

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

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Bismarck, April 2, 1997

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

The prayer was offered by Annetta Sutton, Diocesan Director, Diocese of Bismarck, Bismarck.

The roll was called and all members were present except Senators Lips, Nething, and Redlin.

A quorum was declared by the President Pro Tem.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2046, SB 2093.

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

**MR. SPEAKER:** The President has signed: HB 1002, HB 1011, HB 1016, HB 1027, HB 1036, HB 1046, HB 1074, HB 1075, HB 1115, HB 1153, HB 1189, HB 1191, HB 1199, HB 1210, HB 1216, HB 1257, HB 1259, HB 1267, HB 1324, HB 1339, HB 1344, HB 1346, HB 1351, HB 1362, HB 1364, HB 1368, HB 1385, HB 1396, HB 1399, HB 1403, HB 1418, HB 1445, HB 1467, HB 1468, HCR 3019, HCR 3026, HCR 3034, HCR 3045.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on HB 1098, HB 1182.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2009, SB 2013, SB 2032, SB 2088, SB 2116, SB 2145.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2173.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 7:45 a.m., April 2, 1997: SCR 4059, SCR 4060, SCR 4061.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2030 as printed on SJ pages 878-879 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 2030: Sens. Andrist, Watne, Mutzenberger.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. KLEIN MOVED** that the conference committee report on Engrossed SB 2136 as printed on SJ page 1130 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2136, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2136:** A BILL for an Act to create and enact eleven new sections to chapter 43-10 of the North Dakota Century Code, relating to funeral practice exceptions, limitations on licenses, registration of intern embalmers, and licenses to operate a crematorium; to amend and reenact sections 43-10-01, 43-10-02, 43-10-04, 43-10-05, 43-10-10, 43-10-11, 43-10-12, 43-10-13, 43-10-14, 43-10-15, 43-10-16, 43-10-19, 43-10-20, 43-10-22, 43-10-23, 43-10-24, and 43-10-25 of the North Dakota Century Code, relating to the powers of the state board of funeral service, licensure and regulation of funeral service practitioners, and disciplinary action of funeral service licensees; and to repeal

sections 43-10-17 and 43-10-18 of the North Dakota Century Code, relating to state board of funeral service disciplinary hearings; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Lips; Nothing; Redlin

Engrossed SB 2136, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. COOK MOVED** that the conference committee report on Engrossed SB 2160 as printed on SJ pages 1130-1133 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2160, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2160:** A BILL for an Act to create and enact a new subsection to section 12-60-16.4, a new subsection to section 20.1-02-15.1, and chapter 39-24.1 of the North Dakota Century Code, relating to implied consent for snowmobile operators; to amend and reenact subdivision c of subsection 5 of section 39-24-09, and section 39-24-11 of the North Dakota Century Code, relating to driving a snowmobile while under the influence of an intoxicating liquor or drug; 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 45 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Lips; Nothing; Redlin

Engrossed SB 2160, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**SEN. WATNE MOVED** that the conference committee report on SB 2202 as printed on SJ page 1133 be adopted, which motion prevailed on a voice vote.

#### REPORT OF CONFERENCE COMMITTEE

**SEN. B. STENEHJEM MOVED** that the conference committee report on Engrossed HB 1103 as printed on SJ page 1133 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1103, as amended, was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1103:** A BILL for an Act to provide for the privacy of driver and motor vehicle records; to amend and reenact section 39-02-05 of the North Dakota Century Code, relating to records of the department; to provide a penalty; 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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** LaFountain; Lips; Nething; Redlin; Urlacher

Engrossed HB 1103, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. KRINGSTAD MOVED** that the conference committee report on Engrossed HB 1163 as printed on SJ page 1133 be adopted.

