

**JOURNAL OF THE SENATE**

**Fifty-sixth Legislative Assembly**

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**Bismarck, April 9, 1999**

The Senate convened at 9:00 a.m., with President Pro Tem W. Stenehjem presiding.

The prayer was offered by Senator Thane.

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

A quorum was declared by the President Pro Tem.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed SB 2017 as printed on SJ page 1178 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2017, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general.

**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 2017, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. HOLMBERG MOVED** that the conference committee report on Engrossed SB 2008 as printed on SJ pages 1176-1178 be adopted, which motion prevailed on a verification vote.

Engrossed SB 2008, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2008:** A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; and to amend and reenact section 49-01-05 and subsection 3 of section 49-21-01 of the North Dakota Century Code, relating to the salary of public service commissioners and the definition of essential telecommunications service.

**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; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, C.; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

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

**ABSENT AND NOT VOTING:** Bercier

Engrossed SB 2008, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. KRINGSTAD MOVED** that the conference committee report on Engrossed SB 2025 as printed on SJ pages 1178-1179 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2025, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2025:** A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Bercier

Engrossed SB 2025, as amended, passed and the title was agreed to.

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#### 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 1422.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1290.

#### 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 2441:** Reps. R. Kelsch; Monson; Grumbo

#### 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 2016, SB 2026, SB 2153, SB 2154, SCR 4021.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2008, SB 2017, SB 2025.

#### 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 2027, SB 2075, SB 2319.

#### MOTION

**SEN. ST. AUBYN MOVED** that the Senate stand in recess until 12:30 p.m., which motion prevailed.

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

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. WANZEK MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2355 as printed on SJ pages 1129-1130 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 PRO TEM APPOINTED** as a Conference Committee on Engrossed SB 2355: Sens. Wanzek, Klein, Kinnoin.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. TRAYNOR MOVED** that the conference committee report on SB 2254 as printed on SJ pages 1179-1180 be adopted, which motion prevailed on a voice vote.

SB 2254, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2254:** A BILL for an Act relating to the performance of partial-birth abortions; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** DeMers; Krebsbach; Lee; Mutzenberger; Nelson, C.; Redlin

**ABSENT AND NOT VOTING:** Bercier

SB 2254, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. SCHOBINGER MOVED** that the conference committee report on Engrossed SB 2440 as printed on SJ page 1180 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2440, as amended, was placed on the Eleventh order.

**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, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2038:** Your conference committee (Sens. Kilzer, Thane, DeMers and Reps. Price, Delzer, Eckre) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1006, adopt amendments as follows, and place SB 2038 on the Seventh order:

That the House recede from its amendments as printed on page 1006 of the Senate Journal and page 1082 of the House Journal and that Senate Bill No. 2038 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for reports to the legislative council regarding the establishment of a traumatic brain-injured facility.

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

**SECTION 1. TRAUMATIC BRAIN-INJURED FACILITY REPORT TO THE LEGISLATIVE COUNCIL.** The director of the department of human services shall report periodically to the legislative council, or an interim committee designated by the legislative council, during the 1999-2000 interim regarding the establishment of a traumatic brain-injured facility in western North Dakota. The reports must include information regarding the number of beds available and the location of any beds available for conversion to a traumatic brain-injured facility in western North Dakota and the status of the number of beds that have been converted for a traumatic brain-injured facility in western North Dakota."

Renumber accordingly

SB 2038 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. KILZER MOVED** that the conference committee report on SB 2038 be adopted, which motion prevailed on a voice vote.

SB 2038, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2038:** A BILL for an Act to provide for reports to the legislative council regarding the establishment of a traumatic brain-injured facility.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Bercier

SB 2038, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2171, as engrossed:** Your conference committee (Sens. Thane, Lee, Mutzenberger and Reps. Devlin, Timm, Eckre) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1104-1105, adopt further amendments as follows, and place SB 2171 on the Seventh order:

That the Senate accede to the House amendments as printed on pages 1104 and 1105 of the Senate Journal and pages 1151 and 1152 of the House Journal and that Engrossed Senate Bill No. 2171 be further amended as follows:

Page 4, after line 18, insert:

"10. "Home" when used in the phrase "to return home" means the abode of the child's parent with whom the child formerly resided."

