

## JOURNAL OF THE HOUSE

## Fifty-seventh Legislative Assembly

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Bismarck, April 2, 2001

The House convened at 1:00 p.m., with Speaker Bernstein presiding.

The prayer was offered by Pastor Bob Weiss, Bismarck Baptist Church.

The roll was called and all members were present except Representative Fairfield.

A quorum was declared by the Speaker.

**MOTION**

**REP. BELTER MOVED** that SB 2019 and HB 1020 be laid over one legislative day, which motion prevailed.

**MOTION**

**REP. BELTER MOVED** that SB 2352, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Belter's motion, SB 2352 was rereferred.

**CORRECTION AND REVISION OF THE JOURNAL**

**MR. SPEAKER:** Your **Committee on Correction and Revision of the Journal (Rep. Kretschmar, Chairman)** has carefully examined the Journal of the Fifty-sixth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1184, line 36, replace "that the Senate had not adopted the conference committee" with "the following appointment to a"

Page 1184, line 37, remove "report on SB 2181 and appointed the following to a new"

Page 1184, line 40, replace "that the Senate had not adopted the conference committee" with "the following appointment to a"

Page 1184, line 41, remove "report on SB 2865 and appointed the following to a new"

Page 1184, line 44, replace "that the Senate had not adopted the conference committee" with "the following appointment to a"

Page 1184, line 45, remove "report on SB 2455 and appointed the following to a new"

**REP. KRETSCHMAR MOVED** that the report be adopted, which motion prevailed.

**SIXTH ORDER OF BUSINESS**

**REP. BELTER MOVED** that the amendments on the Sixth order of business to SB 2104 and SB 2239 be adopted, which motion prevailed.

SB 2104 and SB 2239, as amended, were placed on the Fourteenth order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. BRUSEGAARD MOVED** that the conference committee report on Reengrossed HB 1119 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1119, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1119:** A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to establishing a state employee performance bonus program; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Hanson; Kroeber; Winrich

**ABSENT AND NOT VOTING:** Fairfield

Reengrossed HB 1119 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**REP. CARLSON MOVED** that the conference committee report on Reengrossed HB 1184 be adopted, which motion prevailed on a voice vote.

Reengrossed HB 1184, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1184:** A BILL for an Act to amend and reenact subsections 2 and 3 of section 39-04-36 of the North Dakota Century Code, relating to license fee credits; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Fairfield

Reengrossed HB 1184 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. TIMM MOVED** that the House do not concur in the Senate amendments to HB 1001 as printed on HJ page 1165 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1001: Reps. Carlisle, B. Thoreson, Glassheim.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. TIMM MOVED** that the House do not concur in the Senate amendments to HB 1024 as printed on HJ page 1167 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1024: Reps. Wald, Boehm, Aarsvold.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. RENNERFELDT MOVED** that the House do concur in the Senate amendments to HB 1468 as printed on HJ page 1169 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1468: Reps. Porter, Weiler, Hanson.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do not concur in the Senate amendments to HB 1451 as printed on HJ page 1121 and that a conference committee be appointed to meet with a like committee from the Senate.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1451: Reps. Grande, Kingsbury, Eckre.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. TIMM MOVED** that the House do concur in the Senate amendments to HB 1002 as printed on HJ page 1166, which motion prevailed on a voice vote.

HB 1002, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1002:** A BILL for an Act to provide an appropriation for defraying the expenses of the secretary of state and public printing; and to amend and reenact subsection 2 of section 54-05.1-03 and section 54-09-05 of the North Dakota Century Code, relating to legislative lobbying expenditure reports and the salary of the secretary of state.

**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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Fairfield

Engrossed HB 1002 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. TIMM MOVED** that the House do concur in the Senate amendments to HB 1014 as printed on HJ page 1167, which motion prevailed on a voice vote.

HB 1014, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE BILL**

**HB 1014:** A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

**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 94 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** DeKrey; Kasper; Weisz

**ABSENT AND NOT VOTING:** Fairfield

Engrossed HB 1014 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to HCR 3015 as printed on HJ page 1147, which motion prevailed on a voice vote.

HCR 3015, as amended, was placed on the Eleventh order of business.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3015:** A concurrent resolution directing the Legislative Council to study the separation of powers between the legislative, executive, and judicial branches and the distinction between the responsibilities of each branch.

**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 91 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunsakor; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

**NAYS:** Boucher; Froelich; Gulleston; Kasper; Kerzman; Winrich

**ABSENT AND NOT VOTING:** Fairfield

Engrossed HCR 3015 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2014:** A BILL for an Act to provide an appropriation for defraying the expenses of the children's services coordinating committee; and to provide a statement of legislative intent.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Boucher; Fairfield

SB 2014 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2018:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings; and to authorize a loan from the general fund.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Boucher; Delzer; Fairfield

SB 2018 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2194:** A BILL for an Act to amend and reenact section 6-09-15.5 of the North Dakota Century Code, relating to Bank of North Dakota loans to beginning farmers.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleon; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**NAYS:** Byerly; Carlson; Kelsch, R.; Porter; Wald; Weiler

**ABSENT AND NOT VOTING:** Fairfield

SB 2194 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2104:** A BILL for an Act to amend and reenact sections 4-09-03, 4-09-13, 4-09-14.4, 4-09-16, 4-09-17, 4-09-17.1, and 4-09-18 of the North Dakota Century Code, relating to state seed commission membership and seed labeling.

### 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Fairfield

SB 2104 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2239:** A BILL for an Act to create and enact a new section to chapter 25-17 and a new subsection to section 50-10-06 of the North Dakota Century Code, relating to definitions for the newborn screening law and services for treatment of phenylketonuria and maple syrup urine disease; and to amend and reenact sections 25-17-01, 25-17-02, 25-17-03, 25-17-04, 25-17-05, and 26.1-36-09.7 of the North Dakota Century Code, relating to services and insurance coverage for treatment of metabolic diseases.

### 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

**ABSENT AND NOT VOTING:** Fairfield

Reengrossed SB 2239 passed and the title was agreed to.

