

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, March 29, 1999

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

The prayer was offered by Rev. Curtis Dikoff, Child Evangelism Fellowship, Southwest North Dakota.

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

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 26, 1999, I have signed the following: SB 2005, SB 2007, SB 2011, SB 2045, SB 2321, and SB 2356.

MOTION

SEN. ST. AUBYN MOVED that Senate Rule 507 be amended to read "sixtieth" in place of "fifty-fifth", which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2327 as printed on SJ page 817 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 2327: Sens. Thane, Kilzer, DeMers.

MOTION

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

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

CONSIDERATION OF AMENDMENTS

SB 2440: SEN. THOMPSON (Transportation Committee) MOVED that the amendments on SJ page 879 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2440: A BILL for an Act to provide for a study of the licensing of used motor vehicle dealers; and to create and enact a new section to chapter 39-22 of the North Dakota Century Code, relating to sales requirements for used motor vehicle dealers.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2440 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1344, as engrossed: SEN. B. STENEHJEM (Transportation Committee) MOVED that the amendments on SJ pages 885-886 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1108, as engrossed: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 879-880 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1108: A BILL for an Act to create and enact five new sections to chapter 57-34 of the North Dakota Century Code, relating to the audit and assessment of telecommunications carriers, deficiency notice, protest and appeal procedure, claim for credit or refund of the tax on telecommunications carriers, preservation of records, and resale certificates; to amend and reenact sections 57-34-01, 57-34-02, 57-34-03, 57-34-06, and 57-34-10 of the North Dakota Century Code, relating to definitions, identification of taxable resellers and pay telephone operators, elimination of tentative assessments, allocation of revenue, filing extensions, tax liabilities of less than five dollars, and interest and lien provisions; to provide for retroactive application; to provide an effective date; and to provide an expiration date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1108, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1153, as engrossed: SEN. WARDNER (Finance and Taxation Committee) MOVED that the amendments on SJ pages 880-881 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1153: A BILL for an Act to establish a reserve fund to assure a source of compensation for the consequences of the sale of cigarettes within the state; to provide an effective date; to provide a penalty; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1153, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1229: SEN. THOMPSON (Transportation Committee) MOVED that the amendments on SJ page 881 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1229: A BILL for an Act to amend and reenact section 39-12-05.3 of the North Dakota Century Code, relating to weight limitations for vehicles on highways that are not in the interstate system.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier

HB 1229, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1243, as engrossed: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ pages 881-883 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act to amend and reenact sections 6-08-16 and 6-08-16.2 of the North Dakota Century Code, relating to issuing a check without sufficient funds, credit, or an account; to provide a penalty; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1243, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1256, as engrossed: SEN. SAND (Agriculture Committee) MOVED that the amendments on SJ page 883 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1256: A BILL for an Act to amend and reenact section 63-01.1-12.2 of the North Dakota Century Code, relating to noxious weed certification.

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;

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

ABSENT AND NOT VOTING: Bercier; Sand

Engrossed HB 1256, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1291, as engrossed: SEN. COOK (Transportation Committee) MOVED that the amendments on SJ pages 883-884 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1291: A BILL for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to an operator's license for a person under eighteen years of age; and to amend and reenact section 39-06-04 of the North Dakota Century Code, relating to instructional permits.

MOTION

SEN. O'CONNELL MOVED that Engrossed HB 1291, as amended, be further amended as follows, which motion was defeated on a verification vote.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-06 of the North Dakota Century Code, relating to an operator's license for a person under eighteen years of age; and to amend and reenact section 39-06-04 and subsection 3 of section 39-06-17 of the North Dakota Century Code, relating to instructional permits and restricted licenses for minors.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06-04 of the North Dakota Century Code is amended and reenacted as follows:

39-06-04. Instruction permit. Any person who is at least fourteen years of age may apply to the director for an instruction permit. The director may issue to the applicant an instruction permit ~~which~~ that entitles the applicant while having such permit in the permittee's immediate possession to drive a motor vehicle upon the public highways for a period of one year when accompanied by a licensed operator who holds a license corresponding to the vehicle the permittee operates ~~and, who~~ has had at least ~~one year~~ three years of driving experience, and who is occupying a seat beside the driver. Persons holding an instruction permit for the operation of a motorcycle shall operate the motorcycle only during hours when the use of headlights is not required pursuant to section 39-21-01, and may not carry or transport any passenger. Any instruction permit may be renewed or a new permit issued for an additional period. A person who is not yet eighteen years of age is not eligible for a license until that person has had an instruction permit issued for at least three months. The director may recognize an instruction permit issued by another jurisdiction in computing the three-month instructional period.

SECTION 2. A new section to chapter 39-06 of the North Dakota Century Code is created and enacted as follows:

Special provisions for minor operators.

1. The director shall cancel the permit or license to operate a motor vehicle of an individual who has committed acts resulting in an accumulated point total in excess of five points as provided for a violation under section 39-06.1-10 or has committed an alcohol-related offense while operating a motor vehicle, if:
 - a. The acts or offenses were committed while the individual was a minor;
and

- b. The individual admitted the violation, was found to have committed the violation by the official having jurisdiction, or pled guilty to, was found guilty of, or adjudicated to have committed the offense.
2. If an individual has had that individual's license or permit canceled under subsection 1, the director shall deem that individual to have never had any license or permit to operate a motor vehicle and may not issue any license or permit to drive other than an instruction permit or a restricted instruction permit after the completion of any period of suspension or revocation. After the issuance of an instruction permit or restricted instruction permit, the director may not issue any other license or permit to that individual until, while using the permit issued under this section, that individual:
- a. (1) Completes a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
- (2) Successfully completes a course at an approved commercial driver training school; and
- b. Satisfies all other requirements that apply to that individual for that license or permit.

SECTION 3. AMENDMENT. Subsection 3 of section 39-06-17 of the North Dakota Century Code is amended and reenacted as follows:

3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile ~~which~~ that is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
- a. The child is at least fourteen years of age.
- b. The child is qualified to operate an automobile safely.
- c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.
- d. The child has completed a course of classroom instruction and a course of behind-the-wheel instruction which includes one-half hour of practice driving on a gravel highway and which is otherwise acceptable to the director; or, in the alternative, has successfully completed a course at an approved commercial driver training school which includes one-half hour of practice driving on a gravel highway.

