

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

* * * * *

Bismarck, March 28, 2001

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

The prayer was offered by Reverend Father Joseph A. Okogba, St. Matthais Catholic Church, Windsor.

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

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 988, line 7, after "**as engrossed**" insert "**and amended**"

SEN. WATNE MOVED that the report be adopted, which motion prevailed.

MOTION

SEN. CHRISTMANN MOVED that HB 1341 and HCR 3045, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1468: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to nonresident hunting fees; to amend and reenact section 20.1-03-07.1 and subsections 2, 7, 8, 37, 38, and 39 of section 20.1-03-12 of the North Dakota Century Code, relating to nonresident hunting and fishing licenses and fees; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 27 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Klein; Krebsbach; Kringstad; Lee; Mutch; Nelson, G.; Nothing; Robinson; Solberg; Stenehjem; Tollefson; Traynor; Trenbeath; Wanzek; Wardner; Watne

NAYS: Andrist; Bercier; Christenson; Espgaard; Every; Heitkamp; Krauter; Kroepelin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Schobinger; Tallackson; Thane; Tomac; Urlacher

ABSENT AND NOT VOTING: Kilzer

Engrossed HB 1468, as amended, passed, the title was agreed to, but the emergency clause lost for lack of two-thirds majority.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT
CALENDAR

HCR 3027: A concurrent resolution urging Congress to correct the inequities of international trade policy.

HCR 3048: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of creating a State Department of Health Division of Women's Health and an Advisory Committee on Women's Health.

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

HCR 3027 and HCR 3048 were declared adopted on a voice vote, and the titles were agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. STENEHJEM MOVED that the Senate do concur in the House amendments to Engrossed SB 2027 as printed on SJ page 884, which motion prevailed on a voice vote.

Engrossed SB 2027, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act relating to a pilot project involving county treasurers administering motor vehicle registration programs; to provide for a legislative council study; and to provide an expiration date.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Solberg; Stenehjem; Tallackson; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Krebsbach; Schobinger; Thane

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2027 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do concur in the House amendments to SB 2045 as printed on SJ page 852, which motion prevailed on a voice vote.

SB 2045, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to amend and reenact sections 14-05-24 and 14-09-06.4 of the North Dakota Century Code, relating to the division of property in divorce proceedings and immunity for guardians ad litem and child custody investigators.

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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Engrossed SB 2045 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do concur in the House amendments to SB 2058 as printed on SJ page 937, which motion prevailed on a voice vote.

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

SECOND READING OF SENATE BILL

SB 2058: A BILL for an Act to amend and reenact section 57-01-13 of the North Dakota Century Code, relating to the collection of delinquent telecommunications carriers tax from nonresident taxpayers and service of payment requests to delinquent nonresident taxpayers before assignment to a collection or credit agency.

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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Engrossed SB 2058 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do concur in the House amendments to Reengrossed SB 2105 as printed on SJ page 852, which motion prevailed on a voice vote.

Reengrossed SB 2105, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2105: A BILL for an Act to create and enact a new section to chapter 27-21 of the North Dakota Century Code, relating to the files and records of the division of juvenile services; and to amend and reenact section 27-20-51.1 of the North Dakota Century Code, relating to disclosure of information needed to apprehend juveniles.

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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2105 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FISCHER MOVED that the Senate do concur in the House amendments to Engrossed SB 2120 as printed on SJ page 815, which motion prevailed on a voice vote.

Engrossed SB 2120, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2120: A BILL for an Act to amend and reenact subsection 7 of section 38-08-09.4 and section 38-08-09.5 of the North Dakota Century Code, relating to dissolution of units and to the industrial commission's oversight of the creation of units for the further development of oil and gas and changing ratification requirements for these units.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter;

Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2120 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do concur in the House amendments to SB 2135 as printed on SJ pages 937-938, which motion prevailed on a voice vote.

SB 2135, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2135: A BILL for an Act to amend and reenact section 12.1-32-07 and subsection 15 of section 54-23.3-04 of the North Dakota Century Code, relating to probation supervision costs and fees, powers and duties of the director of the department of corrections and rehabilitation, and civil collection of supervision costs and fees.

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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Engrossed SB 2135 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to Engrossed SB 2142 as printed on SJ page 815, which motion prevailed on a voice vote.