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**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed: HB 1032, HB 1046, HB 1102, HB 1105, HB 1114, HB 1168, HB 1201, HB 1206, HB 1216, HB 1218, HB 1228, HB 1234, HB 1259, HB 1270, HB 1282, HB 1289, HB 1296, HB 1304, HB 1306, HB 1322, HB 1350, HB 1354, HB 1370, HB 1390, HB 1391, HB 1401, HB 1406, HB 1408, HB 1409, HB 1417, HB 1423, HB 1431, HB 1437, HB 1459, HB 1465, HB 1474.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2027, SB 2045, SB 2053, SB 2058, SB 2105, SB 2120, SB 2127, SB 2135, SB 2142, SB 2173, SB 2182, SB 2192, SB 2195, SB 2205, SB 2208, SB 2210, SB 2246, SB 2257, SB 2273, SB 2281, SB 2289, SB 2299, SB 2307, SB 2309, SB 2318, SB 2386, SB 2407.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The President has signed: HCR 3001, HCR 3002, HCR 3017, HCR 3026, HCR 3033, HCR 3034, HCR 3036, HCR 3043, HCR 3044, HCR 3050, HCR 3054, HCR 3056, HCR 3058, HCR 3065, HCR 3066, HCR 3067, HCR 3068.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1008.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1008**

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

Page 1, line 3, after "commissioners" insert "; and to declare an emergency"

Page 1, line 12, replace "1,185,662" with "1,152,662"

Page 1, line 16, replace "9,614,438" with "9,581,438"

Page 1, line 18, replace "3,890,005" with "3,857,005"

Page 2, after line 4, insert:

**"SECTION 3. APPROPRIATION.** There is appropriated from federal funds the sum of \$27,560, or so much of the sum as may be necessary, to the public service commission for the "one-call" call before you dig program, for the period beginning with the effective date of this section and ending June 30, 2001.

**SECTION 4. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****House Bill No. 1008 - Public Service Commission - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$4,755,198	\$4,634,173		\$4,634,173
Operating expenses	1,182,662	1,185,662	(\$33,000)	1,152,662
Equipment	86,961	86,961		86,961
Grants	39,150	39,150		39,150
AML contractual services	<u>3,668,492</u>	<u>3,668,492</u>		<u>3,668,492</u>
Total all funds	\$9,732,463	\$9,614,438	(\$33,000)	\$9,581,438
Less estimated income	<u>5,842,274</u>	<u>5,724,433</u>		<u>5,724,433</u>
General fund	\$3,890,189	\$3,890,005	(\$33,000)	\$3,857,005
FTE	42.00	41.00	0.00	41.00

**Dept. 408 - Public Service Commission - Detail of Senate Changes**

	REMOVE FUNDING FOR RAILROAD LITIGATION 1	TOTAL SENATE CHANGES
Salaries and wages		
Operating expenses	(\$33,000)	(\$33,000)

Equipment		
Grants		
AML contractual services		
Total all funds	(\$33,000)	(\$33,000)
Less estimated income		
General fund	(\$33,000)	(\$33,000)
FTE	0.00	0.00

<sup>1</sup> Removes the funding for railroad litigation, which was added in the House.

This amendment provides an appropriation for the 1999-2001 biennium of \$27,560 of federal funds to the Public Service Commission for the "one call" call before you dig program.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1007, HB 1010, HB 1019, HB 1338.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1007**

Page 1, line 9, replace "835,477" with "907,581"

Page 1, line 10, replace "146,179" with "154,199"

Page 1, line 11, replace "13,622" with "16,604"

Page 1, line 12, replace "995,278" with "1,078,384"

Page 1, line 14, replace "765,316" with "848,422"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1007 - Labor Commissioner - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$911,552	\$835,477	\$72,104	\$907,581
Operating expenses	146,179	146,179	8,020	154,199
Equipment	<u>13,622</u>	<u>13,622</u>	<u>2,982</u>	<u>16,604</u>
Total all funds	\$1,071,353	\$995,278	\$83,106	\$1,078,384
Less estimated income	<u>229,962</u>	<u>229,962</u>		<u>229,962</u>
General fund	\$841,391	\$765,316	\$83,106	\$848,422
FTE	10.00	9.00	1.00	10.00

**Dept. 406 - Labor Commissioner - Detail of Senate Changes**

	PROVIDE FUNDING FOR ADDITIONAL AGENCY RESPONSIBILITIES <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	\$72,104	\$72,104
Operating expenses	8,020	8,020
Equipment	<u>2,982</u>	<u>2,982</u>
Total all funds	\$83,106	\$83,106
Less estimated income		
General fund	\$83,106	\$83,106
FTE	1.00	1.00

<sup>1</sup> This amendment provides additional funding of \$83,106 from the general fund and 1 new FTE to the Labor Commissioner for investigating human rights complaints and for providing administrative hearings on discrimination complaints.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1010**

Page 1, line 14, replace "1,627,196" with "1,637,196"

Page 1, line 16, replace "Less estimated income" with "Total special funds appropriation" and replace "6,260,398" with "6,270,398"



Page 1, line 18, after "DEPARTMENTS" insert "AND NORTH DAKOTA FIREMEN'S ASSOCIATION"

Page 1, line 19, replace "\$5,200,000" with "\$5,304,000"

Page 1, line 20, after "commissioner" insert "of which \$5,200,000 is"

Page 1, line 21, after "departments" insert "and \$104,000 is for the purpose of making two equal payments to the North Dakota firemen's association"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1010 - Summary of Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
<b>Insurance Tax to Fire Departments</b>				
Total all funds	\$5,200,000	\$5,200,000	\$104,000	\$5,304,000
Less estimated income	<u>5,200,000</u>	<u>5,200,000</u>	<u>104,000</u>	<u>5,304,000</u>
General fund	\$0	\$0	\$0	\$0
<b>Insurance Department</b>				
Total all funds	\$6,067,078	\$6,260,398	\$10,000	\$6,270,398
Less estimated income	<u>6,067,078</u>	<u>6,260,398</u>	<u>10,000</u>	<u>6,270,398</u>
General fund	\$0	\$0	\$0	\$0
<b>Bill Total</b>				
Total all funds	\$11,267,078	\$11,460,398	\$114,000	\$11,574,398
Less estimated income	<u>11,267,078</u>	<u>11,460,398</u>	<u>114,000</u>	<u>11,574,398</u>
General fund	\$0	\$0	\$0	\$0

**House Bill No. 1010 - Insurance Tax to Fire Departments - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Grants	<u>\$5,200,000</u>	<u>\$5,200,000</u>	<u>\$104,000</u>	<u>\$5,304,000</u>
Total all funds	\$5,200,000	\$5,200,000	\$104,000	\$5,304,000
Less estimated income	<u>5,200,000</u>	<u>5,200,000</u>	<u>104,000</u>	<u>5,304,000</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

**Dept. 35 - Insurance Tax to Fire Departments - Detail of Senate Changes**

	FUNDING FOR NORTH DAKOTA FIREMEN'S ASSOCIATION <sup>1</sup>	TOTAL SENATE CHANGES
Grants	<u>\$104,000</u>	<u>\$104,000</u>
Total all funds	\$104,000	\$104,000
Less estimated income	<u>104,000</u>	<u>104,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment provides an appropriation of \$104,000 from the insurance tax distribution fund for two equal payments to the North Dakota Firemen's Association. This funding is in addition to the funding of \$5.2 million from the insurance tax distribution fund for insurance tax payments to fire districts.