**REQUEST**

**SEN. B. STENEHJEM REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1163, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on Engrossed HB 1163, the roll was called and there were 23 YEAS, 23 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kringstad; LaFountain; Lee; Lindaas; Mutzenberger; Nalewaja; Nelson, C.; Nelson, G.; Robinson; Sand; Solberg; St. Aubyn; Thane; Urlacher; Wanzek; Watne

**NAYS:** Andrist; Berg; Bowman; Christmann; DeMers; Heitkamp; Kinnoin; Klein; Krauter; Krebsbach; Mathern; Mutch; Naaden; O'Connell; Schobinger; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Lips; Nething; Redlin

The conference committee report on Engrossed HB 1163 was rejected.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. WATNE MOVED** that the conference committee report on HB 1240 as printed on SJ page 1134 be adopted, which motion prevailed on a voice vote.

HB 1240, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1240:** A BILL for an Act to amend and reenact sections 40-49-21 and 40-49-22 and subsection 1 of section 57-15-12.2 of the North Dakota Century Code, relating to park district pension plans.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Kringstad; Lips; Naaden; Nething; Redlin

HB 1240, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. SCHOBINGER MOVED** that the conference committee report on HB 1243 as printed on SJ pages 1134-1135 be adopted, which motion prevailed on a voice vote.

HB 1243, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1243:** A BILL for an Act to amend and reenact sections 39-05-17.2 and 39-05-20.2 of the North Dakota Century Code, relating to motor vehicle body damage disclosure and salvage certificate of title; to provide a penalty; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Cook; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Yockim

**NAYS:** Andrist; Berg; DeMers; Freborg; Krebsbach; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Schobinger; Traynor; Wogsland

**ABSENT AND NOT VOTING:** Lips; Nothing; Redlin

HB 1243, as amended, passed, the title was agreed to, but the emergency clause lost for lack of two-thirds majority.

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**REPORT OF CONFERENCE COMMITTEE**

**SEN. KRINGSTAD MOVED** that the conference committee report on Engrossed HB 1274 as printed on SJ pages 1135-1137 be adopted.

**MOTION**

**SEN. GOETZ MOVED** that the question be put at 9:47 a.m., which motion prevailed.

The motion to adopt the conference committee report on Engrossed HB 1274 prevailed on a voice vote.

Engrossed HB 1274, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1274:** A BILL for an Act to create and enact two new sections to chapter 51-14 of the North Dakota Century Code, relating to additional charges on revolving charge accounts and revolving charge agreement credit extensions; and to amend and reenact sections 51-14-01, 51-14-02, and 51-14-03 of the North Dakota Century Code, relating to revolving charge agreements.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 10 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland

**NAYS:** DeMers; Heitkamp; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Thompson; Tomac; Yockim

**ABSENT AND NOT VOTING:** Lips; Nothing; Redlin

Engrossed HB 1274, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. NAADEN MOVED** that the Senate do not concur in the House amendments to SB 2018 as printed on SJ pages 1025-1026 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 SB 2018: Sens. St. Aubyn, Nalewaja, Robinson.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1041, HB 1047, HB 1100, HB 1111, HB 1179, HB 1215, HB 1373, HB 1393, HB 1431, HB 1433.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

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

**SB 2015:** Reps. Freier; Lloyd; Wilkie

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1055, HB 1164, HB 1342.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1301.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2068, SB 2159, SB 2213, SB 2351.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1009.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1067.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2136, SB 2160.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on SB 2202.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1103, HB 1240, HB 1274.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2030 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2030:** Sens. Andrist; Watne; Mutzenberger

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2018 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2018:** Sens. St. Aubyn; Nalewaja; Robinson

**MOTION**

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

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

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. URLACHER MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1068, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1068: Sens. Kringstad, Urlacher, Kinnoin.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. TRAYNOR MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1482, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1482: Sens. Traynor, Fischer, Thompson.