Page 4, line 19, replace "10" with "11"

Page 4, line 20, replace "11" with "12"

Page 5, line 5, replace "12" with "13"

Page 5, line 7, replace "13" with "14"

Page 5, line 16, replace "14" with "15"

Page 5, line 17, replace "15" with "16"

Page 5, line 24, replace "16" with "17"

Page 6, line 5, replace "17" with "18"

Renumber accordingly

Engrossed SB 2171 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. THANE MOVED** that the conference committee report on Engrossed SB 2171 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2171, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2171:** A BILL for an Act to create and enact three new sections to chapter 27-20, two new subsections to section 50-09-01, five new subsections to section 50-09-02, two new subsections to 50-09-03, a new section to chapter 50-09, two new sections to chapter 50-11, two new chapters to title 50, and a new section to chapter 50-12 of the North Dakota Century Code, relating to implementing the Adoption and Safe Families Act of 1997 and the interstate compact on adoption and medical assistance; to amend and reenact subsection 4 of section 14-15-11, subsection 2 of section 14-15.1-04, sections 27-20-02, 27-20-03, 27-20-30, 27-20-36, 27-20-38, 27-20-44, 27-20-45, 27-20-46, 27-20-47, 27-21-02.1, and 50-11-06.8 of the North Dakota Century Code, relating to implementing the Adoption and Safe Families Act of 1997; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Bercier

Engrossed SB 2171, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed HB 1007 as printed on SJ pages 1180-1182 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1007, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1007:** A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and department of veterans' affairs; to provide for line item transfers for the 1997-99 biennium; to provide for land board distributions; 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 1007, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the conference committee report on Engrossed HB 1013 as printed on SJ pages 1182-1183 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1013, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1013:** A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to declare legislative intent regarding priorities of the state abandoned property office administrator; and to amend and reenact subsection 2 of section 47-30.1-30 and section 47-30.1-32 of the North Dakota Century Code, relating to unclaimed property records and appeals.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 2 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; Kroepin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Solberg; Stenehjem, B.

**ABSENT AND NOT VOTING:** Bercier

Engrossed HB 1013, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. DEMERS MOVED** that the conference committee report on Engrossed HB 1038 be adopted.

**REQUEST**

**SEN. KILZER REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1038, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on Engrossed HB 1038, the roll was called and there were 24 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Christmann; Cook; DeMers; Flakoll; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Kroepin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thane; Thompson; Urlacher; Wanzek; Wardner

**NAYS:** Andrist; Bowman; Fischer; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tomac; Traynor; Watne

**ABSENT AND NOT VOTING:** Bercier

The conference committee report on Engrossed HB 1038 failed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1290, as reengrossed:** Your conference committee (Sens. Grindberg, Solberg, Tomac and Reps. Lloyd, Boehm, Nichols) recommends that the **HOUSE ACCEDE** to the Senate amendments on SJ pages 716-717 and place HB 1290 on the Seventh order.

Reengrossed HB 1290 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. GRINDBERG MOVED** that the conference committee report on Reengrossed HB 1290 be adopted, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. G. NELSON MOVED** that the President Pro Tem appoint a committee of three to act with a like committee from the House as a new Conference Committee on Engrossed HB 1038, which motion prevailed.

**THE PRESIDENT PRO TEM APPOINTED** as a new Conference Committee on Engrossed HB 1038: Sens. Kilzer, Thane, DeMers.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on HB 1290.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2355 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2355:** Sens. Wanzek; Klein; Kinnoin

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1007, HB 1013.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2038, SB 2171, SB 2254, SB 2440.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report on HB 1038. The President has appointed as a new conference committee to act with a like committee from the House on:

**HB 1038:** Sens. Kilzer; Thane; DeMers

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

**MADAM PRESIDENT:** The House has not adopted the conference committee report on HB 1108. The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1108:** Reps. Grosz; Clark; Sandvig

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

**MADAM PRESIDENT:** The House has not adopted the conference committee report on SB 2008. The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2008:** Reps. Byerly; Poolman; Huether

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2025.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1252.

**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 2355:** Reprs. Brusegaard; Berg; Froelich

**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 2014, SB 2019, SB 2021, SB 2074.

**MOTION**

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

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

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. MUTCH MOVED** that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on Engrossed HB 1108, which motion prevailed.

**THE PRESIDENT APPOINTED** as a new Conference Committee on Engrossed HB 1108: Sens. Krebsbach, Mutch, Heitkamp.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to Engrossed SB 2419 as printed on SJ page 877, which motion prevailed on a voice vote.