**House Bill No. 1010 - Insurance Department - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$4,387,527	\$4,513,847		\$4,513,847
Operating expenses	1,560,196	1,627,196	\$10,000	1,637,196
Equipment	<u>119,355</u>	<u>119,355</u>		<u>119,355</u>
Total all funds	\$6,067,078	\$6,260,398	\$10,000	\$6,270,398
Less estimated income	<u>6,067,078</u>	<u>6,260,398</u>	<u>10,000</u>	<u>6,270,398</u>
General fund	\$0	\$0	\$0	\$0

FTE 44.50 45.50 0.00 45.50

**Dept. 401 - Insurance Department - Detail of Senate Changes**

	PROVIDE ADDITIONAL FUNDING FOR DUES <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages		
Operating expenses	\$10,000	\$10,000
Equipment		
<b>Total all funds</b>	<b>\$10,000</b>	<b>\$10,000</b>
Less estimated income	<u>10,000</u>	<u>10,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

<sup>1</sup> This amendment increases funding for operating expenses by \$10,000 for an increase in annual dues for the National Conference of Insurance Legislators.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1019**

In lieu of the amendments to House Bill No. 1019 as printed on pages 1079 and 1080 of the Senate Journal, House Bill No. 1019 is amended as follows:

Page 1, line 16, replace "4,738,476" with "5,138,476"

Page 1, line 20, replace "200,000" with "400,000"

Page 1, line 22, replace "34,719,641" with "35,319,641"

Page 2, line 18, replace "\$200,000" with "\$400,000"

Page 2, after line 24, insert:

**"SECTION 6. PRIVATE LAND HABITAT AND ACCESS IMPROVEMENT PROGRAM.** The amount of \$400,000 or such lesser amount as may be available, from the line item entitled land habitat and deer depredation in section 1 of this Act, is from the additional revenue generated by hunting license fee increases contained in House Bill No. 1468. It is the intent of the fifty-seventh legislative assembly that these funds be spent to carry out the private land habitat and access improvement program by providing access to private land, establishing food plots, alleviating depredation, and enhancing habitat pursuant to subsection 19 of section 20.1-02-05, for the biennium beginning July 1, 2001, and ending June 30, 2003."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1019 - Game and Fish Department - Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$13,889,059	\$13,889,059		\$13,889,059
Operating expenses	8,320,714	8,320,714		8,320,714
Equipment	793,505	793,505		793,505
Capital improvements	1,259,486	1,259,486		1,259,486
Grants	3,578,050	3,578,050		3,578,050
Noxious weed control	250,000	250,000		250,000
Land habitat and deer depredation	4,738,476	4,738,476	\$400,000	5,138,476
Grants, gifts, and donations	150,000	150,000		150,000
Nongame wildlife conservation	120,000	120,000		120,000
Waterbank program	200,000	200,000		200,000
Wildlife services	200,000	200,000	200,000	400,000
Lonetree Reservoir	<u>1,220,351</u>	<u>1,220,351</u>		<u>1,220,351</u>
<b>Total all funds</b>	<b>\$34,719,641</b>	<b>\$34,719,641</b>	<b>\$600,000</b>	<b>\$35,319,641</b>
Less estimated income	<u>34,719,641</u>	<u>34,719,641</u>	<u>600,000</u>	<u>35,319,641</u>
General fund	\$0	\$0	\$0	\$0
FTE	136.00	136.00	0.00	136.00

**Dept. 720 - Game and Fish Department - Detail of Senate Changes**

	ADD FUNDING FOR WILDLIFE SERVICES <sup>1</sup>	ADD FUNDING FOR HABITAT AND ACCESS IMPROVEMENT <sup>2</sup>	TOTAL SENATE CHANGES
Salaries and wages			
Operating expenses			
Equipment			
Capital improvements			
Grants			
Noxious weed control			
Land habitat and deer depredation		\$400,000	\$400,000
Grants, gifts, and donations			
Nongame wildlife conservation			
Waterbank program			
Wildlife services	\$200,000		\$200,000
Lonetree Reservoir			
<b>Total all funds</b>	<b>\$200,000</b>	<b>\$400,000</b>	<b>\$600,000</b>
<b>Less estimated income</b>	<b><u>200,000</u></b>	<b><u>400,000</u></b>	<b><u>600,000</u></b>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

<sup>1</sup> This amendment adds \$200,000 from the game and fish fund to the wildlife services line item to provide a total of \$400,000, as recommended in the Hoeven budget recommendation.

<sup>2</sup> This amendment increases the land habitat and deer depredation line item by \$400,000, which is the anticipated increase in 2001-03 biennium hunting license revenue as a result of the passage of 2001 House Bill No. 1468. This amendment also adds a new section directing the department to use the additional \$400,000 for the private land habitat and access improvement program.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1338**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of issues related to genetic modification."