**MOTION**

**SEN. GOETZ MOVED** that HB 1440 be moved to the top of the Fourteenth order, which motion prevailed.

**CONSIDERATION OF VETOED MEASURE**

**HB 1440:** A BILL for an Act to create and enact a new subsection to section 65-01-02 and four new sections to chapter 65-02 of the North Dakota Century Code, relating to a workers compensation board of directors; to amend and reenact section 65-02-01 of the North Dakota Century Code, relating to the director and division directors of the workers compensation bureau; to repeal section 65-02-08.1 of the North Dakota Century Code, relating to the workers compensation state advisory council; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the enrolled bill, over the Governor's veto, which has been read, the roll was called and there were 41 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Christmann; LaFountain; Sand; Schobinger; Stenehjem, W.; Thompson

**ABSENT AND NOT VOTING:** Nothing; Redlin

The Senate overrode the Governor's veto of HB 1440, as enrolled.

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**MOTION**

**SEN. GOETZ MOVED** that HB 1137 be moved to the top of the Fourteenth order, which motion prevailed.

**CONSIDERATION OF VETOED MEASURE**

**HB 1137:** A BILL for an Act to amend and reenact subdivision a of subsection 3 and subdivisions a and e of subsection 4 of section 54-52-17, sections 54-52-17.5, and 54-52-17.10 of the North Dakota Century Code, relating to normal retirement date, computation of benefits, disability retirement benefits, postretirement adjustments, and prior service retiree adjustments under the public employees retirement system.

**ROLL CALL**

The question being on the final passage of the enrolled bill, over the Governor's veto, which has been read, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; O'Connell; Robinson; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Bowman; Nelson, G.; Sand; Solberg

**ABSENT AND NOT VOTING:** Nething; Redlin

The Senate overrode the Governor's veto of HB 1137, as enrolled.

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#### MOTION

**SEN. GOETZ MOVED** that Engrossed HB 1226, which is on the Sixth order, be moved to the top of the calendar, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1226, as engrossed: SEN. LEE (Human Services Committee) MOVED** that the amendments on SJ pages 1126-1130 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1226:** A BILL for an Act to provide temporary requirements for administration of temporary assistance for needy families; to create and enact a new subsection to section 14-03-17, a new section to chapter 14-05, two new sections to chapter 14-08.1, five new sections to chapter 14-09, a new subsection to section 14-17-09, a new section to chapter 14-17, a new subsection to section 14-17-14, a new section to chapter 14-19, a new subsection to section 23-02.1-19, a new section to chapter 28-21, a new chapter to title 34, a new chapter to title 35, a new chapter to title 43, and ten new sections to chapter 50-09 of the North Dakota Century Code, relating to the implementation of federal welfare reform in North Dakota; to amend and reenact sections 11-17-07, 14-08.1-05, 14-08.1-06, 14-08.1-07, 14-09-08.1, 14-09-08.4, 14-09-08.6, 14-09-08.9, 14-09-08.10, 14-09-08.11, 14-09-08.13, 14-09-08.14, 14-09-09.3, subsection 4 of section 14-09-09.7, sections 14-09-09.10, 14-09-09.13, 14-09-09.14, 14-09-09.15, 14-09-09.16, 14-09-09.17, 14-09-09.24, 14-09-09.25, 14-17-10, subsection 4 of section 14-17-13, sections 14-17-16, 14-19-03, 14-19-05, 14-19-06, 14-19-10, subsection 5 of section 23-02.1-13, sections 50-06-01.4, 50-06-01.8, 50-09-01, 50-09-02, 50-09-02.1, 50-09-03, 50-09-06, 50-09-09, 50-09-14, 50-09-20, 50-09-20.1, 50-09-21, 50-09-22, and 50-09-24 of the North Dakota Century Code, relating to the implementation of federal welfare reform in North Dakota; to repeal sections 14-09-09.23, 50-06-06.8, 50-08.1-02, 50-09-16, 50-09-17, 50-09-20, 50-09-20.1, 50-09-21, and 50-09-22 of the North Dakota Century Code, relating to procedures for income withholding and the state and county shares of the cost of the aid to families with dependent children program; to provide a penalty; to provide a continuing appropriation; to provide an appropriation; to provide for a legislative council study; to provide for a statewide task force; to provide for the transfer of responsibilities; to provide an effective date; to provide an expiration date; and to declare an emergency.

