any extension of a normal schoolday to make up for time lost as a result of a weather-related closure must have a duration of at least thirty minutes."

Page 2, remove lines 24 and 25

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1492, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1492 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to tax exemptions and credits for investments in renaissance zones;"

Page 1, line 4, after "in" insert "sections 1 through 10 of"

Page 2, line 26, after "under" insert "sections 4 through 7 of"

Page 3, line 4, remove "less than four square blocks nor"

Page 4, line 17, after "in" insert "sections 4 through 7 of"

Page 4, after line 18, insert:

- "6. Property in a renaissance zone may receive an exemption one time only. An exemption on property in a renaissance zone may be transferred if ownership of the property is transferred."

Page 7, line 24, after "administer" insert "sections 1 through 10 of" and replace "as it relates" with "with respect"

Page 7, line 25, after "of" insert "sections 1 through 10 of"

Page 7, line 29, after "under" insert "section 6 of"

Page 7, line 30, replace "chapter" with "Act"

Page 7, line 31, after "under" insert "section 6 of" and replace "chapter" with "Act"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3009: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3009 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3037: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3037 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3051: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3051 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3058: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3058 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3063: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3063 was placed on the Tenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2185, as engrossed: Your conference committee (Sens. Watne, Traynor, C. Nelson and Reps. Sveen, Klemm, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 697, adopt amendments as follows, and place SB 2185 on the Seventh order:

That the House recede from its amendments as printed on page 697 of the Senate Journal and pages 785 and 786 of the House Journal and that Engrossed Senate Bill No. 2185 be amended as follows:

Page 1, line 8, after the first "state" insert a comma

Page 1, line 9, after "12-56-01" insert a comma

Page 1, line 10, after "notified" insert "in writing"

Page 1, line 11, replace "such" with "the", replace the comma with "of the designated officer", and replace "twenty four" with "twenty-four"

Page 1, line 18, after the second "the" insert "written"

Renumber accordingly

Engrossed SB 2185 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2388, as engrossed: Your conference committee (Sens. Fischer, Kilzer, DeMers and Reps. Kliniske, Porter, Niemeier) recommends that the **HOUSE RECEDE** from the

House amendments on SJ page 626, adopt amendments as follows, and place SB 2388 on the Seventh order:

That the House recede from its amendments as printed on page 626 of the Senate Journal and page 701 of the House Journal and that Engrossed Senate Bill No. 2388 be amended as follows:

Page 1, line 10, replace "two years" with "nine months"

Page 1, line 11, after "filed" insert "against the petitioner or any member of the petitioner's household"

Renumber accordingly

Engrossed SB 2388 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SCR 4023: Your conference committee (Sens. Wardner, W. Stenehjem, DeMers and Reps. L. Thoreson, Hawken, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 752-753 and place SCR 4023 on the Seventh order.

SCR 4023 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