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY OF ISSUES RELATED TO GENETIC MODIFICATION.** The legislative council shall consider studying issues related to genetic modification, including impacts on health, the environment, the food supply, product labeling, and actions by other jurisdictions regarding experimental medicine and research, and the promulgation of accurate information regarding genetic modification efforts that exist or are expected to exist in the near future. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1025, HB 1160, HB 1215, HB 1321, HB 1386, HB 1400.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1025**

Page 1, line 18, replace "2,237,072" with "2,314,750"

Page 1, line 19, replace "1,500,998" with "1,507,730"

Page 1, line 20, replace "7,500" with "12,000"

Page 1, line 22, replace "3,770,570" with "3,859,480"

Page 1, line 23, replace "6,560,703" with "6,649,613"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**House Bill No. 1025 - Summary of Senate Action**

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Retirement and Investment Office				
Total all funds	\$2,790,133	\$2,790,133	\$0	\$2,790,133
Less estimated income	<u>2,790,133</u>	<u>2,790,133</u>		<u>2,790,133</u>
General fund	\$0	\$0	\$0	\$0

Public Employees Retirement System

Total all funds	\$3,859,480	\$3,770,570	\$88,910	\$3,859,480
Less estimated income	<u>3,859,480</u>	<u>3,770,570</u>	<u>88,910</u>	<u>3,859,480</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$6,649,613	\$6,560,703	\$88,910	\$6,649,613
Less estimated income	<u>6,649,613</u>	<u>6,560,703</u>	<u>88,910</u>	<u>6,649,613</u>
General fund	\$0	\$0	\$0	\$0

### House Bill No. 1025 - Public Employees Retirement System - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,314,750	\$2,237,072	\$77,678	\$2,314,750
Operating expenses	1,507,730	1,500,998	6,732	1,507,730
Equipment	12,000	7,500	4,500	12,000
Contingency	<u>25,000</u>	<u>25,000</u>		<u>25,000</u>
Total all funds	\$3,859,480	\$3,770,570	\$88,910	\$3,859,480
Less estimated income	<u>3,859,480</u>	<u>3,770,570</u>	<u>88,910</u>	<u>3,859,480</u>
General fund	\$0	\$0	\$0	\$0
FTE	27.00	26.00	1.00	27.00

### Dept. 192 - Public Employees Retirement System - Detail of Senate Changes

	RESTORE FTE AND RELATED FUNDING REMOVED BY HOUSE <sup>1</sup>	TOTAL SENATE CHANGES
Salaries and wages	\$77,678	\$77,678
Operating expenses	6,732	6,732
Equipment	4,500	4,500
Contingency		
Total all funds	\$88,910	\$88,910
Less estimated income	<u>88,910</u>	<u>88,910</u>
General fund	\$0	\$0
FTE	1.00	1.00

<sup>1</sup> The House removed 1 FTE employee benefits programs specialist position and the related funding included in the Schafer and Hoeven budget recommendations for the purpose of conducting member education programs. The Senate amendment restores this position and the related funding.

### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1215

Page 1, line 1, replace "providing" with "to provide"

Page 1, line 2, after "armories" insert "and to provide a report to the budget section"

Page 1, line 4, after "**APPROPRIATION**" insert "**AND BUDGET SECTION REPORT**"

Page 1, line 10, after the period insert "Priority must be given to those major maintenance and repair projects for which the local political subdivision contributes the highest ratio of political subdivision funds for each dollar of state funds requested. Before approval of any project by the adjutant general under the matching grant program, the adjutant general shall conduct a major repair and maintenance needs survey of all political subdivision-owned armories and provide a written report of the survey results and project recommendations for the biennium to the budget section of the legislative council."

ReNUMBER accordingly

### STATEMENT OF PURPOSE OF AMENDMENT:

#### House Bill No. 1215 - Adjutant General - Senate Action

This amendment adds language to the bill that requires priority to be given to those major maintenance and repair projects where the local political subdivision contributes the highest ratio of political subdivision funds for each dollar of state funds and directs the Adjutant General to conduct a major maintenance and repair needs survey and to report to the budget section of the Legislative Council on project recommendations.

### SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1321

Page 1, line 11, replace "Five" with "Four" and after "hundred" insert "twenty-five"

Page 1, line 15, replace "Four" with "Three" and after "hundred" insert "twenty-five"

Page 1, line 19, replace "Three" with "Two" and after "hundred" insert "twenty-five"

Page 2, line 23, replace "Five" with "Four" and after "hundred" insert "twenty-five"

Page 2, line 27, replace "Four" with "Three" and after "hundred" insert "twenty-five"

Page 3, line 1, replace "Three" with "Two" and after "hundred" insert "twenty-five"

ReNUMBER accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1386**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 54-44.7-01, 54-44.7-02, subsection 1 of section 54-44.7-03, and subsection 1 of section 54-44.7-04 of the North Dakota Century Code, relating to construction management.

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

**SECTION 1. AMENDMENT.** Section 54-44.7-01 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.7-01. Definition.** "Architect, engineer,construction management, and land surveying services" are those professional services associated with the practice of architecture, professional engineering, professional land surveying, landscape architecture, ~~and~~ interior design pertaining to construction, and construction management, as defined by the laws of this state, as well as incidental services that members of these professions and those in their employ may logically or justifiably perform, including studies, investigations, surveys, evaluations, consultations, planning, programming, conceptual designs, plans and specifications, cost estimates, inspections, construction management, shop drawing reviews, sample recommendations, preparation of operating and maintenance manuals, and other related services, except for professional services related to prefabricated steel for bridge purposes.

**SECTION 2. AMENDMENT.** Section 54-44.7-02 of the North Dakota Century Code is amended and reenacted as follows:

**54-44.7-02. Applicability - Policy.** Architect, engineer,construction management, and land surveying services must be procured as provided in this chapter. It is the policy of this state that all North Dakota state agencies shall negotiate contracts for services on the basis of demonstrated competence and qualification for the particular type of services required.

**SECTION 3. AMENDMENT.** Subsection 1 of section 54-44.7-03 of the North Dakota Century Code is amended and reenacted as follows:

1. Each using agency shall establish its own architect, engineer,construction management, and land surveying services selection committee hereinafter referred to as the agency selection committee, which must be composed of those individuals whom the agency head determines to be qualified to make an informed decision as to the most competent and qualified firm for the proposed project. The head of the using agency or his qualified, responsible designee shall sit as a member of the agency selection committee for the purpose of coordinating and accounting for the committee's work.

**SECTION 4. AMENDMENT.** Subsection 1 of section 54-44.7-04 of the North Dakota Century Code is amended and reenacted as follows:

1. All state agencies securing architect, engineer,construction management, or land surveying services for projects for which the fees are estimated not to exceed ten thousand dollars may employ the architects, engineers,construction managers, and land surveyors by direct negotiation and selection, taking into account all of the following:
  - a. The nature of the project.

- b. The proximity of the architect, engineer, construction management, or land surveying services to the project.
- c. The capability of the architect, engineer, construction manager, or land surveyor to produce the required services within a reasonable time.
- d. Past performance.
- e. Ability to meet project budget requirements.

This procedure shall still follow state policy set forth above."

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1160**

Page 1, line 9, replace "sixty-five" with "seventy-five"

Page 1, line 10, replace "sixty-five" with "seventy-five"

Renumber accordingly

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1400**

Page 2, line 1, after the period insert "For purposes of this section, a business that provides essential services does not include a public utility."