#### MOTION

**SEN. KRAUTER MOVED** that Engrossed HB 1226, as amended, be amended as follows:

In lieu of the amendments to Engrossed House Bill No. 1226 as printed on pages 1126-1130 of the Senate Journal, Engrossed House Bill No. 1226 is amended as follows:

Page 1, line 17, after the fifth comma insert "50-09-20, 50-09-20.1, 50-09-21,"

Page 1, line 21, after the second semicolon insert "to provide for the transfer of responsibilities;"

Page 3, line 25, after "activities" insert "may"

Page 4, line 3, replace "Vocational" with "Postsecondary and vocational"

Page 4, line 10, remove "and"

Page 4, line 12, replace the underscored period with "; and"

m. Court-ordered treatment for mental illness or drug or alcohol dependency if the court determines that illness or dependency negatively impacts the individual's ability to work."

Page 4, line 17, overstrike "one thousand dollars or more"

Page 4, line 18, after "support" insert "in an amount greater than three times the monthly child support obligation and the obligor is not current in a court-established plan to repay the unpaid child support arrears."

Page 5, line 15, overstrike "one thousand dollars"

Page 5, line 16, overstrike "or more" and after "support" insert "in an amount greater than three times the monthly child support obligation and the obligor is not current in a court-established plan to repay the unpaid child support arrears"

Page 6, line 4, replace the underscored colon with "except as provided for through contract pursuant to subsection 2."

Page 6, remove lines 5 through 8

Page 6, line 12, after the underscored period insert "If the clerk of court of any county elects to enter into a contract and the clerk can demonstrate that the provision of services under the contract will not be more costly nor take more time to establish or operate on a statewide basis than if the services are provided through the state disbursement unit, the public authority shall contract with the clerk to provide collection and disbursement services under this section."

Page 6, line 20, after "parties" insert ", including the obligor and obligee," and after "and" insert ", at least annually, regarding"

Page 13, line 11, remove "for child support"

Page 13, line 12, remove "services"

Page 16, line 16, replace "clerks of court" with "public authority"

Page 16, line 17, after "withholding" insert "and the receipt and disbursement of child support payments" and replace the underscored colon with "as provided for through contract pursuant to subsection 2 of section 9 of this Act."

Page 16, remove lines 18 through 21

Page 18, line 7, after the underscored period insert "Before commencing any rulemaking proceeding under this section, the department shall convene a drafting advisory committee that includes two members of the legislative assembly appointed by the chairman of the legislative council."

Page 26, line 14, overstrike "implementing" and insert immediately thereafter "exempting"

Page 26, line 15, overstrike "be in" and insert immediately thereafter "have an adverse effect on"

Page 26, line 16, overstrike "previously ordered" and insert immediately thereafter "previous"

Page 26, line 29, overstrike "assured" and insert immediately thereafter "to be provided"

Page 27, line 24, after the underscored period insert "If the final determination of paternity results in the nonexistence of a father and child relationship between the child and a party who was ordered to pay child support under this subsection, that party may seek reimbursement from the department of human services for that amount and the department is subrogated to that party's claim."

Page 33, line 20, replace "and the unpaid child support obligation is at" with "in an amount greater than six times the monthly child support obligation and the judgment debtor is not current in a court-established plan to repay the unpaid child support judgment"

Page 33, line 21, remove "least six months past due"

Page 36, line 23, after the underscored period insert:

"1."

Page 36, line 26, replace "1" with "a"

Page 36, line 27, replace "2" with "b"



Page 36, line 29, replace "3" with "c"

Page 36, line 30, replace "4" with "d" and after the second underscored period insert:

"2. Information acquired under subsection 1 remains confidential subject to the confidentiality requirements of the plans and programs identified in subsection 1."