Engrossed SB 2142, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2142: A BILL for an Act to amend and reenact subsections 10 and 11 of section 10-19.1-01, subsection 6 of section 10-19.1-10, subsection 2 of section 10-19.1-19, subsections 1 and 3 of section 10-19.1-31, subsection 2 of section 10-19.1-51, subsection 4 of section 10-19.1-61.1, subsection 3 of section 10-19.1-64, subsections 1 and 2 of section 10-19.1-83, subsections 1 and 3 of section 10-19.1-87, subsection 7 of section 10-19.1-91, subsections 1 and 3 of section 10-19.1-98, section 10-19.1-100, subsection 2 of section 10-31-13, subsection 8 of section 10-31-13.1, subsections 9, 15, and 29 of section 10-32-02, subsection 2 of section 10-32-07, subsection 1 of section 10-32-23, subsection 4 of section 10-32-30, subsection 7 of section 10-32-32, subsection 2 of section 10-32-35, subsection 2 of section 10-32-42, subsection 1 of section 10-32-43, sections 10-32-44 and 10-32-50, subsection 1 of section 10-32-54, subsection 1 of section 10-32-59, section 10-32-62, subsection 1 of section 10-32-68, subsection 1 of section 10-32-69, section 10-32-70, subsection 1 of section 10-32-76, subsection 3 of section 10-32-78, subsection 4 of section 10-32-80, section 10-32-82, subsection 5 of section 10-32-86, subsection 2 of section 10-32-87, subsection 1 of section 10-32-89, subsection 7 of section 10-32-99, subsections 1, 2, and 3 of section 10-32-102, sections 10-32-104 and 10-32-109, subsections 2 and 3 of section 10-32-119, subsection 1 of section 10-32-131, and subdivision t of subsection 1 of section 10-32-150 of the North Dakota Century Code, relating to business corporations, professional corporations, and limited liability companies.

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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2142 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. COOK MOVED that the Senate do concur in the House amendments to Engrossed SB 2173 as printed on SJ pages 806-807, which motion prevailed on a voice vote.

Engrossed SB 2173, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2173: A BILL for an Act to create and enact a new section to chapter 11-18 of the North Dakota Century Code, relating to creation of a document preservation fund; to amend and reenact section 11-18-05 of the North Dakota Century Code, relating to fees charged by the register of deeds; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Christenson; Christmann; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Polovitz; Robinson; Schobinger; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; Bowman; Cook; Dever; Every; Krauter; Mathern, D.; Nichols; O'Connell; Solberg; Stenehjem

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2173 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to Engrossed SB 2192 as printed on SJ pages 815-816, which motion prevailed on a voice vote.

Engrossed SB 2192, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2192: A BILL for an Act to create and enact a new subsection to section 26.1-38.1-05 of the North Dakota Century Code, relating to the powers and duties of a life and health insurance guaranty association; and to amend and reenact subsection 3 of section 26.1-38.1-01 of the North Dakota Century Code, relating to equity indexed life and annuity insurance contracts.

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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger;

Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Engrossed SB 2192 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2195 as printed on SJ page 885, which motion prevailed on a voice vote.

Engrossed SB 2195, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to provide legislative intent relating to the appropriation for the tourism division of the department of commerce and funding for a grant to the North Dakota cowboy hall of fame.

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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2195 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do concur in the House amendments to Engrossed SB 2205 as printed on SJ page 833, which motion prevailed on a voice vote.

Engrossed SB 2205, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2205: A BILL for an Act to amend and reenact sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to determination of the trigger price that determines application of oil extraction tax rates and exemptions; and to provide an effective date.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2205 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to Engrossed SB 2208 as printed on SJ page 816, which motion prevailed on a voice vote.

Engrossed SB 2208, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2208: A BILL for an Act to amend and reenact section 43-23-12.2 of the North Dakota Century Code, relating to the duties and liabilities of real estate brokerage firms and clients.

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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2208 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to Engrossed SB 2210 as printed on SJ page 816, which motion prevailed on a voice vote.

Engrossed SB 2210, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2210: A BILL for an Act to create and enact a new section to chapter 26.1-36.4 of the North Dakota Century Code, relating to health insurance utilization reports.

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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2210 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to Engrossed SB 2246 as printed on SJ page 853, which motion prevailed on a voice vote.

Engrossed SB 2246, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2246: A BILL for an Act to create and enact a new section to chapter 26.1-33 of the North Dakota Century Code, relating to the duties of a trustee of a life insurance trust.

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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger;

Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2246 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do concur in the House amendments to Engrossed SB 2257 as printed on SJ page 853, which motion prevailed on a voice vote.

Engrossed SB 2257, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2257: A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm at a public gathering.

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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2257 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. STENEHJEM MOVED that the Senate do concur in the House amendments to SB 2273 as printed on SJ page 885, which motion prevailed on a voice vote.

SB 2273, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2273: A BILL for an Act to create and enact thirteen new sections to chapter 39-22 of the North Dakota Century Code, relating to the licensing of motor vehicle dealers; to amend and reenact sections 39-05-17, 39-22-04, 39-22-05.1, 39-22-06, and 39-22-11 of the North Dakota Century Code, relating to vehicle title transfer requirements and motor vehicle dealer licensing; to repeal sections 39-22-02, 39-22-07, and 39-22-08 of the North Dakota Century Code, relating to motor vehicle dealer licensing; to provide a penalty; and to provide an effective date.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Mutch

ABSENT AND NOT VOTING: Kilzer

Engrossed SB 2273 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do concur in the House amendments to Engrossed SB 2281 as printed on SJ page 854, which motion prevailed on a voice vote.