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has passed unchanged: SB 2014, SB 2018, SB 2194.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2104, SB 2239.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2034, SB 2039, SB 2088, and SB 2166 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2034:** Sens. Traynor; Watne; C. Nelson  
**SB 2039:** Sens. Flakoll; Wanzek; Christenson  
**SB 2088:** Sens. Stenehjem; Trenbeath; O'Connell  
**SB 2166:** Sens. Cook; Freborg; O'Connell

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**  
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2308 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2308:** Sens. Lee; Erbele; Polovitz

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1002, HB 1014, and HCR 3015.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1001, HB 1024, HB 1451, and HB 1468 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1001:** Reps. Carlisle; B. Thoreson; Glassheim  
**HB 1024:** Reps. Wald; Boehm; Aarsvold  
**HB 1451:** Reps. Grande; Kingsbury; Eckre  
**HB 1468:** Reps. Porter; Weiler; Hanson

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee reports and subsequently passed: HB 1119 and HB 1184.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on April 2, 2001: HB 1032, HB 1046, HB 1102, HB 1105, HB 1114, HB 1168, HB 1201, HB 1206, HB 1216, HB 1218, HB 1228, HB 1234, HB 1259, HB 1270, HB 1282, HB 1289, HB 1296, HB 1304, HB 1306, HB 1322, HB 1350, HB 1354, HB 1370, HB 1390, HB 1391, HB 1401, HB 1406, HB 1408, HB 1409, HB 1417, HB 1423, HB 1431, HB 1437, HB 1459, HB 1465, HB 1474.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2095: Reps. Weisz, Galvin, Sandvig.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2265: Reps. Kretschmar, Brekke, Mahoney.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SB 2082: Reps. Klemin, Haas, Kroeber.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointments to a Conference Committee on SCR 4020: Reps. Devlin, Brusegaard, Hunskor.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)**

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

**HB 1261:** Sens. Stenehjem; Espeland; O'Connell

**HB 1462:** Sens. Lee; Fischer; T. Mathern

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**

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

**SB 2082:** Reps. Klemin; Haas; Kroeber

**SB 2095:** Reps. Weisz; Galvin; Sandvig

**SB 2265:** Reps. Kretschmar; Brekke; Mahoney

**SCR4020:** Reps. Devlin; Brusegaard; Hunskor

**REPORT OF STANDING COMMITTEE**

**SB 2007, as engrossed: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2007 was placed on the Sixth order on the calendar.

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

Page 1, line 3, after "home" insert "; to provide for a report to the legislative assembly; and to provide for a legislative council study"

Page 1, line 13, replace "6,876,243" with "6,861,243"

Page 1, line 14, replace "2,142,631" with "2,137,631"

Page 1, line 15, replace "93,675" with "88,675"

Page 1, line 17, replace "9,457,009" with "9,432,009"

Page 1, line 18, replace "6,104,935" with "6,099,935"

Page 1, line 19, replace "3,352,074" with "3,332,074"

Page 2, line 1, replace "3,845,604" with "3,825,604"

Page 2, line 2, replace "6,125,724" with "6,120,724"

Page 2, line 3, replace "9,971,328" with "9,946,328"

Page 2, line 8, after the period insert "The performance audit may include a review of the contractual arrangements for physician services at the veterans' home. The results of

the performance audit must be presented to the appropriations committees during the agency's budget presentation during the fifty-eighth legislative assembly.

**SECTION 3. LEGISLATIVE COUNCIL STUDY - VETERANS' HOME MANAGEMENT STRUCTURE AND OVERSIGHT.** The legislative council shall consider studying during the 2001-02 interim the management structure and oversight of the veterans' home and the selection process for the commandant or administrator of the home. The study, if conducted, may review the timing of expenditures by the veterans' home from the general fund.

**SECTION 4. VETERANS' POSTWAR TRUST FUND - REPORT.** The department of veterans' affairs shall report on the use of moneys in the veterans' postwar trust fund to the appropriations committees of the fifty-eighth legislative assembly. The report must be presented during the agency's budget presentation."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2007 - Summary of House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Veterans' Home				
Total all funds	\$9,289,806	\$9,457,009	(\$25,000)	\$9,432,009
Less estimated income	<u>5,824,935</u>	<u>6,104,935</u>	<u>(5,000)</u>	<u>6,099,935</u>
General fund	\$3,464,871	\$3,352,074	(\$20,000)	\$3,332,074
Department of Veterans' Affairs				
Total all funds	\$516,980	\$514,319	\$0	\$514,319
Less estimated income	<u>20,789</u>	<u>20,789</u>		<u>20,789</u>
General fund	\$496,191	\$493,530	\$0	\$493,530
Bill Total				
Total all funds	\$9,806,786	\$9,971,328	(\$25,000)	\$9,946,328
Less estimated income	<u>5,845,724</u>	<u>6,125,724</u>	<u>(5,000)</u>	<u>6,120,724</u>
General fund	\$3,961,062	\$3,845,604	(\$20,000)	\$3,825,604

**Senate Bill No. 2007 - Veterans' Home - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$6,709,040	\$6,876,243	(\$15,000)	\$6,861,243
Operating expenses	2,142,631	2,142,631	(5,000)	2,137,631
Equipment	93,675	93,675	(5,000)	88,675
Capital improvements	<u>344,460</u>	<u>344,460</u>		<u>344,460</u>
Total all funds	\$9,289,806	\$9,457,009	(\$25,000)	\$9,432,009
Less estimated income	<u>5,824,935</u>	<u>6,104,935</u>	<u>(5,000)</u>	<u>6,099,935</u>
General fund	\$3,464,871	\$3,352,074	(\$20,000)	\$3,332,074
FTE	87.01	87.01	0.00	87.01

**Dept. 313 - Veterans' Home - Detail of House Changes**

	REMOVE FUNDING FOR TEMPORARY WAGES AND OVERTIME	REMOVE FUNDING FROM OPERATING	REMOVE FUNDING FROM EQUIPMENT	TOTAL HOUSE CHANGES
Salaries and wages	(\$15,000)			(\$15,000)
Operating expenses		(\$5,000)		(5,000)
Equipment			(\$5,000)	(5,000)
Capital improvements				
Total all funds	(\$15,000)	(\$5,000)	(\$5,000)	(\$25,000)
Less estimated income			<u>(5,000)</u>	<u>(5,000)</u>
General fund	(\$15,000)	(\$5,000)	\$0	(\$20,000)
FTE	0.00	0.00	0.00	0.00

**Senate Bill No. 2007 - Veterans' Home - House Action**

A section is added for the Legislative Council to study the management structure and oversight of the Veterans' Home.