Engrossed SB 2419, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2419:** A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to funds recovered by the attorney general; and to amend and reenact section 54-12-18 of the North Dakota Century Code, relating to the attorney general refund fund.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Bercier; Mutzenberger; Urlacher

Reengrossed SB 2419 passed and the title was agreed to.

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**MOTION**

**SEN. G. NELSON MOVED** that the President appoint Sen. Robinson to replace Sen. Tallackson on the Conference Committee on Engrossed HB 1012, which motion prevailed.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has adopted the conference committee report on SB 2017.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2254.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently failed to pass: SB 2440.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1276, HB 1428.

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

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

**HB 1038:** Reps. Weisz; Dalrymple; Metcalf

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2419.

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

**MR. SPEAKER:** The President has appointed Sen. Robinson to replace Sen. Tallackson on the Conference Committee on HB 1012.

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

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

**HB 1108:** Sens. Krebsbach; Mutch; Heitkamp

**MOTION**

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

**MOTION**

**SEN. ST. AUBYN MOVED** that the Senate be on the Seventh and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Monday, April 12, 1999, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2003, as engrossed:** Your conference committee (Sens. Naaden, Solberg, Lindaas and Reps. Poolman, Tollefson, Huether) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 906-907 and place SB 2003 on the Seventh order.

Engrossed SB 2003 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2004, as engrossed:** Your conference committee (Sens. Naaden, St. Aubyn, Robinson and Reps. Tollefson, Byerly, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 790-791, adopt amendments as follows, and place SB 2004 on the Seventh order:

That the House recede from its amendments as printed on pages 790 and 791 of the Senate Journal and pages 872 and 873 of the House Journal and that Engrossed Senate Bill No. 2004 be amended as follows:

Page 2, after line 2, insert:

**"SECTION 4. STATEWIDE SINGLE AUDIT.** The state auditor shall complete the North Dakota statewide single audit for fiscal years 1999 and 2000. The state auditor may not use additional contracted services above the amount of contracted services used to complete the statewide single audit for fiscal years 1997 and 1998."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 117 - STATE AUDITOR

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMPARISON TO HOUSE VERSION
Administration	\$227,458	\$268,538		\$268,538	\$268,538	
Division of local gov. audits	1,215,134	1,204,310		1,204,310	1,204,310	
Division of state audits	3,708,031	3,852,274		3,852,274	3,612,274	\$240,000
Mineral royalty auditing	<u>752,758</u>	<u>746,196</u>		<u>746,196</u>	<u>746,196</u>	

Total all funds	\$5,953,381	\$6,071,318	\$0	\$6,071,318	\$5,831,318	\$240,000
Less special funds	<u>1,967,892</u>	<u>1,950,506</u>		<u>1,950,506</u>	<u>1,950,506</u>	
General fund	\$3,985,489	\$4,120,812	\$0	\$4,120,812	\$3,880,812	\$240,000
FTE	53.00	55.00	0.00	55.00	53.00	2.00

Detail of Conference Committee changes to the Senate version includes:

	ADD 2 FTE PERFORMANCE AUDITOR POSITIONS	REMOVE 2 FTE INFORMATION SYSTEM AUDITORS	TOTAL CONFERENCE COMMITTEE CHANGES
Administration			
Division of local gov. audits	\$140,000 *	(\$140,000)*	
Division of state audits			
Mineral royalty auditing			
Total all funds	\$140,000	(\$140,000)	\$0
Less special funds			
General fund	\$140,000	(\$140,000)	\$0
FTE	2.00	(2.00)	0.00

\*The amendment adds two FTE performance auditors and \$140,000 of general fund moneys and removes two FTE information system auditors and \$140,000 of general fund moneys.

This amendment also adds a section requiring the State Auditor to complete the statewide single audit for fiscal years 1999 and 2000 without using more contracted services than were used to complete the fiscal years 1997 and 1998 statewide single audits.

The amendment did not change the Senate's addition of one FTE financial auditor and the related increased general fund revenues (departmental collections) by \$60,000.