Engrossed SB 2281, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2281: A BILL for an Act to create and enact a new subsection to section 14-07.1-02 of the North Dakota Century Code, relating to the issuance of a protection order based upon actions occurring outside the state.

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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2281 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. STENEHJEM MOVED that the Senate do concur in the House amendments to SB 2289 as printed on SJ page 885, which motion prevailed on a voice vote.

SB 2289, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2289: A BILL for an Act to create and enact a new subsection to section 39-01-15 of the North Dakota Century Code, relating to parking spaces for mobility-impaired individuals; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Engrossed SB 2289 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do concur in the House amendments to Reengrossed SB 2299 as printed on SJ page 872, which motion prevailed on a voice vote.

Reengrossed SB 2299, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2299: A BILL for an Act to create and enact a new subdivision to subsection 7 of section 57-60-01 of the North Dakota Century Code, relating to coal conversion facility gross receipts; to amend and reenact sections 49-06-02 and 57-39.2-02.1, subsection 44 of section 57-39.2-04, section 57-39.2-26.1, subsection 9 of section 57-40.2-01, section 57-40.2-02.1, subdivision b of subsection 3 of section 57-60-01, and sections 57-60-02, 57-60-14, 57-61-01, 57-61-01.7, and 57-62-02 of the North Dakota Century Code, relating to sales and use taxes on coal, the coal severance tax, allocation of coal

development funds, the privilege tax on coal conversion facilities, allocation of the privilege tax on coal conversion facilities, and the expiration date for certain severance tax reductions; to repeal section 57-61-01.8 of the North Dakota Century Code, relating to a coal severance tax reduction for coal burned in small boilers; to provide a continuing appropriation; and to provide an effective date.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2299 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2307 as printed on SJ pages 945-946, which motion prevailed on a voice vote.

Engrossed SB 2307, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to require the department of human services and developmental disabilities services providers to make recommendations regarding a statewide reimbursement system and to report to the legislative council.

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; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2307 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. STENEHJEM MOVED that the Senate do concur in the House amendments to Engrossed SB 2309 as printed on SJ page 885, which motion prevailed on a voice vote.

Engrossed SB 2309, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to amend and reenact section 8-02-08 of the North Dakota Century Code, relating to safety standards for passenger contract carriers; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger;

Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kilzer

Reengrossed SB 2309 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to Engrossed SB 2318 as printed on SJ page 816, which motion prevailed on a voice vote.

Engrossed SB 2318, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2318: A BILL for an Act to provide for property service contracts; to amend and reenact sections 26.1-40-18 and 26.1-40-22 of the North Dakota Century Code, relating to automobile warranties; and to repeal sections 26.1-40-19, 26.1-40-20, and 26.1-40-21 of the North Dakota Century Code, relating to automobile warranty insurance.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2318 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do concur in the House amendments to Engrossed SB 2386 as printed on SJ page 970, which motion prevailed on a voice vote.

Engrossed SB 2386, as amended, was placed on the Eleventh order of business.

SECOND READING OF SENATE BILL

SB 2386: A BILL for an Act to create and enact a new subsection to section 57-38-30.3 and chapter 57-38.6 of the North Dakota Century Code, relating to an agricultural cooperative investment income tax credit; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2386 passed and the title was agreed to.

MOTION

SEN. CHRISTMANN MOVED that SB 2118, SB 2181, SB 2365, SB 2455, HB 1226, and HB 1283 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do not concur in the House amendments to Engrossed SB 2118 as printed on SJ page 833 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2118: Sens. Dever, Trenbeath, Lyson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2181 as printed on SJ page 853 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2181: Sens. Stenehjem, Wardner, Kroeplin.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do not concur in the House amendments to Engrossed SB 2365 as printed on SJ page 854 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2365: Sens. Trenbeath, Dever, C. Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2455 as printed on SJ page 971 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2455: Sens. Wardner, Christmann, Kroeplin.

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 Conference Committee on Engrossed HB 1226, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1226: Sens. Klein, Espegard, D. Mathern.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. FREBORG MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1283, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1283: Sens. Cook, Flakoll, O'Connell.

COMMUNICATION FROM GOVERNOR JOHN HOEVEN

This is to inform you that on March 28, 2001, I have signed the following: SB 2055, SB 2074, SB 2129, SB 2169, SB 2175, SB 2176, SB 2196, SB 2234, SB 2235, SB 2256, SB 2288, SB 2327, SB 2330, SB 2344, SB 2375, SB 2393, and SB 2426.

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

MR. SPEAKER: The President has signed: HB 1100, HB 1106, HB 1125, HB 1151, HB 1174, HB 1181, HB 1203, HB 1242, HB 1262, HB 1274, HB 1360, HB 1427, HCR 3030, HCR 3037.

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 2081, SB 2163, SB 2216, SB 2290, SB 2383, SCR 4001, SCR 4014, SCR 4022, SCR 4027, SCR 4032, SCR 4033, SCR 4034, SCR 4042.