The parent or guardian at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection do not authorize the child to drive a commercial truck, motorbus, or taxicab except the holder of a class D license, fourteen or fifteen years of age, may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] when used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm."

Renumber accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Heitkamp; Kroeplin; Solberg

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1291, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1336, as engrossed: SEN. THOMPSON (Transportation Committee) MOVED that the amendments on SJ pages 884-885 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1336: A BILL for an Act to amend and reenact section 39-06.1-06 and subdivision h of subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to statutory fees for exceeding the speed limit and to the speed limit on interstate highways.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 7 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Holmberg; Kinnoin; Nelson, C.; Schobinger; Stenehjem, W.; Tallackson

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

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1336, as amended, lost.

CONSIDERATION OF AMENDMENTS

HB 1403, as engrossed: SEN. LEE (Human Services Committee) MOVED that the amendments on SJ page 886 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1403: A BILL for an Act to provide a licensed nurse may delegate medication administration; to create and enact a new subsection to section 43-12.1-04 of the North Dakota Century Code, relating to persons exempt from nurse licensure; to require the department of human services and the North Dakota board of nursing to report to the legislative council and to make recommendations regarding administration of medications; and to provide an expiration date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1403, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1405, as engrossed: SEN. COOK (Transportation Committee) MOVED that the amendments on SJ page 886 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1405: A BILL for an Act to amend and reenact section 39-12-02 of the North Dakota Century Code, relating to applications for moving manufactured buildings and modular units.

ROLL CALL

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

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

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

CONSIDERATION OF AMENDMENTS

HCR 3026: SEN. SCHOBINGER (Finance and Taxation Committee) MOVED that the amendments on SJ page 886 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3026: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a state college savings plan that provides a state tuition tax credit, a scholarshare program, or a prepaid college tuition program.

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

HCR 3026, as amended, was declared lost on a voice vote.

SECOND READING OF HOUSE BILL

HB 1174: A BILL for an Act to amend and reenact section 54-06-24 of the North Dakota Century Code, relating to the state employee suggestion incentive program.

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

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

NAYS: Flakoll

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1174, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1177: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 26.1-25-02 of the North Dakota Century Code, relating to property and casualty

insurance rates; and to amend and reenact sections 26.1-02-05, 26.1-25-02.1, 26.1-25-04, subsection 4 of section 26.1-30-19, sections 26.1-30.1-01, and 26.1-44-02 of the North Dakota Century Code, relating to insurance contracts issued to industrial concerns, exempt commercial policyholders, rate filings, filing of policy forms, cancellation and nonrenewal of commercial insurance, and surplus lines insurance.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1177, as amended, lost.

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 4027.

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 2398, SCR 4056, SCR 4058.

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 2030, SB 2036, SB 2047, SB 2055, SB 2166, SB 2186, SB 2216, SB 2287, SB 2288, SB 2290, SB 2294, SB 2349, SB 2357, SB 2362, SB 2373, SB 2374, SB 2390, SB 2414, SCR 4003, SCR 4022, SCR 4037.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2327 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2327: Sens. Thane; Kilzer; DeMers

MOTION

SEN. ST. AUBYN MOVED that the Senate stand in recess until 4:00 p.m., which motion prevailed.

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

SECOND READING OF HOUSE BILL

HB 1281: A BILL for an Act to create and enact sections 61-02-68.14, 61-02-68.15, 61-02-68.16, 61-02-68.17, 61-02-68.18, 61-02-68.19, and a new chapter to title 61 of the North Dakota Century Code, relating to state water commission bonding authority, guarantees of evidences of indebtedness, and creation of an irrigation district finance program; and to amend and reenact sections 61-02-68.1 and 61-02-68.12 of the North Dakota Century Code, relating to guarantees of evidences of indebtedness by the state water commission; 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; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg;

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

ABSENT AND NOT VOTING: Bercier; Krebsbach

HB 1281, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. ST. AUBYN MOVED that HB 1492, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that HB 1451 be placed at the bottom of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1490: A BILL for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to length of the school year.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1490, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1047: A BILL for an Act to amend and reenact section 6-09-15.5 of the North Dakota Century Code, relating to the beginning farmer revolving loan fund; to provide for a transfer; to provide an effective date; and to declare an emergency.

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 0 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bercier

HB 1047 lost.

SECOND READING OF HOUSE BILL

HB 1451: A BILL for an Act to create and enact sections 49-21-23, 49-21-24, 49-21-25, 49-21-26, and 49-21-27 of the North Dakota Century Code, relating to right-of-way fees; to amend and reenact section 49-21-01 and subdivision g of subsection 3 of section 49-23-04 of the North Dakota Century Code, relating to telecommunications definitions

and time periods under the one-call excavation notice system; to provide for retroactive application; 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 31 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kroeplin; Lindaas; Lyson; Mutch; Nelson, G.; Nething; O'Connell; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thompson; Tomac; Urlacher; Wanzek; Wardner

NAYS: DeMers; Fischer; Flakoll; Grindberg; Krebsbach; Kringstad; Lee; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Robinson; Stenehjem, B.; Thane; Traynor; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed HB 1451, as amended, passed, the title was agreed to, but the emergency clause lost for lack of two-thirds majority.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. URLACHER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1307, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1307: Sens. B. Stenehjem, Urlacher, Kinnoin.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2410 as printed on SJ page 752 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 2410: Sens. Wanzek, Cook, O'Connell.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Reengrossed SB 2006 as printed on SJ pages 791-792, which motion prevailed on a voice vote.

Reengrossed SB 2006, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner and for payment of state reimbursement under the homestead tax credit; to amend and reenact section 57-01-04 and subsection 2 of section 57-01-13 of the North Dakota Century Code, relating to the salary of the state tax commissioner and the payment of fees for services rendered by a collection or credit agency; to provide a continuing appropriation for the payment of fees for services rendered by a collection or credit agency; and to provide a contingent expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Thompson

ABSENT AND NOT VOTING: Bercier

Reengrossed SB 2006 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do concur in the House amendments to Engrossed SB 2058 as printed on SJ page 816, which motion prevailed on a voice vote.

Engrossed SB 2058, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2058: A BILL for an Act to amend and reenact section 12-60-16.9 of the North Dakota Century Code, relating to the fee for a criminal history record check.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Christmann; DeMers; Freborg; Kinnoin; Mutch; Schobinger; Solberg; Stenehjem, B.