Language is added to include a review of the contractual arrangements for physician services at the Veterans' Home as part of the performance audit.



The amendment requires the Veterans' Home to report the results from the performance audit during the agency's budget presentation for the Fifty-eighth Legislative Assembly.

### Senate Bill No. 2007 - Department of Veterans' Affairs - House Action

A section is added requiring the Department of Veterans' Affairs to report on the uses of the veterans' postwar trust fund to the Appropriations Committees of the Fifty-eighth Legislative Assembly as part of the agency's budget presentation.

#### REPORT OF STANDING COMMITTEE

**SB 2015, as engrossed: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2015 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to limit Bank of North Dakota transfers to the"

Page 1, line 4, remove "general fund; to provide legislative intent; to provide for a legislative council study;"

Page 1, line 15, replace "6,330,025" with "6,350,025"

Page 1, line 21, replace "42,950,171" with "42,970,171"

Page 1, line 23, replace "7,364,181" with "7,384,181"

Page 2, line 29, replace "15,864,181" with "15,884,181"

Page 2, line 31, replace "143,844,595" with "143,864,595"

Page 5, remove lines 27 through 31

Page 6, remove lines 1 through 8

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2015 - Summary of House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
<b>Industrial Commission</b>				
Total all funds	\$42,898,571	\$42,950,171	\$20,000	\$42,970,171
Less estimated income	<u>35,585,990</u>	<u>35,585,990</u>		<u>35,585,990</u>
General fund	\$7,312,581	\$7,364,181	\$20,000	\$7,384,181
<b>Bank of North Dakota</b>				
Total all funds	\$39,280,867	\$39,280,867	\$0	\$39,280,867
Less estimated income	<u>30,780,867</u>	<u>30,780,867</u>		<u>30,780,867</u>
General fund	\$8,500,000	\$8,500,000	\$0	\$8,500,000
<b>Housing Finance Agency</b>				
Total all funds	\$39,873,425	\$39,872,263	\$0	\$39,872,263
Less estimated income	<u>39,873,425</u>	<u>39,872,263</u>		<u>39,872,263</u>
General fund	\$0	\$0	\$0	\$0
<b>Mill and Elevator</b>				
Total all funds	\$21,741,294	\$21,741,294	\$0	\$21,741,294
Less estimated income	<u>21,741,294</u>	<u>21,741,294</u>		<u>21,741,294</u>
General fund	\$0	\$0	\$0	\$0
<b>Bill Total</b>				
Total all funds	\$143,794,157	\$143,844,595	\$20,000	\$143,864,595
Less estimated income	<u>127,981,576</u>	<u>127,980,414</u>		<u>127,980,414</u>
General fund	\$15,812,581	\$15,864,181	\$20,000	\$15,884,181

#### Senate Bill No. 2015 - Industrial Commission - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$6,350,025	\$6,330,025	\$20,000	\$6,350,025
Operating expenses	1,733,669	1,805,269		1,805,269
Equipment	154,000	154,000		154,000
Grants	16,450,000	16,450,000		16,450,000
Bond payments	17,956,059	17,956,059		17,956,059
Geophysical exploration	<u>254,818</u>	<u>254,818</u>		<u>254,818</u>
Total all funds	\$42,898,571	\$42,950,171	\$20,000	\$42,970,171

Less estimated income	<u>35,585,990</u>	<u>35,585,990</u>		<u>35,585,990</u>
General fund	\$7,312,581	\$7,364,181	\$20,000	\$7,384,181
FTE	63.00	63.00	0.00	63.00

**Dept. 405 - Industrial Commission - Detail of House Changes**

	RESTORE SALARIES AND WAGES FUNDING <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages	\$20,000	\$20,000
Operating expenses		
Equipment		
Grants		
Bond payments		
Geophysical exploration		
Total all funds	\$20,000	\$20,000
Less estimated income		
General fund	\$20,000	\$20,000
FTE	0.00	0.00

<sup>1</sup> This amendment restores the Senate general fund reduction in salaries and wages of \$20,000.

**Senate Bill No. 2015 - Other Changes - House Action**

This amendment also removes Sections 14, 15, and 16 of the engrossed bill that limit Bank of North Dakota transfers to the general fund, provide legislative intent relating to a new information technology coordinator position for the Oil and Gas Division and Geological Survey, and provide for a Legislative Council study of the Industrial Commission.

**REPORT OF STANDING COMMITTEE**

**SB 2017, as engrossed: Appropriations Committee (Rep. Timm, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2017 was placed on the Sixth order on the calendar.

Page 1, line 3, after "reenact" insert "subdivision a of subsection 3 of section 52-04-05 and"

Page 1, line 4, after "to" insert "unemployment compensation employer rates,"

Page 1, line 5, after the first "fund" insert a comma

Page 1, line 6, remove "and" and after "appropriation" insert "; to provide for retroactive application; and to declare an emergency"

Page 1, line 18, replace "2,250,356" with "2,000,356"

Page 1, line 19, replace "58,560,160" with "58,310,160"

Page 1, line 21, replace "2,250,356" with "2,000,356"

Page 2, line 2, replace "\$2,250,356" with "\$2,000,356"

Page 2, after line 5, insert:

**"SECTION 4. AMENDMENT.** Subdivision a of subsection 3 of section 52-04-05 of the North Dakota Century Code as amended in section 1 of House Bill No. 1471, as approved by the fifty-seventh legislative assembly, is amended and reenacted as follows:

3. a. Except as otherwise provided in this subsection, an employer's rate may not be less than the negative employer minimum rate for a calendar year unless the employer's account has been chargeable with benefits throughout the thirty-six-consecutive-calendar-month period ending on September thirtieth of the preceding calendar year. If an employer in construction services has not been subject to the law as required, that employer qualifies for a reduced rate if the account has been chargeable with benefits throughout the twenty-four-consecutive-calendar-month period ending September thirtieth of the preceding calendar year. If an employer in nonconstruction services has not been subject to the law as required,

the employer in nonconstruction services qualifies for a reduced rate if the account has been chargeable with benefits throughout the twelve-consecutive-calendar-month period ending September thirtieth of the preceding calendar year. During the building of the trust fund reserve, the rate assigned to an employer may not exceed one hundred thirty percent of the previous year's rate for that employer and an employer may not receive more than a ten percent decrease in that employer's rate from the previous year's rate, for the calendar years 2000, 2001, and 2002. However, this rate limitation provision for calendar years 2000, 2001, and 2002 does not apply to an experience-rated employer that was a new employer the previous year, a negative employer that was a positive employer the previous year, a positive employer that was a negative employer the previous year, an employer that has failed to file a report, a new employer, and an employer that chose to make payments in lieu of contributions. ~~During the building of the trust fund reserve for calendar years 2000, 2001, and 2002, a negative employer that was a negative employer the previous year may not make excess contributions under subsection 4 of section 52-04-06 to become a positive employer.~~ The executive director may provide any negative employer whose contributions paid into the trust fund are greater than the benefit charges against that employer's account, for a minimum of three consecutive years immediately preceding the computation date or subject to the law as required, with up to a thirty percent reduction to that employer's rate for any year if that employer has in place a plan approved by the bureau which addresses substantive changes to that employer's business operation and ensures that any rate reduction provided will not put the employer account back into a negative status."

Page 3, line 19, after "appropriated" insert "on a continuing basis"

Page 4, after line 2, insert:

**"SECTION 8. RETROACTIVE APPLICATION.** Section 4 of this Act is retroactive in application to January 1, 2000.

**SECTION 9. EMERGENCY.** Section 4 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**Senate Bill No. 2017 - Job Service North Dakota - House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$33,830,614	\$33,830,614		\$33,830,614
Operating expenses	13,420,143	13,420,143		13,420,143
Equipment	786,830	786,830		786,830
Capital improvements	453,545	453,545		453,545
Grants	7,818,672	7,818,672		7,818,672
Work Force 2000	<u>2,000,356</u>	<u>2,250,356</u>	(\$250,000)	<u>2,000,356</u>
Total all funds	\$58,310,160	\$58,560,160	(\$250,000)	\$58,310,160
Less estimated income	<u>56,309,804</u>	<u>56,309,804</u>		<u>56,309,804</u>
General fund	\$2,000,356	\$2,250,356	(\$250,000)	\$2,000,356
FTE	389.78	389.78	0.00	389.78

**Dept. 380 - Job Service North Dakota - Detail of House Changes**

	DECREASE FUNDING FOR WORK FORCE 2000 <sup>1</sup>	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Capital improvements		
Grants		
Work Force 2000	(\$250,000)	(\$250,000)

Total all funds	(\$250,000)	(\$250,000)
Less estimated income	_____	_____
General fund	(\$250,000)	(\$250,000)
FTE	0.00	0.00

<sup>1</sup> This amendment decreases funding for Work Force 2000 by \$250,000, from \$2,250,356, which represents the level of funding recommended in the Hoeven executive budget to \$2,000,356, which is the level of funding recommended in the Schafer executive budget. The proposed level of funding for Work Force 2000 for the 2001-03 biennium of \$2,000,356 represents an increase in funding from the general fund of \$750,356 from the 1999-2001 biennium level.

This amendment also amends subdivision a of subsection 3 of section 52-04-05 of the North Dakota Century Code as amended in Section 1 of House Bill No. 1471 to remove language relating to employer contributions.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2097, as engrossed:** Your conference committee (Sens. Fischer, Erbele, T. Mathern and Reps. Devlin, Tieman, Niemeier) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 758, adopt amendments as follows, and place SB 2097 on the Seventh order:

That the House recede from its amendments as printed on page 758 of the Senate Journal and pages 827 and 828 of the House Journal and that Engrossed Senate Bill No. 2097 be amended as follows:

Page 1, line 1, remove "to create and enact a new section to chapter 50-24.4 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to nursing home reporting requirements;" and replace "sections" with "subsection 1 of section"

Page 1, line 3, after "and" insert "section"

Page 1, line 4, replace "; to repeal sections 50-24.4-23 and 50-24.4-25 of the North" with a period

Page 1, remove lines 5 and 6

Page 1, line 8, replace "Section" with "Subsection 1 of section"

Page 1, remove line 10

Page 2, remove lines 19 through 31

Page 3, remove lines 1 and 2

Page 3, line 10, remove the overstrike over "~~If the department fails to set rates at least forty days~~"

Page 3, remove the overstrike over line 11

Page 3, line 12, remove the overstrike over "~~number of days by which the department was late in setting the rates~~" and insert immediately thereafter ", except when a facility fails to file a cost report by October first" and remove the overstrike over the period

Page 3, remove lines 13 through 18

ReNUMBER accordingly

Engrossed SB 2097 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2102:** Your conference committee (Sens. Lyson, Flakoll, Christenson and Reps. Severson, Delmore, Herbel) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 805 and place SB 2102 on the Seventh order.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2116, as engrossed:** Your conference committee (Sens. Traynor, Lyson, C. Nelson and Reps. Kretschmar, Grande, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 871--872, adopt amendments as follows, and place SB 2116 on the Seventh order:

That the House recede from its amendments as printed on pages 871 and 872 of the Senate Journal and page 928 of the House Journal and that Engrossed Senate Bill No. 2116 be amended as follows:

Page 1, line 8, remove the overstrike over "~~an infraction~~" and remove "a noncriminal offense"

Page 2, line 2, overstrike "1 or"

Page 2, line 3, after "dollars" insert "for a minor fourteen years of age or older who has been charged with an offense under subsection 2. The failure to post a required bond or pay an assessed fee by an individual found to have violated the ordinance or resolution is punishable as a contempt of court, except a minor may not be imprisoned for the contempt"

Page 2, line 4, replace "person" with "minor fourteen years of age or older" and remove "1 or"

Page 2, line 7, replace "under this section" with "of subsection 2"

Page 2, line 19, replace "under this section" with "of subsection 2"

Page 2, after line 26, insert:

"c. The failure to post bond or to pay an assessed fee is punishable as a contempt of court, except a minor may not be imprisoned for the contempt."

Page 2, line 28, overstrike "this section" and insert immediately thereafter "subsection 2"

Page 2, after line 31, insert:

"7. A person adjudged guilty of contempt for failure to pay a fee or fine may be sentenced by the court to a sanction or order designed to ensure compliance with the payment of the fee or fine or to an alternative sentence or sanction including community service."