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 2091, SB 2143, SB 2180, SB 2190, SB 2252, SB 2298, SCR 4003, SCR 4004, SCR 4005, SCR 4006, SCR 4024, SCR 4029, SCR 4031, SCR 4045.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HB 1032, HB 1216, HB 1259, HB 1282, HB 1406, HB 1417, HB 1431.

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 1115.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1435.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1462.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3015, HCR 3039.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1305.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate has failed to pass: HCR 3019, HCR 3041.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2118, SB 2181, SB 2365, and SB 2455 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2118: Sens. Dever; Trenbeath; Lyson

SB 2181: Sens. Stenehjem; Wardner; Kroeplin

SB 2365: Sens. Trenbeath; Dever; C. Nelson

SB 2455: Sens. Wardner; Christmann; Kroeplin

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 1226: Sens. Klein; Espegard; D. Mathern

HB 1283: Sens. Cook; Flakoll; O'Connell

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has passed unchanged: SB 2053.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2088, SB 2117, SB 2244, SB 2345.

HOUSE AMENDMENTS TO SENATE BILL NO. 2088

Page 1, line 1, after "39-06.1-06" insert "and a new section to chapter 39-06.2"

Page 1, line 2, after "offenses" insert "and medical qualifications"

Page 1, line 3, replace "sections" with "section" and after the first comma insert "subsection 8 of section 39-06.1-06, sections"

Page 2, after line 4, insert:

"SECTION 2. AMENDMENT. Subsection 8 of section 39-06.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8. On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:
- | Miles per hour over lawful speed limit | Fee |
|--|---|
| 1 - 5 | \$ 10 plus \$1/each mph over limit |
| 6 - 10 | \$ 15 plus \$2/each mph over 5 mph over limit |
| 11 - 15 | \$ 25 plus \$3/each mph over 10 mph over limit |
| 16 - 20 | \$ 40 plus \$3/each mph over 15 mph over limit |
| 46 <u>21</u> - 25 | \$ 40 <u>60</u> plus \$3/each mph over 15 mph over limit |

26 - 35	\$ 70 90 plus \$3/each mph over 25 mph over limit
36 + - 45	\$ 400 120 plus \$5/each mph over 35 mph over limit
46 +	\$170 plus \$5/each mph over 45 mph over limit"

Page 10, overstrike line 6

Page 10, line 7, overstrike "4" and insert immediately thereafter "2"

Page 10, line 8, overstrike "25" and insert immediately thereafter "20" and overstrike "7" and insert immediately thereafter "4"

Page 10, after line 8, insert:

"21 - 25 6"

Page 10, line 9, overstrike "10" and insert immediately thereafter "9"

Page 10, line 10, overstrike the plus sign and insert immediately thereafter "- 45"

Page 10, after line 10, insert:

"46 + 15"

Page 14, after line 25, insert:

"SECTION 8. A new section to chapter 39-06.2 of the North Dakota Century Code is created and enacted as follows:

Medical qualifications exemption.If a motor vehicle operator is operating a commercial motor vehicle and is not required to have a commercial driver's license, the motor vehicle operator is exempt from 49 CFR 391.41."

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2117

Page 1, line 4, after "reenact" insert "subsection 1 of section 6-09-35,"

Page 1, after line 9, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 6-09-35 of the North Dakota Century Code is amended and reenacted as follows:

1. Commercial or financial information of a customer, whether obtained directly or indirectly, except for routine credit inquiries or unless required by due legal process. As used in this subsection, "customer" means any person who has transacted or is transacting business with, or has used or is using the services of, the Bank of North Dakota, or for whom the Bank of North Dakota has acted as a fiduciary with respect to trust property."

Page 2, line 18, replace "which has" with "who have"

Page 2, line 19, replace "designated" with "appointed and delegated"

Page 5, line 13, replace "shall" with "may"

ReNUMBER accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2244

Page 1, after line 18, insert:

- "5. The boards of county commissioners of two or more counties may enter an agreement to elect a multicounty jurisdiction state's attorney. A candidate for election to the office of multicounty jurisdiction state's attorney must be a qualified elector of the multicounty jurisdiction at the time of the election."

ReNUMBER accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2345

In lieu of the amendments to Senate Bill No. 2345 as printed on page 985 of the House Journal, Senate Bill No. 2345 is amended as follows:

Page 1, line 7, overstrike "nine", remove "sixteen", and overstrike "and"

Page 1, line 8, overstrike "one-half consecutive day" and insert immediately thereafter "muzzleloading firearm"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has failed to pass: SCR 4036.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)
MR. PRESIDENT: The House has amended and subsequently failed: SB 2388, SB 2414.

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 1105, HB 1270, HCR 3034, and HCR 3066.