ABSENT AND NOT VOTING: Bercier

Reengrossed SB 2058 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do concur in the House amendments to Engrossed SB 2365 as printed on SJ page 836, which motion prevailed on a voice vote.

Engrossed SB 2365, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2365: A BILL for an Act to create and enact a new section to chapter 23-25 of the North Dakota Century Code, relating to state department of health odor readings.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lyson; Mutch; Naaden; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: DeMers; Heitkamp; Holmberg; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Redlin; Robinson; Stenehjem, B.; Stenehjem, W.; Thompson

ABSENT AND NOT VOTING: Bercier

Reengrossed SB 2365 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do concur in the House amendments to Engrossed SB 2400 as printed on SJ pages 818-819, which motion prevailed on a voice vote.

Engrossed SB 2400, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2400: A BILL for an Act to create and enact three new subsections to section 26.1-04-03, two new subsections to section 26.1-26.4-02, and four new sections to chapter 26.1-36 of the North Dakota Century Code, relating to fairness in health insurance practices, disclosure of health plan information, confidentiality of medical information maintained by health carriers, contract limitations, and health care grievance procedures; and to amend and reenact subsection 14 of section 26.1-04-03, subsection 9 of section 26.1-26.4-04, and section 26.1-47-02 of the North Dakota Century Code, relating to prohibited health insurance practices, health care utilization review procedures, and preferred provider arrangements.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier

Reengrossed SB 2400 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do concur in the House amendments to Engrossed SB 2409 as printed on SJ page 819, which motion prevailed on a voice vote.

Engrossed SB 2409, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2409: A BILL for an Act to amend and reenact section 32-23-11 of the North Dakota Century Code, relating to parties in a declaratory action.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier

Reengrossed SB 2409 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KREBSBACH MOVED that the Senate do concur in the House amendments to Engrossed SB 2411 as printed on SJ page 847, which motion prevailed on a voice vote.

Engrossed SB 2411, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2411: A BILL for an Act to amend and reenact section 54-46.1-01 of the North Dakota Century Code, relating to the provision of microfilm services; and to provide for a legislative council study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 33 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Wardner; Watne

NAYS: Christmann; DeMers; Heitkamp; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Robinson; Thompson; Tomac; Wanzek

ABSENT AND NOT VOTING: Bercier

Reengrossed SB 2411 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to SB 2018 as printed on SJ pages 815-816, which motion prevailed on a voice vote.

SB 2018, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the state seed department.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bercier; Wanzek

Engrossed SB 2018 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3009: A concurrent resolution urging Congress to carefully review the planned merger between Cargill, Incorporated, and Continental Grain Company and take any action appropriate to minimize potentially adverse effects on farmers, ranchers, and consumers that could result from such increased concentration in the agricultural sector.

HCR 3030: A concurrent resolution urging Congress to ensure the availability of as many crop protection products as possible, including post-harvest crop protectants, to use actual scientific data to determine the safety of crop protection products, to accept scientific data generated by the North Dakota State University Main Research Center and by the research extension centers regarding the safety of crop protection products, to establish uniform policies governing the implementation of the 1996 Food Quality Protection Act, and to ensure that implementation of the 1996 Food Quality Protection Act does not negatively impact agricultural production nor the availability and affordability of food.

HCR 3037: A concurrent resolution urging Congress to review the North American Free Trade Agreement and the General Agreement on Tariffs and Trade and amend those portions of the agreements that treat North Dakota agricultural producers inequitably or repeal the agreements in their entirety.

HCR 3058: A concurrent resolution directing the Legislative Council to study the chemical application industry and develop a method for assessing or determining damage due to misapplication and for resolution of disputes through mediation.

HCR 3063: A concurrent resolution urging Congress to encourage the formation of new legislative or administrative initiatives that would provide farmers with crop insurance options that offer true revenue or income protection and which add hay or other grazable grasses to the scope of covered commodities, and to encourage the formation of new legislative or administrative initiatives that address the high cost of crop insurance coverage and specifically examine the percentage of farmers' premiums used to support the administration of crop insurance programs.

HCR 3070: A concurrent resolution directing the Legislative Council to study health care in this state relative to access, quality, and cost to determine essential health care services, critical providers, access sites, and geographic, demographic, and economic issues relating to health care including health care insurance.

The question being on the final adoption of the resolutions, which have been read.

HCR 3009, HCR 3030, as amended, HCR 3037, HCR 3058, HCR 3063, and Engrossed HCR 3070 were declared adopted on a voice vote, and the titles were agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2440.

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

MR. SPEAKER: The Senate has failed to pass: HB 1047.

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

MR. SPEAKER: The Senate has amended and failed to pass: HB 1177, HB 1336, HCR 3026.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3009, HCR 3037, HCR 3058, HCR 3063, HCR 3070.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1490.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1108, HB 1174, HB 1229, HB 1256, HB 1291, HB 1403, HB 1405.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3030.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause failed: HB 1451.

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 1281.

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 1153, HB 1243.

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 1307: Sens. B. Stenehjem; Urlacher; Kinnoin

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2410 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2410: Sens. Wanzek; Cook; O'Connell

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)
MADAM PRESIDENT: The House has amended and subsequently passed: SB 2021, SB 2344, SB 2371.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2021

Page 1, line 2, replace "International Peace Garden" with "international peace garden"

Page 1, line 12, replace "1,413,829" with "1,403,829"

Page 1, line 14, replace "7,263,325" with "7,150,825"

Page 1, line 15, replace "355,000" with "320,400"

Page 1, line 16, replace "10,727,428" with "10,570,328"

Page 1, line 18, replace "6,276,429" with "6,119,329"

Page 1, line 23, replace "6,741,012" with "6,583,912"

Page 2, line 2, replace "11,192,011" with "11,034,911"

Page 2, line 5, replace "International" with "international"

Page 2, line 6, replace "Peace Garden" with "peace garden"

Page 2, line 8, replace "International Peace Garden" with "international peace garden"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 750 - PARKS AND RECREATION DEPARTMENT

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Administration	\$1,426,843	\$1,413,829	(\$10,000)	\$1,403,829
Recreation	1,696,579	1,695,274		1,695,274
Natural resources	7,284,831	7,263,325	(112,500)	7,150,825
Lewis and Clark bicentennial Separate section - Grant	355,000	355,000	(34,600)	320,400
		100,000		100,000
Total all funds	\$10,763,253	\$10,827,428	(\$157,100)	\$10,670,328
Less special funds	<u>4,452,110</u>	<u>4,450,999</u>		<u>4,450,999</u>
General fund	\$6,311,143	\$6,376,429	(\$157,100)	\$6,219,329
FTE	40.00	40.00	0.00	40.00