Engrossed SB 2004 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2010, as engrossed:** Your conference committee (Sens. Holmberg, Bowman, Tallackson and Reps. Poolman, Tollefson, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 814-815, adopt amendments as follows, and place SB 2010 on the Seventh order:

That the House recede from its amendments as printed on pages 814 and 815 of the Senate Journal and pages 892 and 893 of the House Journal and that Engrossed Senate Bill No. 2010 be amended as follows:

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

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

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

Page 1, line 13, replace "1,503,289" with "1,498,289"

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

Page 1, line 15, replace "5,852,093" with "5,813,293"

Page 2, replace lines 13 through 15 with:

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

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

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 401 - INSURANCE DEPARTMENT

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMPARISON TO HOUSE VERSION
Salaries and wages	\$4,244,556	\$4,195,649		\$4,195,649	\$4,195,649	
Operating expenses	1,503,289	1,503,289	(5,000)	1,498,289	1,493,289	\$5,000
Equipment	<u>153,155</u>	<u>153,155</u>	<u>(33,800)</u>	<u>119,355</u>	<u>119,355</u>	
Total special funds	\$5,901,000	\$5,852,093	(\$38,800)	\$5,813,293	\$5,808,293	\$5,000
Less special funds	<u>5,901,000</u>	<u>5,852,093</u>	<u>(38,800)</u>	<u>5,813,293</u>	<u>5,808,293</u>	<u>5,000</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	45.50	45.50	0.00	45.50	45.50	0.00

Detail of Conference Committee changes to the Senate version includes:

	REDUCE OFFICE EQUIPMENT AND FURNITURE	REDUCE TRAVEL	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages			
Operating expenses		(\$5,000) <sup>2</sup>	(\$5,000)
Equipment	<u>(\$33,800)</u> <sup>1</sup>		<u>(33,800)</u>
Total special funds	(\$33,800)	(\$5,000)	(\$38,800)
Less special funds	<u>(33,800)</u>	<u>(5,000)</u>	<u>(38,800)</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

Conference Committee changes narrative:

<sup>1</sup> Reduces office equipment and furniture, the same as the House version.

<sup>2</sup> Reduces travel by \$5,000. The Senate did not reduce this item, and the House reduced it by \$10,000.

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

The section added by the House is changed to provide that the Legislative Council chairman, in consultation with the Insurance Commissioner, appoint two members of the House and two members of the Senate to represent the state at functions of the National Conference of Insurance Legislators (NCOIL). Expenses of the appointed legislators for attending these functions are to be paid by the Insurance Commissioner. The House version of this section had provided that the House majority leader appoint two members of the House and the Senate majority leader appoint one member from the Senate to represent the state at the NCOIL functions.

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

Engrossed SB 2010 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2114, as engrossed:** Your conference committee (Sens. Lee, Fischer, Mutzenberger and Reps. Price, Weisz, Metcalf) recommends that the **HOUSE RECEDE** from the House

amendments on SJ pages 1006-1008, adopt amendments as follows, and place SB 2114 on the Seventh order:

That the House recede from its amendments as printed on pages 1006-1008 of the Senate Journal and pages 958 and 959 of the House Journal and that Engrossed Senate Bill No. 2114 be amended as follows:

Page 1, line 1, after "reenact" insert "subsection 2 of section 50-01.2-00.1 and"

Page 1, line 2, after "to" insert "local expenses of administration and" and after "families" insert "; to authorize the department of human services to negotiate a pilot project for the state's participation in direct funding and administration of tribal temporary assistance to needy families; to provide for a legislative council study; and to provide for reports to the legislative council"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 2 of section 50-01.2-00.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. "Local expenses of administration" includes costs for personnel, space, equipment, computer software, ~~costs associated with achieving caseload ratios of sixty five cases to one worker,~~ materials, travel, utilities, and related costs, and the indirect costs properly allocated to those costs. The term does not include initial acquisition of computers and related hardware approved by the department for the training, education, employment, and management program, custom computer programs, custom software development, computer operations undertaken at the direction of the department, and computer processing costs to the extent those costs exceed, in any calendar year, that county's costs of operation of the technical eligibility computer system in calendar year 1995 increased by the increase in the consumer price index for all urban consumers (all items, United States city average) after January 1, 1996, or, unless agreed to by the county social service board, any costs related to pilot programs before the programs are implemented on a statewide basis."