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 1457 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1457: Reps. Ruby; Severson; Lemieux

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 1141, HB 1197, HB 1261, HB 1267, HB 1269, HB 1385, HB 1416, and HB 1455 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1141: Reps. R. Kelsch; Haas; Hanson

HB 1197: Reps. Timm; Wald; Huether

HB 1261: Reps. Hawken; Ruby; Schmidt

HB 1267: Reps. DeKrey; Kretschmar; Mahoney

HB 1269: Reps. Rennerfeldt; DeKrey; S. Kelsh

HB 1385: Reps. Weisz; Galvin; Sandvig

HB 1416: Reps. Kretschmar; Grande; Mahoney

HB 1455: Reps. DeKrey; Devlin; Eckre

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 2201: Reps. Rennerfeldt; Brekke; Winrich

SB 2226: Reps. Klemin; Kingsbury; Mahoney

MOTION

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

MOTION

SEN. CHRISTMANN MOVED that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, February 29, 2001, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1001, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1001 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "1,984,329" with "2,127,065"

Page 1, line 14, replace "10,800" with "10,800"

Page 1, remove line 15

Page 1, line 16, replace "2,373,699" with "2,366,435"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1001 - Governor's Office - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$2,127,065	\$1,984,329	\$142,736	\$2,127,065
Operating expenses	224,370	214,370		214,370
Equipment	9,600	4,200		4,200
Contingency	10,000	10,000		10,000
Roughrider awards	10,800	10,800		10,800
Governor's school initiative		150,000	(150,000)	
Total all funds	\$2,381,835	\$2,373,699	(\$7,264)	\$2,366,435
Less estimated income				
General fund	\$2,381,835	\$2,373,699	(\$7,264)	\$2,366,435
FTE	18.00	17.00	1.00	18.00

Dept. 101 - Governor's Office - Detail of Senate Changes

	ADD POLICY POSITION ¹	REMOVE FUNDING FOR SCHOOL INITIATIVE ²	TOTAL SENATE CHANGES
Salaries and wages	\$142,736		\$142,736
Operating expenses			
Equipment			
Contingency			
Roughrider awards			
Governor's school initiative		(\$150,000)	(150,000)
Total all funds	\$142,736	(\$150,000)	(\$7,264)
Less estimated income			
General fund	\$142,736	(\$150,000)	(\$7,264)
FTE	1.00	0.00	1.00

¹ This amendment restores funding removed by the House for a new policy position that was included in the executive budget. The related operating and equipment funding of \$15,400 removed by the House is not being restored.

² Funding of \$150,000 from the general fund for the Governor's school initiative included in the House version is removed. Governor Hoeven had recommended \$505,192 from the general fund for this initiative.

REPORT OF STANDING COMMITTEE

HB 1002, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1002 was placed on the Sixth order on the calendar.

Page 1, line 2, after "reenact" insert "subsection 2 of section 54-05.1-03 and"

Page 1, line 3, after "to" insert "legislative lobbying expenditure reports and"

Page 2, after line 2, insert:

"SECTION 2. AMENDMENT. Subsection 2 of section 54-05.1-03 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. Each person ~~se~~ registering to act as a lobbyist shall ~~file~~, on or before August first following the expiration of the registration period, ~~file~~ with the secretary of state a detailed report. The report must include a statement as to each expenditure, if any, of ~~twenty-five~~ fifty dollars or more expended on any single occasion during the legislative session or the interim, as the case may be, on any individual in carrying out the lobbyist's work or include a statement that no reportable expenditures were made during the reporting period. A state official or agency may not require reporting of lobbyist expenditures other than is required under this subsection. The secretary of state shall provide a prescribed form for reporting pursuant to this chapter. The secretary of state shall charge and collect fees for late filing of the detailed expenditure report as follows:

- a. Within sixty days after the date provided in this subsection for filing the detailed expenditure report, twenty-five dollars;
- b. Thereafter, fifty dollars; and

- c. If any currently registered lobbyist fails to file a detailed expenditure report and pay any late fee by October first, the lobbyist's registration is automatically revoked. The lobbyist's registration may be reinstated if the lobbyist thereafter files the detailed expenditure report and pays any outstanding late fee."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Dept. 108 - Secretary of State

SENATE - North Dakota Century Code Section 54-05.1-03 is amended regarding lobbying-related expenditures that must be reported to the Secretary of State.

REPORT OF STANDING COMMITTEE

HB 1011: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1011 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1014, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1014 was placed on the Sixth order on the calendar.

Page 1, line 7, after the second "of" insert "the committee on"

Page 1, line 8, after "advocacy" insert "and related"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1014 - Protection and Advocacy Project - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Protection and advocacy services	\$2,574,768	\$2,948,096		\$2,948,096
Total all funds	\$2,574,768	\$2,948,096	\$0	\$2,948,096
Less estimated income	<u>1,693,022</u>	<u>2,171,548</u>		<u>2,171,548</u>
General fund	\$881,746	\$776,548	\$0	\$776,548
FTE	22.00	23.50	1.00	24.50

Dept. 360 - Protection and Advocacy Project - Detail of Senate Changes

	AUTHORIZE DISABILITIES ADVOCATE POSITION ¹	TOTAL SENATE CHANGES
Protection and advocacy services		
Total all funds	\$0	\$0
Less estimated income		
General fund	\$0	\$0
FTE	1.00	1.00

¹ Authorizes 1 FTE disabilities advocate position. This position is funded from and will be responsible for implementation of the Social Security Administration grant program. Increased spending authority of \$233,000 from the Social Security Administration is included in House Bill No. 1014 as amended and passed by the House.