Detail of House changes to the Senate version includes:

	REDUCE INFORMATION TECHNOLOGY FUNDING	REDUCE CAPITAL IMPROVEMENTS	REDUCE LEWIS AND CLARK FUNDING	TOTAL HOUSE CHANGES
Administration	(\$10,000)			(\$10,000)
Recreation				
Natural resources		(\$112,500) ¹		(112,500)
Lewis and Clark bicentennial Separate section - Grant			(\$34,600) ²	(34,600)
Total all funds	(\$10,000)	(\$112,500)	(\$34,600)	(\$157,100)
Less special funds				
General fund	(\$10,000)	(\$112,500)	(\$34,600)	(\$157,100)
FTE	0.00	0.00	0.00	0.00

House changes narrative:

¹ Reduces capital improvements by \$112,500 from the general fund relating to boat ramp repairs and other capital improvement projects to be determined by the department. Capital improvements funding remaining for the 1999-2001 biennium totals \$1,193,500, \$936,750 of which is from the general fund and \$256,750 from special funds.

² Reduces funding for camping cabins at parks along the Lewis and Clark trail by \$34,600, from \$85,000 to \$50,400.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2344

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to length of school year.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. If House Bill No. 1034 does not become effective, Section 15-47-33 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-47-33. Length of elementary and secondary school year term.

1. All elementary and secondary schools in this state shall provide for a school term of at least one hundred eighty days apportioned as follows:
 - a. One hundred seventy-three full days of instruction;
 - b. Three holidays listed in subsections 2 through 10 of section 15-38-04.1 selected by the school board in consultation with district teachers;
 - c. Two days for the attendance of teachers at the North Dakota education association instructional conference; and
 - d. Up to two full days during which parent-teacher conferences are held, or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside normal school hours.
2. A full day of instruction:
 - a. Consists of at least five and one-half hours ~~of instruction time~~ for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
 - b. Consists of at least six hours ~~of instruction time~~ for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.
3. 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.

SECTION 2. AMENDMENT. Section 15.1-06-04 of the North Dakota Century Code as created by House Bill No. 1034, as approved by the fifty-sixth legislative assembly, is amended and reenacted as follows:

15.1-06-04. School calendar - Length.

1. During each school year, a school district shall provide for a school calendar of at least one hundred eighty days, apportioned as follows:
 - a. One hundred seventy-three full days of instruction;
 - b. Three holidays listed in subdivisions b through j of subsection 1 of section 15.1-06-02 and selected by the school board in consultation with district teachers;

- c. Two days for the attendance of teachers at the North Dakota education association instructional conference; and
 - d. Up to two full days during which parent-teacher conferences are held or which are deemed by the school board to be compensatory time for parent-teacher conferences held outside regular school hours.
2. A full day of instruction consists of:
 - a. At least five and one-half hours ~~of instruction time~~ for elementary students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction; and
 - b. At least six hours ~~of instruction time~~ for high school students, during which time the students are required to be in attendance for the purpose of receiving curricular instruction.
 3. 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."

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2371

Page 1, line 2, after "cases" insert "; and to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the asset forfeiture fund"

Page 1, underscore lines 6 through 24

Page 2, underscore lines 1 through 18

Page 2, after line 18, insert:

"SECTION 2. AMENDMENT. Section 54-12-14 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-12-14. Assets forfeiture fund - Created - Purpose - Continuing appropriation. ~~There is hereby created a fund to be known as the~~ The attorney general assets forfeiture fund. ~~The fund consists of funds appropriated by the legislative assembly and additional funds obtained from moneys, assets, and proceeds seized and forfeited pursuant to section 19-03.1-36, amounts received through court proceedings as restitution, and amounts remaining from the forfeiture of property after the payment of expenses for forfeiture and sale authorized by law. The total aggregate amount in of deposits into the fund which do not come from legislative appropriation and are not payable to another governmental entity may not exceed five two hundred thousand dollars within a biennium and at the end of each fiscal year any moneys in excess of that amount must be deposited in the general fund. The funds are appropriated, as a standing and continuing appropriation, to the attorney general for the following purposes:~~

1. For obtaining evidence for enforcement of any state criminal law or law relating to the control of drug abuse.
2. For repayment of rewards to qualified local programs approved under section 12.1-32-02.2, if the information that was reported to the qualified local program substantially contributed to forfeiture of the asset, and for paying, at the discretion of the attorney general, rewards for other information or assistance leading to a forfeiture under section 19-03.1-36.
3. For paying, at the discretion of the attorney general, any expenses necessary to seize, detain, inventory, safeguard, maintain, advertise, or sell property seized, detained, or forfeited pursuant to section 19-03.1-36, or of any other necessary expenses incident to the seizure, detention, or forfeiture of such property.

4. For equipping, for law enforcement functions, forfeited vessels, vehicles, and aircraft retained as provided by law for official use by the state board of pharmacy or a law enforcement agency.
5. For paying, at the discretion of the attorney general, overtime compensation to agents of the bureau of criminal investigation and drug enforcement unit incurred as a result of investigations of violations of any state criminal law or law relating to the control of drug abuse.
6. For paying matching funds required to be paid as a condition for receipt of funds from a federal government program awarding monetary grants or assistance for the investigation, apprehension, or prosecution of persons violating the provisions of chapter 19-03.1.

The attorney general shall, with the concurrence of the director of the office of management and budget, establish the necessary accounting procedures for the use of the fund, and shall personally approve, in writing, all requests from the chief of the bureau of criminal investigation or the director of the drug enforcement unit for the use of the fund."