Page 3, line 9, after "offense" insert "committed by a minor fourteen years of age or older"

Page 3, line 10, after "under" insert "subsection 2 of" and after "12.1-31-03" insert "or an equivalent local ordinance or resolution"

Page 3, line 12, overstrike "or"

Page 3, line 13, overstrike "and" and insert immediately thereafter "or"

"f. Is under the age of fourteen years and has purchased, possessed, smoked, or used tobacco or tobacco-related products in violation of subsection 2 of section 12.1-31-03; and"

Page 3, line 20, overstrike "f." and insert immediately thereafter "g."

Renumber accordingly

Engrossed SB 2116 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2187, as engrossed:** Your conference committee (Sens. Kilzer, Lee, T. Mathern and Reps. Porter, Dosch, Sandvig) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 853 and place SB 2187 on the Seventh order.

Engrossed SB 2187 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2197:** Your conference committee (Sens. Lee, Watne, D. Mathern and Reps. Severson, Grosz, Eckre) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 739-740, adopt amendments as follows, and place SB 2197 on the Seventh order:

That the House recede from its amendments as printed on pages 739 and 740 of the Senate Journal and pages 814 and 815 of the House Journal and that Senate Bill No. 2197 be amended as follows:

Page 1, line 1, after "11-07-04" insert "and section 44-02-05"

Page 1, line 2, after "commissioners" insert "and vacancies in boards of county commissioners"

Page 1, after line 20, insert:

**"SECTION 2. AMENDMENT.** Section 44-02-05 of the North Dakota Century Code is amended and reenacted as follows:

**44-02-05. Vacancy in board of county commissioners - How filled.** When a vacancy occurs in the board of county commissioners, the remaining members of the board, with the district judge ~~servng selected by the remaining county and auditor commissioners~~, immediately shall appoint some suitable person to fill the vacancy from the district in which the vacancy occurred. If a majority of the officers fails to agree upon a person to fill the vacancy, the county treasurer ~~shall or, if the county does not have an elected treasurer, another elective county officer must~~ be called in and shall act as an additional member of the board to fill the vacancy. The appointee holds office until the appointee's successor is elected at the next general election and qualified."

Renumber accordingly

SB 2197 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2226, as engrossed:** Your conference committee (Sens. Watne, Dever, C. Nelson and Reps. Klemm, Kingsbury, Mahoney) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 833 and place SB 2226 on the Seventh order.

Engrossed SB 2226 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2384, as engrossed:** Your conference committee (Sens. Watne, Lyson, C. Nelson and Reps. Wrangham, Brekke, Fairfield) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 855, adopt amendments as follows, and place SB 2384 on the Seventh order:

That the House recede from its amendments as printed on page 855 of the Senate Journal and pages 932 and 933 of the House Journal and that Engrossed Senate Bill No. 2384 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 14-09-22 and 50-25.1-11 of the North Dakota Century Code, relating to child abuse and neglect and to authorized disclosures of confidential records.

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

**SECTION 1. AMENDMENT.** Section 14-09-22 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

##### 14-09-22. Abuse or neglect of child - Penalty.

1. Except as provided in subsection 2, a parent, adult family or household member, guardian, or other custodian of any child, who willfully commits any of the following offenses is guilty of a class C felony except if the victim of an offense under subdivision a is under the age of six years in which case the offense is a class B felony:
  - a. Inflicts, or allows to be inflicted, upon the child, bodily injury, substantial bodily injury, or serious bodily injury as defined by section 12.1-01-04 or mental injury.
  - b. Fails to provide proper parental care or control, subsistence, education as required by law, or other care or control necessary for the child's physical, mental, or emotional health, or morals.

- c. Permits the child to be, or fails to exercise reasonable diligence in preventing the child from being, in a disreputable place or associating with vagrants or vicious or immoral persons.
  - d. Permits the child to engage in, or fails to exercise reasonable diligence in preventing the child from engaging in, an occupation forbidden by the laws of this state or an occupation injurious to the child's health or morals or the health or morals of others.
2. A person who provides care, supervision, education, or guidance for a child unaccompanied by the child's parent, adult family or household member, guardian, or custodian in exchange for money, goods, or other services and who while providing such services commits an offense under subdivision a of subsection 1 is guilty of a class B felony. Any such person who commits, allows to be committed, or conspires to commit, against the child, a sex offense as defined in chapter 12.1-20 is subject to the penalties provided in that chapter.

**SECTION 2. AMENDMENT.** Section 50-25.1-11 of the North Dakota Century Code is amended and reenacted as follows:

**50-25.1-11. Confidentiality of records - Authorized disclosures.** All reports made under this chapter, as well as any other information obtained, are confidential and must be made available to:

1. A physician who has before the physician a child whom the physician reasonably suspects may have been abused or neglected.
2. A person who is authorized to place a child in protective custody and has before the person a child whom the person reasonably suspects may have been abused or neglected and the person requires the information in order to determine whether to place ~~such~~ the child in protective custody.
3. Authorized staff of the department, appropriate county social service boards, and appropriate state and local child protection team members.
4. Any person who is the subject of a report; provided, however, that the identity of persons reporting under this chapter is protected.
5. Public officials and their authorized agents who require ~~such~~ the information in connection with the discharge of their official duties.
6. A court whenever ~~the court~~ determines that the information is necessary for the determination of an issue before the court.
7. A person engaged in a bona fide research purpose; provided, however, that no information identifying the subjects of a report is made available to the researcher unless the information is absolutely essential to the research purpose and the department gives prior approval.
8. A person who is identified in subsection 1 of section 50-25.1-03, and who has made a report of suspected child abuse or neglect, if the child is likely to or continues to come before the reporter in the reporter's official or professional capacity.
9. Parents or a legally appointed guardian of a child who is suspected of being, or having been, abused or neglected, provided the identity of persons making reports or supplying information under this chapter is protected. Unless the information is confidential under section 44-04-18.7, when a decision is made under section 50-25.1-05.1 that services are required to provide for the protection and treatment of an abused or neglected child, the department shall make a good-faith effort to provide written notice of the decision to persons identified in this subsection. The department shall consider any known domestic violence when providing notification under this section.

Renumber accordingly

Engrossed SB 2384 was placed on the Seventh order of business on the calendar.

**MOTION**

**REP. MONSON MOVED** that the absent member be excused, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, April 3, 2001, which motion prevailed.

The House stood adjourned pursuant to Representative Monson's motion.

**MARK L. JOHNSON, Chief Clerk**