REPORT OF STANDING COMMITTEE

HB 1016: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1016 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1017: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1017 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1018: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1018 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1021, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1021 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1020, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1020 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "4,735,223" with "4,717,780"

Page 1, line 17, replace "1,381,401" with "1,398,844"

Page 1, line 19, replace "5,584,946" with "5,614,946"

Page 1, line 20, replace "7,039,402" with "7,009,402"

Page 1, after line 20, insert:

"SECTION 2. SPECIAL ROAD FUND. The amount of \$30,000, or such lesser amount as may be available, included in the Lewis and Clark bicentennial and estimated income line items in section 1 of this Act is from the special road fund and must be used for roadway and parking lot improvements at the Fort Clark state historic site."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1020 - State Historical Society - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$4,717,780	\$4,735,223	(\$17,443)	\$4,717,780
Operating expenses	1,129,334	1,129,334		1,129,334
Equipment	185,744	185,744		185,744
Capital improvements	1,159,200	1,159,200		1,159,200
Grants	485,559	485,559		485,559
Capital improvements - Fort Buford	3,543,160	3,543,160		3,543,160
Yellowstone-Missouri-Fort Union Commission	4,727	4,727		4,727
Lewis and Clark Bicentennial	1,398,844	1,381,401	17,443	1,398,844
Total all funds	\$12,624,348	\$12,624,348	\$0	\$12,624,348
Less estimated income	5,584,946	5,584,946	30,000	5,614,946
General fund	\$7,039,402	\$7,039,402	(\$30,000)	\$7,009,402
FTE	56.00	55.00	1.00	56.00

Dept. 701 - State Historical Society - Detail of Senate Changes

FUNDING SOURCE	CHANGE FOR FORT CLARK	RESTORE	TOTAL
----------------	-----------------------	---------	-------

	ROADWAY PROJECT ¹	NEW FTE POSITION ²	SENATE CHANGES
Salaries and wages		(\$17,443)	(\$17,443)
Operating expenses			
Equipment			
Capital improvements			
Grants			
Capital improvements - Fort Buford			
Yellowstone-Missouri-Fort Union Commission			
Lewis and Clark Bicentennial		17,443	17,443
Total all funds	\$0	\$0	\$0
Less estimated income	<u>30,000</u>		<u>30,000</u>
General fund	(\$30,000)	\$0	(\$30,000)
FTE	0.00	1.00	1.00

¹ The executive recommendation and the House version include \$75,000 from the general fund for Fort Clark roadway and parking lot improvements (included in the Lewis and Clark line item). This amendment provides that 40 percent of the cost of the project will be funded from the **special road fund**.

² The House transferred \$17,443 from the Lewis and Clark line item to salaries and wages, removed 1 FTE historic site supervisor II position included in the Lewis and Clark line item, and directed the State Historical Society to use the \$17,443 allocated to the position to increase the funding available for the department's historical architect position. The Senate amendment restores the historic site supervisor II position and transfers the related funding from salaries and wages to the Lewis and Clark Bicentennial line item, as included in the Schafer and Hoeven budget recommendations.

REPORT OF STANDING COMMITTEE

HB 1022, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1022 was placed on the Sixth order on the calendar.

Page 1, after line 14, insert:
 "Grants 100,000"

Page 1, line 15, replace "1,405,863" with "755,863"

Page 1, line 16, replace "5,710,778" with "5,160,778"

Page 1, line 18, replace "5,347,778" with "4,797,778"

Page 1, line 21, replace "\$750,000" with "\$100,000"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1022 - Department of Tourism - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$1,039,100	\$1,039,100		\$1,039,100
Operating expenses	3,220,437	3,250,437		3,250,437
Equipment	15,378	15,378		15,378
Grants	30,000		\$100,000	100,000
Lewis and Clark Bicentennial	<u>655,863</u>	<u>1,405,863</u>	<u>(650,000)</u>	<u>755,863</u>
Total all funds	\$4,960,778	\$5,710,778	(\$550,000)	\$5,160,778
Less estimated income	<u>363,000</u>	<u>363,000</u>		<u>363,000</u>
General fund	\$4,597,778	\$5,347,778	(\$550,000)	\$4,797,778
FTE	11.00	11.00	0.00	11.00

Dept. 740 - Department of Tourism - Detail of Senate Changes

	ADD GRANT FOR COWBOY HALL OF FAME	REDUCE PROPOSED INCREASE FOR LEWIS AND CLARK ¹	TOTAL SENATE CHANGES
Salaries and wages			
Operating expenses			
Equipment			
Grants	\$100,000		\$100,000
Lewis and Clark Bicentennial		<u>(650,000)</u>	<u>(650,000)</u>
Total all funds	\$100,000	(\$650,000)	(\$550,000)

Less estimated income			
General fund	\$100,000	(\$650,000)	(\$550,000)
FTE	0.00	0.00	0.00

¹ The House version increased the Schafer executive recommendation by \$750,000 for marketing relating to the Lewis and Clark Bicentennial. The Senate version reduces the House version by \$650,000, to provide \$100,000 more than the Schafer executive recommendation for Lewis and Clark targeted marketing.