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 2003, SB 2020, SB 2125, SB 2267.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 2, remove "section 12-60-16.9,"

Page 1, line 3, remove the first comma

Page 1, line 4, remove "criminal history background checks," and remove the second comma

Page 1, line 13, replace "14,034,903" with "13,981,817"

Page 1, line 14, replace "4,772,703" with "4,572,703"

Page 1, line 15, replace "868,710" with "811,710"

Page 1, line 24, replace "29,935,090" with "29,625,004"

Page 2, line 1, replace "15,946,103" with "15,894,903"

Page 2, line 2, replace "13,988,987" with "13,730,101"

Page 3, remove lines 4 through 9

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$14,181,012	\$14,034,903	(\$53,086)	\$13,981,817
Operating expenses	4,753,803	4,772,703	(200,000)	4,572,703
Equipment	868,710	868,710	(57,000)	811,710
Grants	5,396,025	5,396,025		5,396,025
Litigation fees	50,000	50,000		50,000
Gaming commission	5,109	5,109		5,109
Racing commission	244,548	222,067		222,067
National criminal history improvement project	2,528,385	2,344,118		2,344,118
Law enforcement programs	628,844	627,280		627,280
High-intensity drug trafficking area	2,745,933	1,604,175		1,604,175
Arrest and return of fugitives		<u>10,000</u>		<u>10,000</u>
Total all funds	\$31,402,369	\$29,935,090	(\$310,086)	\$29,625,004
Less special funds	<u>17,279,464</u>	<u>15,946,103</u>	<u>(51,200)</u>	<u>15,894,903</u>
General fund	\$14,122,905	\$13,988,987	(\$258,886)	\$13,730,101
FTE	167.50	160.50	(1.00)	159.50

Detail of House changes to the Senate version includes:

	REMOVE VACANT POSITION	REMOVE SPECIAL FUND REVENUE	CHANGE FUNDING SOURCE	REDUCE OPERATING EXPENSES	REDUCE EQUIPMENT	TOTAL HOUSE CHANGES
Salaries and wages	(\$53,086) ¹					(\$53,086)
Operating expenses				(200,000) ⁴		(200,000)
Equipment					(57,000) ⁵	(57,000)
Grants						
Litigation fees						
Gaming commission						
Racing commission						
National criminal history improvement project						
Law enforcement programs						
High-intensity drug trafficking area						
Arrest and return of fugitives						
Total all funds	(\$53,086)	\$0	\$0	(\$200,000)	(\$57,000)	(\$310,086)
Less special funds		(251,200) ²	200,000 ³			(51,200)
General fund	(\$53,086)	\$251,200	(\$200,000)	(\$200,000)	(\$57,000)	(\$258,886)
FTE	(1.00)	0.00	0.00	0.00	0.00	(1.00)

House changes narrative:

- 1 Removes 1 FTE vacant gaming account technician II.
- 2 Removes the statutory change made by the Senate which would have provided that fees charged by the Attorney General's office for conducting background checks be deposited in the Attorney General's operating fund rather than the general fund. This House change will result in an additional \$251,200 of general fund revenues compared to the Senate version.
- 3 Increases federal funding for the Attorney General's office by \$200,000 and reduces general fund support for the office by \$200,000.
- 4 Reduces operating expenses by \$200,000 from the general fund. The Attorney General may determine the specific areas of reductions within this line item.
- 5 Reduces funding provided for office equipment and furniture.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2020

Page 1, line 2, after "society" insert "; to provide for line item transfers for the 1997-99 biennium; and to declare an emergency"

Page 1, line 16, replace "1,117,011" with "641,345"

Page 1, line 17, replace "7,678,768" with "7,203,102"

Page 1, line 19, replace "6,646,330" with "6,170,664"

Page 1, after line 19, insert:

"SECTION 2. LINE ITEM TRANSFERS - 1997-99 BIENNIUM. Notwithstanding section 54-16-04, the director of the office of management and budget and the state treasurer, at the request of the superintendent of the state historical society, shall transfer \$34,886 from the equipment line item contained in subdivision 1 of section 1 of chapter 22 of the 1997 Session Laws to the operating expenses line item contained in subdivision 1 of section 1 of chapter 22 of the 1997 Session Laws. The authority to make this transfer begins with the effective date of this Act and ends on June 30, 1999.

SECTION 3. APPROPRIATION. There is hereby appropriated the sum of \$4,900 of federal funds available to the state historical society for the purpose of purchasing equipment for the period beginning with the effective date of this Act and ending June 30, 1999.

SECTION 4. EMERGENCY. Sections 2 and 3 of this Act are declared to be an emergency measure."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 701 - STATE HISTORICAL SOCIETY

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$4,337,656	\$4,299,169		\$4,299,169
Operating expenses	908,323	908,323		908,323
Equipment	81,244	81,244		81,244
Major improvements	1,130,735	782,735		782,735
Grants	485,559	485,559		485,559
Yellow-Missouri-Ft. Union Comm.	4,727	4,727		4,727
Lewis and Clark bicentennial	<u>1,117,011</u>	<u>1,117,011</u>	<u>(\$475,666)</u>	<u>641,345</u>
Total all funds	\$8,065,255	\$7,678,768	(\$475,666)	\$7,203,102
Less special funds	<u>1,032,438</u>	<u>1,032,438</u>		<u>1,032,438</u>
General fund	\$7,032,817	\$6,646,330	(\$475,666)	\$6,170,664
FTE	54.00	54.00	0.00	54.00

Detail of House changes to the Senate version includes:

	REDUCE LEWIS AND CLARK FUNDING	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Major improvements		
Grants		
Yellow-Missouri-Ft. Union Comm.		
Lewis and Clark bicentennial	<u>(\$475,666)</u> ¹	<u>(\$475,666)</u>
Total all funds	<u>(\$475,666)</u>	<u>(\$475,666)</u>
Less special funds		
General fund	<u>(\$475,666)</u>	<u>(\$475,666)</u>
FTE	0.00	0.00

House changes narrative:

¹ Funding for the Lewis and Clark bicentennial event is reduced by \$475,666 from the general fund. The Historical Society may determine the specific areas of reduction.