Page 3, line 5, overstrike "Not exempt" and insert immediately thereafter "Consider exempting"

Page 3, line 9, replace "that is most appropriate" with "provided by job service North Dakota"

Page 4, after line 22, insert:

**"SECTION 3. LEGISLATIVE INTENT - DEPARTMENT TO NEGOTIATE PILOT PROJECT - REPORTS TO LEGISLATIVE COUNCIL.**

1. It is the legislative intent of the legislative assembly that the department of human services offer to negotiate with the tribal government of any Indian tribe in this state to establish a pilot project to begin operation no sooner than July 1, 2001, under which that tribal government will secure direct funding for the administration of a tribal family assistance grant under 42 U.S.C. 612 from the United States department of health and human services, and under which the state will participate, in cash or in kind, in the cost of providing services under the tribal family assistance grant, provided:
  - a. All components of the program are administered by the department of human services, one or more county social service boards, one or more contractors with the department of human services, or any combination thereof;
  - b. Interagency agreements entered into between the department of human services and other state or federal agencies, essential to the state's receipt of federal funds otherwise available under title IV-A, title IV-B, title IV-D, or title IV-E of the Social Security Act, will be honored by the tribe to the extent the department of human services requires the county social service boards to honor those agreements;
  - c. The annual funding contributed by the state may not exceed an amount calculated by dividing the nonfederal share of total state expenditures under title IV-A of the Social Security Act for the twelve-month period beginning October 1, 1993, and ending

September 30, 1994, by the monthly average number of title IV-A filing units receiving title IV-A benefits in the state during that period, and multiplying the result times the number of IV-A filing units on April 1, 1999, with a primary information person who:

- (1) Is an enrolled member of a tribe or is married to an enrolled member of a tribe who is also a member of that IV-A filing unit; and
  - (2) Lives in Indian country within a North Dakota county that also includes Indian reservation lands subject to the exclusive jurisdiction of the tribe;
- d. The state's financial participation in the pilot project will be terminated upon breach of the negotiated agreement.
2. The department of human services shall periodically report to the legislative council, or to an interim study committee designated by the legislative council, on the progress of any negotiation conducted under subsection 1.
  3. An interim committee designated by the legislative council to receive reports under subsection 2 shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-seventh legislative assembly.

**SECTION 4. LEGISLATIVE COUNCIL STUDY.** During the 1999-2000 interim, the legislative council shall consider studying the implementation of temporary assistance to needy families program in North Dakota, the effectiveness of that program to accomplish welfare reform, and the need for continuing legislative monitoring. The study may address the proportion of adults living in Indian country who are employed and the efforts of the department of human services to negotiate a pilot project under which the state would participate in the cost of providing services under a tribal family assistance grant.

**SECTION 5. REPORTS TO LEGISLATIVE COUNCIL - UNEMPLOYMENT IN INDIAN COUNTRY.** The department of human services shall periodically report to the legislative council, or an interim study committee designated by the legislative council, on the progress in its efforts to determine the most reliable current data concerning the proportion of adults living in Indian country who are unemployed."

Renumber accordingly

Engrossed SB 2114 was placed on the Seventh order of business on the calendar.

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

**SB 2022, as engrossed:** Your conference committee (Sens. Andrist, Grindberg, Lindaas and Reps. Carlisle, Tollefson, Gulleason) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 873-874, adopt amendments as follows, and place SB 2022 on the Seventh order:

That the House recede from its amendments as printed on pages 873 and 874 of the Senate Journal and pages 954 and 955 of the House Journal and that Engrossed Senate Bill No. 2022 be amended as follows:

Page 1, line 10, replace "3,270,437" with "3,220,437"

Page 1, line 13, replace "48,995" with "123,995"

Page 1, line 14, replace "4,350,026" with "4,375,026"

Page 1, line 16, replace "3,987,026" with "4,012,026"

Renumber accordingly

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

DEPARTMENT 740 - TOURISM DEPARTMENT

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMPARISON TO HOUSE VERSION
Salaries and wages	\$1,005,933	\$985,216		\$985,216	\$985,216	
Operating expenses	3,350,437	3,270,437	(\$50,000)	3,220,437	3,220,437	
Equipment	15,378	15,378		15,378	15,378	
Grants	30,000	30,000		30,000	30,000	
Lewis and Clark bicentennial	698,502	48,995	75,000	123,995	248,995	(\$125,000)
Total all funds	\$5,100,250	\$4,350,026	\$25,000	\$4,375,026	\$4,500,026	(\$125,000)
Less special funds	<u>363,000</u>	<u>363,000</u>		<u>363,000</u>	<u>363,000</u>	
General fund	\$4,737,250	\$3,987,026	\$25,000	\$4,012,026	\$4,137,026	(\$125,000)
FTE	12.00	11.00	0.00	11.00	11.00	0.00