REPORT OF STANDING COMMITTEE

HB 1024, as reengrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1024 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "amend and reenact section 3 of chapter 548 of the 1999 Session" with "authorize and provide an appropriation for additional full-time equivalent positions for the workers compensation bureau; to authorize and provide an appropriation for the issuance of bonds and use of bond proceeds; to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to the creation of a building maintenance account; and to amend and reenact section 65-02-03.2 of the North Dakota Century Code, relating to compensation of workers compensation board members"

Page 1, remove line 3

Page 1, line 4, remove "and to provide for retroactive application"

Page 1, remove lines 11 through 14

Page 1, line 16, replace "**AMENDMENT.** Section 3 of chapter 548 of the 1999 Session Laws is" with "**NORTH DAKOTA WORKERS COMPENSATION BUREAU FULL-TIME EQUIVALENT EMPLOYEE POSITIONS AUTHORIZATION - APPROPRIATION - REPORT TO BUDGET SECTION.** The North Dakota workers compensation board of directors may authorize the workers compensation bureau to hire, upon a determination that employees are needed to facilitate the economic and efficient administration of the bureau, up to ten full-time equivalent employee positions in addition to the full-time equivalent employee positions authorized in section 1 of this Act for the biennium beginning July 1, 2001, and ending June 30, 2003. There is appropriated out of any moneys in the workers' compensation fund, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the workers compensation bureau for the purpose of providing wages, salaries, and benefits for any additional full-time equivalent positions authorized under this section. The workers compensation board of directors shall report to the budget section of the legislative council on any additional full-time equivalent employee positions and related funding authorized.

SECTION 3. PROJECT AUTHORIZATION. The industrial commission, acting as the North Dakota building authority, may, at the request of the workers compensation board of directors, arrange for funding of the project authorized in this section, declared to be in the public interest, through the issuance of evidences of indebtedness under chapter 54-17.2, during the biennium beginning July 1, 2001, and ending June 30, 2003. The proceeds of the evidences of indebtedness and other available funds are appropriated during the period beginning July 1, 2001, and ending July 31, 2003, for the following project:

Workers compensation bureau	Office building	\$14,000,000
-----------------------------	-----------------	--------------

The industrial commission may issue evidences of indebtedness in the principal amount of \$14,000,000 plus costs of issuance, capitalized interest, and any reasonable required reserves under this section with the condition that lease rental payments need not begin until July 1, 2003. This authority of the industrial commission to issue evidences of indebtedness ends June 30, 2003, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered before that date.

SECTION 4. BOND ISSUANCE REPAYMENT RESPONSIBILITY. A total of \$14,000,000 in principal amount plus interest must be made available by the workers compensation bureau from non-general fund sources to be appropriated to the industrial commission to retire the evidences of indebtedness issued for the project costs associated with the construction of the project authorized by this Act.

SECTION 5. LEGISLATIVE INTENT - WORKERS COMPENSATION BUREAU BUILDING - OTHER STATE AGENCIES LEASING. It is the intent of the legislative assembly that if a new facility is built to house the operations of the workers compensation bureau that the facility be built to include rental space for other state agencies and that the workers compensation bureau work with the office of management and budget to identify which agencies will lease space in the workers compensation bureau building and report to the budget section of the legislative council on plans for leasing to other agencies. The bureau shall have exclusive responsibility for setting and collecting rental amounts and for the maintenance and control of the building and its grounds.

SECTION 6. A new section to chapter 65-02 of the North Dakota Century Code is created and enacted as follows:

Building maintenance account - Continuing appropriation. There is a building maintenance account within the workers' compensation fund, to which the workers compensation bureau shall deposit all building rental proceeds if the workers compensation bureau builds a building that includes rental space for other state entities. The moneys in the account are appropriated on a continuing basis to the workers compensation bureau to pay bond principal and interest payments, operating, maintenance, repair, and payments in lieu of taxes expenses of the building and grounds. This account may be used only for the purposes identified in this section. The workers compensation bureau may either hire or contract for building maintenance and repair services anticipated by this section. The bureau shall report to the budget section of the legislative council on a biennial basis on all revenues deposited into this account and expenditures made from the account.

SECTION 7. AMENDMENT. Section 65-02-03.2 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-02-03.2. Compensation of board members. A board member is entitled to receive compensation ~~in the amount of sixty two dollars and fifty cents per day~~ as determined by the board for days spent in attendance at board meetings or other business as approved by the board. A board member is entitled to reimbursement for mileage and expenses as provided for state officers."