Sections are added affecting the Historical Society's 1997-99 appropriation by:

1. Appropriating an additional \$4,900 of federal funds for equipment.
2. Authorizing a line item transfer of \$34,886 from the equipment line item to the operating expenses line item to provide additional funding for installing the collections records management system and to reduce funding available for equipment related to this project.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2125

In lieu of the amendments adopted by the House as printed on page 724 of the House Journal and the amendments printed on pages 894 and 895 of the House Journal, Engrossed Senate Bill No. 2125 is amended as follows:

Page 1, line 2, remove the second "and" and after "penalty" insert "; and to declare an emergency"

Page 1, line 14, replace "a person" with "an individual"

Page 1, line 16, replace "person's" with "individual's"

Page 1, after line 20, insert:

"3. A city or county may adopt an ordinance or resolution regarding the sale of tobacco to minors and use of tobacco by minors which is more stringent than this section. Any ordinance or resolution adopted which deems a violation of subsection 1 or 2 a noncriminal violation must provide for a fee of not less than twenty-five dollars.

a. Any individual who has been cited for a violation that is designated a noncriminal offense may appear before a court of competent jurisdiction and pay the statutory fee by the time scheduled for a hearing, or if bond has been posted, may forfeit the bond by not appearing at the scheduled time. An individual appearing at the time scheduled in the citation may make a statement in explanation of that

individual's action and the judge may waive, reduce, or suspend the statutory fee or bond, or both. If the individual cited follows the procedures of this subdivision, that individual has admitted the violation and has waived the right to a hearing on the issue of commission of the violation. The bond required to secure appearance before the court must be identical to the statutory fee. This subdivision does not allow a halting officer to receive the statutory fee or bond.

- b. If an individual cited for a violation that is designated a noncriminal offense does not choose to follow any procedure provided under subdivision a, that individual may request a hearing on the issue of the commission of the violation charged. The hearing must be held at the time scheduled in the citation or at some future time, not to exceed ninety days later, set at that first appearance. At the time of a request for a hearing on the issue on commission of the violation, the individual charged shall deposit with the court an appearance bond equal to the statutory fee for the violation charged. The state must prove the commission of a charged violation at the hearing under this section by a preponderance of the evidence.

4. A law enforcement officer who cites a minor for violation of this section shall mail a notice of the violation to the parent or legal guardian of the minor within ten days of the citation.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2267

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

Page 2, line 1, remove "one member of the"

Page 2, remove lines 2 through 4

Page 2, line 5, remove "council,"

Page 2, line 6, remove "the director of the department of economic development and finance,"

Page 2, line 10, remove the second "The"

Page 2, remove lines 11 through 16

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment reduces the percentage of the highway fund interest income that is deposited in the special road fund from 60 percent to 30 percent. In addition, the four legislators and the director of the Department of Economic Development and Finance are removed from the Special Road Committee. The committee will consist of the Department of Transportation director, the Game and Fish Department director, and the Parks and Recreation Department director.

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 1081, HB 1150, HB 1227, HB 1294, HB 1382, HB 1396.

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 1018, HB 1067, HB 1196, HB 1383, HCR 3046, HCR 3057.

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 2002: Reps. Carlisle; Tollefson; Gulleason

SB 2242: Reps. Byerly; Carlson; Huether

SB 2299: Reps. DeKrey; Hawken; Fairfield

SB 2300: Reps. DeKrey; Sveen; Delmore

SB 2350: Reps. Drovdal; DeKrey; Hanson

SCR 4033: Reps. Gorder; Brekke; Fairfield

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1026 and HB 1135 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1026: Reps. DeKrey; Koppelman; Meyer

HB 1135: Reps. Berg; Keiser; Glassheim

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 9:00 a.m., Tuesday, March 30, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4054: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4054 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "San Juan" with "Kettle"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4057: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4057 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "as" with "to be an important contributor to"

Page 1, line 22, remove "of prominent Vikings"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1005, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1005 was placed on the Sixth order on the calendar.

Page 1, line 2, after "commission" insert "; to provide for line item transfers; and to declare an emergency"

Page 1, line 14, replace "19,575" with "16,300"

Page 1, line 15, replace "309,507" with "312,782"

Page 1, after line 23, insert:

"SECTION 4. LINE ITEM TRANSFERS - 1997-99 BIENNIUM. Notwithstanding section 54-16-04, the director of the office of management and budget and the state treasurer, at the request of the director of the Indian affairs commission, shall transfer \$4,500 from the salaries and wages line item contained in section 1 of chapter 34 of the 1997 Session Laws to the operating expenses line item contained in section 1 of chapter 34 of the 1997 Session Laws. The authority to make this transfer begins with the effective date of this Act and ends on June 30, 1999.

SECTION 5. EMERGENCY. Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 316 - INDIAN AFFAIRS COMMISSION

SENATE - This amendment reverses the House's operating expense funding source charge of \$3,275 by decreasing other funds by \$3,275 and increasing the general fund by \$3,275. The amendment also adds a section to amend Section 1 of Chapter 34 of the 1997 Session Laws. The amendment also provides for a transfer of \$4,500 from the salaries and wages line item to the operating expenses line item for printing costs for a 50-year history report on the North Dakota Indian Affairs Commission.

REPORT OF STANDING COMMITTEE

HB 1024, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1024 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact section 28-32-03.4 of the North Dakota Century Code,"

Page 1, remove line 2

Page 1, line 3, remove "for review;" and replace the comma with "and"

Page 1, line 4, remove ", subsection 1 of section 28-32-03.3, and section 28-32-04"

Page 1, line 5, replace the second comma with "and"

Page 1, line 6, remove ", authority of the administrative rules committee to void or"

Page 1, line 7, remove "object to administrative rules, and petitions for reconsideration of administrative rules"

Page 3, remove lines 8 through 29

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 20

Page 5, remove lines 23 through 28

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1037, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1037 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "chapter 28-01.3 and a new section to"

Page 1, line 2, after "32-12" insert "and a new section to chapter 44-04"

Page 1, line 3, replace "the liability" with "year 2000 information requests"

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

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

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

Page 1, remove line 9

Page 1, remove lines 11 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 20

Page 4, line 2, replace "all of the following conditions are met:" with "it has attempted compliance through independent testing or assurances sought or assurances received from manufacturers or suppliers. For the purposes of this section, computer hardware or software, telecommunications networks or devices containing a computer processor are compliant with the year 2000 date change if:

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

Page 4, remove lines 3 through 13

Page 5, line 19, replace "all of the following" with "it has attempted compliance through independent testing or assurances sought or assurances received from manufacturers or suppliers. For the purposes of this section, computer hardware or software, telecommunications networks or devices containing a computer processor are compliant with the year 2000 date change if:

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

Page 5, remove lines 20 through 31

Page 8, line 1, replace "all of the following" with "it has attempted compliance through independent testing or assurances sought or assurances received from manufacturers or suppliers. For the purposes of this section, computer hardware or software, telecommunications networks or devices containing a computer processor are compliant with the year 2000 date change if:

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

Page 8, replace lines 2 through 13 with:

"SECTION 4. A new section to chapter 44-04 of the North Dakota Century Code is created and enacted as follows:

Year 2000 information requests - Use - Exceptions.