Detail of Conference Committee changes to the Senate version includes:

	REDUCE OPERATING EXPENSES	ADD LEWIS AND CLARK FUNDING	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages			
Operating expenses	(\$50,000) <sup>1</sup>		(\$50,000)
Equipment			
Grants			
Lewis and Clark bicentennial		\$75,000 <sup>2</sup>	75,000
Total all funds	(\$50,000)	\$75,000	\$25,000
Less special funds			
General fund	(\$50,000)	\$75,000	\$25,000
FTE	0.00	0.00	0.00

Conference Committee changes narrative:

<sup>1</sup> The operating expenses line item is reduced by \$50,000 from the general fund, the same as the House version. The Tourism Department may determine the specific areas to reduce.

<sup>2</sup> The Lewis and Clark bicentennial line item is increased by \$75,000 from the general fund for promoting and marketing the Lewis and Clark bicentennial event. The Senate removed \$500,000 of general fund moneys included in the executive recommendation for marketing the Lewis and Clark bicentennial and the House restored \$200,000 for promoting and marketing the Lewis and Clark bicentennial.

Engrossed SB 2022 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2127, as engrossed:** Your conference committee (Sens. Schobinger, Cook, O'Connell and Reps. Jensen, Sveen, Grumbo) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 770, adopt amendments as follows, and place SB 2127 on the Seventh order:

That the House recede from its amendments as printed on page 770 of the Senate Journal and page 857 of the House Journal and that Engrossed Senate Bill No. 2127 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to demerit points; and to" and after "reenact" insert "subsection 2 of section 39-06.1-06 and"

Page 1, line 2, after "seatbelts" insert "and restraints"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 2 of section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:
  - a. A violation of section 39-10-41, 39-10-42, 39-10-46, or 39-10-46.1, a fee of fifty dollars.



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 its importation and use 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 - Request to petition for registration.** On the written request of any agricultural commodity group, the agriculture commissioner shall petition the environmental protection agency for the American registration of a crop protection product approved for use in Canada.

**SECTION 5. 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 6. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1252 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1276:** Your conference committee (Sens. Klein, Sand, D. Mathern and Reps. Renner, Rennerfeldt, Froelich) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1070-1071, adopt amendments as follows, and place HB 1276 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1070 and 1071 of the House Journal and pages 916 and 917 of the Senate Journal and that House Bill No. 1276 be amended as follows:

Page 1, line 2, 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, replace "ten" with "seven"

Page 3, line 15, replace "fifty" with "forty"

Page 3, line 16, replace "twenty" with "fifteen"

Page 3, line 18, remove "twenty-five"

Page 4, line 13, replace "shall" with "may" and replace "all" with "any"

Page 5, line 5, replace "shall" with "may"

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 7, line 29, after the underscored comma insert "bison."

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 29. 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

HB 1276 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1428, as engrossed:** Your conference committee (Sens. Wanzek, Urlacher, Kinnoin and Reps. D. Johnson, Brandenburg, Warner) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1074, adopt amendments as follows, and place HB 1428 on the Seventh order:

That the Senate recede from its amendments as printed on page 1074 of the House Journal and page 575 and page 946 of the Senate Journal and that Engrossed House Bill No. 1428 be amended as follows:

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

Page 1, line 3, after "seeds" insert "; and to provide a continuing appropriation"

Page 1, line 10, after "**requirements**" insert "**- Continuing appropriation**"

Page 1, line 15, replace "The" with "Except for employees of the agricultural experiment station or the North Dakota state university extension service involved in research and extension related activities, the"

Page 2, line 13, after the underscored period insert "To provide sufficient funds to pay costs associated with monitoring and testing industrial hemp in the state, the commissioner shall assess each applicant a fee of five dollars per acre. The minimum fee assessed must be one hundred fifty dollars per applicant. Collections from this fee must be deposited in the attorney general's operating fund and are hereby appropriated to the attorney general to be used to enforce sections 1 and 2 of this Act."

Page 2, line 24, overstrike "absinthim" and insert immediately thereafter "absinthium"

Renumber accordingly

Engrossed HB 1428 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**