Page 1, remove lines 17 through 24

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1024 - Workers Compensation Bureau - Senate Action

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$17,854,134	\$20,348,251	(\$20,348,251)	
Operating expenses	7,373,732	8,114,732	(8,114,732)	
Equipment	1,354,057	1,418,357	(1,418,357)	
Safety partnership grants	630,000	1,260,000	(1,260,000)	
Workers Compensation Bureau			45,641,340	\$45,641,340
Total all funds	\$27,211,923	\$31,141,340	\$14,500,000	\$45,641,340
Less estimated income	<u>27,211,923</u>	<u>31,141,340</u>	<u>14,500,000</u>	<u>45,641,340</u>
General fund	\$0	\$0	\$0	\$0
FTE	191.00	218.00	0.00	218.00

Dept. 485 - Workers Compensation Bureau - Detail of Senate Changes

	CONSOLIDATE FUNDING INTO ONE LINE ITEM	PROVIDE FUNDING FOR ADDITIONAL FULL-TIME EQUIVALENT POSITIONS 1	PROVIDE FUNDING FOR CONSTRUCTION BONDING PROCEEDS 2	TOTAL SENATE CHANGES
Salaries and wages	(\$20,348,251)			(\$20,348,251)
Operating expenses	(8,114,732)			(8,114,732)
Equipment	(1,418,357)			(1,418,357)
Safety partnership grants	(1,260,000)			(1,260,000)
Workers Compensation Bureau	31,141,340	\$500,000	\$14,000,000	45,641,340
Total all funds	\$0	\$500,000	\$14,000,000	\$14,500,000

Less estimated income		<u>500,000</u>	<u>14,000,000</u>	<u>14,500,000</u>
General fund	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00

¹ This amendment adds a section that authorizes the Workers Compensation Board of Directors to allow the Workers Compensation Bureau to hire upon a determination that positions are needed to facilitate the economic and efficient administration of the bureau up to 10 FTE positions in addition to the FTE positions authorized by the 2001 Legislative Assembly and provides a special funds appropriation of \$500,000 for salaries, wages, and benefits for any additional FTE positions hired under this section.

² This amendment adds a section that allows the Industrial Commission at the request of the Workers Compensation Board of Directors to issue and sell bonds for the purpose of financing the purchase of land and the construction of a new facility to house bureau operations and provides an appropriation to the Workers Compensation Bureau use of the bond proceeds.

This amendment also:

- Adds a section of legislative intent that if a new facility is built to house the operations of the Workers Compensation Bureau, the facility be built to include rental space for other state agencies.
- Creates a new section to the North Dakota Century Code (NDCC) that establishes a building maintenance account in the workers' compensation fund to be used for deposit of all rental proceeds and for payment of all building operation, maintenance, and financing costs.
- Amends NDCC Section 65-02-03.2 to allow the Workers Compensation Board of Directors to set compensation for board members.

REPORT OF STANDING COMMITTEE

HB 1055: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1055 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1293, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1293 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "six" with "seven"

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

Page 2, line 8, replace "**Technical assistance.** After the presentation" with "**Review of test questions.** The superintendent of public instruction shall require that the entity developing a test to be administered under section 1 of this Act not include questions that might be deemed personal to a student or to the student's family and that the entity developing the test not include questions requiring responses that might be deemed personal to a student or to the student's family. Before a test is finalized for use in this state, the superintendent shall require that the test be reviewed by a standards alignment committee appointed by the superintendent to ensure that the test meets the requirements of this section."

Page 2, remove lines 9 through 12

Page 2, line 16, replace "professional" with "report"

Page 2, line 17, remove "development plan" and replace ". The plan must" with "indicating"

Page 2, line 18, remove "include"

Page 3, after line 10, insert:

"SECTION 7. If House Bill No. 1045 does not become effective, a new section to chapter 15-47 of the North Dakota Century Code is created and enacted as follows:

Test - Availability for viewing. Upon request, a school district must allow any individual over the age of twenty to view any test administered under this Act as soon as the test is in the possession of the school district."

Page 4, line 7, replace "**Technical assistance.** After the presentation" with "**Review of test questions.** The superintendent of public instruction shall require that the entity developing a test to be administered under section 8 of this Act not include questions that might be deemed personal to a student or to the student's family and that the entity developing the test not include questions requiring responses that might be deemed personal to a student or to the student's family. Before a test is finalized for use in this state, the superintendent shall require that the test be reviewed by a standards

alignment committee appointed by the superintendent to ensure that the test meets the requirements of this section."

Page 4, remove lines 8 through 11

Page 5, line 2, replace "7" with "8"

Page 5, after line 9, insert:

"SECTION 14. A new section to chapter 15.1-21 of the North Dakota Century Code is created and enacted as follows:

Test - Availability for viewing. Upon request, a school district must allow any individual over the age of twenty to view any test administered under this Act as soon as the test is in the possession of the school district."

Renumber accordingly

The Senate stood adjourned pursuant to Senator Christmann's motion.

WILLIAM R. HORTON, Secretary