1. Any public entity may gather year 2000 processing information from any person which relates to computer hardware or software, telecommunications networks, or devices containing a computer processor. An information request under this section may specify the person to gather responses to the request. Any year 2000 processing response made to an information gathering request from a public entity is not a public record under section 44-04-18 or section 6 of article XI of the Constitution of North Dakota and the response may not be directly or indirectly used, offered in

evidence, or be subject to discovery in any civil action for damages in tort, contract, or for any other form of relief against the public entity or person.

2. This section does not preclude the public entity from using its requests for year 2000 information or responses to year 2000 information requests as evidence of a good-faith effort to determine year 2000 compliance of its computer hardware or software, telecommunications networks, or devices containing a computer processor.
3. In this section, year 2000 processing includes the calculating, comparing, sequencing, displaying, or storing; transmitting; or receiving data from, into, and between the twentieth and twenty-first centuries, and during the years 1999 and 2000, and any leap year.
4. This section does not preclude any party from separately obtaining the information submitted in response to a year 2000 information request made under this section through other independent legal authority and using the separately obtained information in any action.
5. This section does not apply to any information disclosed to the public with the express written consent of the party responding to a year 2000 information request under this section or disclosed by that party separately from a response to a year 2000 information request under this section.
6. This section applies to all responses to any year 2000 information requests received by a public entity whether the response was received before or after the effective date of this Act."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1171, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1171 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 54-06 and a new section to chapter 54-11 of the North Dakota Century Code, relating to expenses to collect funds owed the state and the ability of the state treasurer to appoint agents for the receipt of public funds; to", after "sections" insert "15-39.1-26, 34-15-07, 39-12-20, 54-44-04.6,", and after the first comma insert "54-44.3-12.2,"

Page 1, line 2, after "to" insert "the disposition of public funds," and after "board" insert ", appeals from agency grievance procedures,"

Page 1, line 4, after "officers" insert "; to provide a continuing appropriation; and to declare an emergency"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 15-39.1-26 of the North Dakota Century Code is amended and reenacted as follows:

15-39.1-26. Investment of moneys in fund - Interest and earnings attributable to fund. Investment of the fund ~~shall be~~ is under the supervision of the state investment board in accordance with chapter 21-10. ~~Such~~ The moneys must be placed for investment only with a firm or firms whose endeavor is money management, and only after a trust agreement or contract has been executed. Investment costs may be paid directly from the fund, and are hereby appropriated for that purpose, in accordance with section 21-10-06.2. All interest and earnings on funds administered by the board must be credited to the fund.

SECTION 2. AMENDMENT. Section 34-15-07 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

34-15-07. Disposition of civil money penalties. A civil money penalty collected under this chapter must be paid into the state treasury for deposit in the general fund ~~after the costs of recovering the civil money penalty are deducted therefrom.~~

SECTION 3. AMENDMENT. Section 39-12-20 of the North Dakota Century Code is amended and reenacted as follows:

39-12-20. Proceeds of sale - Continuing appropriation. ~~The proceeds of sale must be applied first to the payment of deposited with the state treasurer. The state treasurer shall deposit in the highway fund an amount equal to the amount of the charges assessed pursuant to 39-12-17 after paying the costs to the county. An amount equal to the costs of the proceedings, including attorneys and witness fees and costs, and next to the payment of the charges assessed. Such charges must be remitted to the state treasurer to be credited to the highways fund is appropriated on a continuing basis out of the funds collected to the county in which the prosecution took place for the purpose of defraying the costs of prosecution. The balance of the proceeds of any sale after the payment of costs and charges must be appropriated on a continuing basis out of the funds collected to be paid over by the sheriff to the person entitled thereto as determined by the court or must be deposited with the clerk of court for such payment.~~

SECTION 4. A new section to chapter 54-06 of the North Dakota Century Code is created and enacted as follows:

Expenses incurred to collect funds owed the state - Continuing appropriation. If a state agency enters a contract with a collection or credit agency to collect money due the state, the fees for services, reimbursement, or other remuneration to the collection or credit agency must be based on the amount of money actually collected. All funds collected on behalf of a state agency by a collection or credit agency must be deposited with the state treasurer. An amount equal to the amount of fees for services, reimbursement, or any other remuneration to the collection or credit agency as set forth in the contract is appropriated from the fund into which the money collected was deposited to the state agency for which the funds were collected for the payment of fees due under the contract.

SECTION 5. A new section to chapter 54-11 of the North Dakota Century Code is created and enacted as follows:

Appointment of agents. The treasurer may appoint agents for the purpose of receiving public funds as required by section 12 of article X of the Constitution of North Dakota. If appointed by the state treasurer, the Bank of North Dakota shall serve as an agent of the state treasurer for the purpose of receiving public funds.

SECTION 6. AMENDMENT. Section 54-44-04.6 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-44-04.6. State surplus property - Department heads to inform director - Disposition of property - Proceeds - Exchange of property.

1. The person in charge of any department, agency, or institution of the state shall inform the director of the office of management and budget or the director's designee whenever that department, agency, or institution possesses property surplus to its needs, whether originally obtained with state or other funds.
2. State surplus property must be transferred at fair market value to state agencies, political subdivisions, and nonprofit organizations eligible to receive federal surplus property under the Federal Property Administrative Services Act of 1949, as amended. Eligible organizations must be notified of the availability of property on a regular basis.
3. If not disposed of under subsection 2, then by sale on sealed bids or at public auction to the highest and best bidder for property valued at more than three thousand dollars, with no money deposit required prior to sale, or by sealed bids, public auction, or negotiation at fair value for property valued at less than three thousand dollars.
4. All proceeds received from the transfer or sale of state surplus property must be deposited ~~into the fund from which the property was originally purchased, less administrative expenses with the state treasurer for deposit in the surplus property operating fund.~~ For each piece of property, the office of management and budget shall transfer to the agency from which the property was received an amount equal to the proceeds of the sale less the administrative expenses of the sale. The agency shall deposit

the proceeds into the fund from which the property was originally purchased.

5. No department, agency, or institution may exchange items as part of a purchase price of new items until a detailed statement of the value of the items to be exchanged and request for approval have been submitted to the director of the office of management and budget. The director shall approve the exchange only if the director has determined that the item has been valued at fair value."

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

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

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

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

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

Page 2, line 2, overstrike "temporarily"

Page 2, line 7, remove "by a"

Page 2, remove line 8

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

Page 2, after line 19, insert:

"SECTION 8. AMENDMENT. Section 54-44.3-12.2 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

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

Page 3, after line 12, insert:

"SECTION 11. EMERGENCY. Sections 1 through 6 of this Act are declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1252, 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 1252 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 relating to sale and use of crop protection products; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Crop protection products - Canadian labels. The agriculture commissioner, with the advice and consent of the appropriate agricultural commodity group, may authorize the sale and use in this state of a crop protection product that has a Canadian label, if the commissioner determines that a crop protection product having an American label contains substantially similar active ingredients and that the authorization does not violate federal law. The commissioner shall require an applicator to possess the American label and apply the product in accordance with the American label provisions.

SECTION 2. Special local needs exemption - Tolerances. The agriculture commissioner, in cooperation with the environmental protection agency, shall use tolerance data established or obtained in North America in pursuing special local needs exemptions for crop protection products under the federal Insecticide, Fungicide, and Rodenticide Act [7 U.S.C. 136 et seq.].

SECTION 3. Crop protection products - Registration process - Joint labeling. The governor and the agriculture commissioner shall work with all appropriate public and private entities to foster the development of a single, uniform process for the joint North American labeling of crop protection products not available for sale and use in this state as of the effective date of this Act.

SECTION 4. Crop protection products - Joint labeling - Report to legislative council. During the 1999-2000 interim, the agriculture commissioner shall report at least twice to the legislative council regarding the efforts to develop a single, uniform process for the joint North American labeling of crop protection products.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1276: 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). HB 1276 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new section to chapter 36-01,"

Page 1, line 2, remove the first comma and remove the second "the"

Page 1, line 3, remove "confiscation of nontraditional livestock," and remove the second comma

Page 1, line 7, replace "35-15-21" with "36-15-21"

Page 1, line 14, remove "and" and after "penalty" insert "; and to provide for a legislative council study"

Page 3, line 13, remove the overstrike over "~~five~~" and remove "ten"

Page 3, line 15, remove the overstrike over "~~twenty five~~" and remove "fifty"

Page 3, line 16, remove the overstrike over "~~ten~~" and remove "twenty"

Page 3, line 18, remove the overstrike over "~~seventy five~~" and remove "one hundred twenty-five"

Page 4, remove lines 9 through 31

Page 5, remove lines 1 through 31

Page 6, line 7, overstrike the colon

Page 6, line 8, remove "a." and overstrike "The" and insert immediately thereafter "the"

Page 6, line 9, overstrike "; or"

Page 6, line 10, remove "b." and overstrike "Any law enforcement officer of the county or city in which the animal is"

Page 6, overstrike lines 11 through 13

Page 6, line 14, overstrike "chapter"

Page 6, line 26, overstrike ", or a law enforcement officer,"

Page 7, line 23, overstrike "a class B misdemeanor" and insert immediately thereafter "an infraction"

Page 9, line 27, replace "All" with "Except as otherwise provided by this chapter or by rule, all"

Page 9, line 29, after "diseases" insert ", and that the animals meet disease testing and vaccination requirements prescribed by rule. Animals originating in other countries must be tested for diseases, as determined by the board, until a risk assessment is completed for the disease. If the board determines that an unacceptable risk exists, the board may deny entry, require additional testing, or require a vaccination"

Page 9, line 30, replace "A" with "The requirement for a" and replace "not required" with "waived"

Page 9, line 31, after "if" insert "the waiver is approved by the state veterinarian and"

Page 10, after line 2, insert:

"3. The board may require certification indicating that animals entering this state from a foreign country and intended for human consumption have not been treated with drugs that are disallowed under federal law for use in animals intended for human consumption.

4. The board may adopt rules to implement this section."

Page 11, line 12, overstrike "a class A misdemeanor" and insert immediately thereafter "an infraction"

Page 13, line 29, overstrike "refuses to assist in or"

Page 13, line 31, overstrike "a class B misdemeanor" and insert immediately thereafter "an infraction"

Page 15, line 9, overstrike "It is a responsibility"

Page 15, line 10, overstrike "of such" and insert immediately thereafter "A" and overstrike "to" and insert immediately thereafter "may"

Page 15, line 11, overstrike "same" and insert immediately thereafter "animal"

Page 15, after line 20, insert:

"SECTION 28. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying the state board of animal health, including its membership, its representation, and the nature and scope of its regulatory authority over nontraditional livestock. The legislative council shall report any findings, and recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1304, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1304 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "the classification system required in" with "subsections 3, 4, and 5 of"

Page 2, line 9, after "facility" insert ", residential halfway house, or similar alternative facility"

Page 2, line 10, after "amount" insert "to be paid by the inmate while confined in a correctional facility", after "~~ten~~" insert "fifteen", remove the overstrike over "~~dollars~~", and remove "the actual cost"

Page 2, line 11, after the period insert "The amount to be paid by the inmate while placed in a residential halfway house or similar alternative facility may not exceed the actual cost per day or the funds earned by the inmate, whichever is less."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1335, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1335 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and"

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

Page 1, after line 23, insert:

"SECTION 2. EFFECTIVE DATE. This Act becomes effective on July 1, 2001."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1380: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1380 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1389, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1389 was placed on the Sixth order on the calendar.

Page 1, line 14, after "abstract" insert ", source documents in aggregate form."

Page 2, line 2, after "abstract" insert ", source document if requested in aggregate form."

Page 2, line 11, replace "obtaining source documents in aggregate form from the department" with "may provide the department with a list of names of drivers and may request any source documents from the department relating to the listed drivers for a set time period. The department shall provide this information in hard copy or electronic format. If in order to provide the information by electronic format the department sets up a computer program, the department may charge a requester a reasonable charge for a setup fee. This charge may not exceed the actual cost to set up the computer program. A requester of source documents in aggregate form shall pay the director a reasonable fee for making and mailing to the driver whose record was requested an additional copy of the document as it relates to that driver."

Page 2, remove lines 12 through 30

Page 3, remove lines 1 and 2

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2159, as engrossed: Your conference committee (Sens. B. Stenehjem, Cook, Thompson and Reps. Mickelson, R. Kelsch, Mahoney) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 684 and place SB 2159 on the Seventh order.

Engrossed SB 2159 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