Page 37, line 13, after "a" insert "past due"

Page 37, line 14, replace "months past due" with "times the monthly child support obligation and the obligor is not current in a court-established plan to repay the past due support"

Page 40, line 1, after "found" insert "or with the secretary of state"

Page 40, line 6, after the underscored period insert:

"The information filed with a register of deeds or with the secretary of state under this section must be included in the computerized central notice system maintained by the secretary of state under section 41-09-46 and must be accessible to the public on the same terms and conditions that apply to access other statutory lien information maintained in the computerized central notice system.

3."

Page 43, line 25, replace "The" with "Subject to the approval of the legislative council, the"

Page 45, line 11, replace "The" with "Subject to the approval of the legislative council, the"

Page 48, line 2, overstrike "make such" and insert immediately thereafter "adopt" and overstrike "and regulations"

Page 48, line 7, overstrike "promulgate such" and insert immediately thereafter "adopt" and overstrike "and regulations"

Page 48, line 26, overstrike "Comply with", remove "the", overstrike "provisions, rules, and regulations", and overstrike "the federal government"

Page 48, line 27, overstrike "may find", overstrike "necessary", and overstrike "to assure the correctness and"

Page 48, line 28, overstrike "verification of the reports to be made" and insert immediately thereafter "Make any determinations respecting title IV-A not expressly reserved to the federal government under federal law"

Page 51, line 5, replace "22" with "23"

Page 51, line 11, replace "46" with "47"

Page 54, line 27, after "compensation" insert "bureau" and after "records" insert "identifying the last-known address of a person who owes or who is owed support, the wage-loss benefits, permanent partial impairment benefits, death benefits, or additional benefits that person has received or is entitled to receive from the bureau, and whether and where that person is currently employed"

Page 56, after line 6, insert:

"k. Provide an informal grievance process concerning matters not subject to determination in a judicial proceeding."

Page 56, line 21, replace "A" with "As provided in title IV-D, a"

Page 60, line 26, overstrike "early childhood services"

Page 60, line 27, after the third "~~program~~" insert "child care assistance"

Page 61, line 29, after "50-09-24" insert "of"

Page 63, line 5, after "worker" insert "in the training, education, employment, and management program"

Page 67, line 27, after "2" insert ", 3, and 5" and replace "6" with "7"

Page 68, line 4, after the third "or" insert "mental or physical"

Page 68, line 5, after "parent" insert ", including the incapacity of a parent attributable to domestic violence"

Page 68, line 12, remove "and then"

Page 68, line 21, replace "of any" with "with a market" and after "value" insert "not exceeding ten thousand dollars"

Page 68, line 24, after the third "or" insert "mental or physical"

Page 68, line 25, after "parent" insert ", including the incapacity of a parent attributable to domestic violence"

Page 69, line 16, replace "benefit" with "fund"

Page 69, line 29, after "fails" insert ", without good cause,"

Page 70, line 3, remove "such as hospitalization"

Page 70, line 16, replace "After June 30, 1998, not increase" with "Increase"

Page 70, line 19, remove "and"

Page 70, line 21, replace the underscored period with "; and

ff. Not reduce or terminate benefits based on a refusal of an individual to work if the individual is a single custodial parent caring for a child who has not attained six years of age and the individual proves a demonstrated inability to obtain needed child care because of the:

- (1) Unavailability of appropriate child care within a reasonable distance from the individual's home or work site;
- (2) Unavailability or unsuitability of informal child care by a relative or under other arrangements; or
- (3) Unavailability of appropriate and affordable formal child care arrangements."

Page 70, line 30, remove "budget section of the"

Page 71, line 7, remove "budget section of the"

Page 71, line 13, remove "budget section of the"

Page 71, line 19, remove "budget section of the"

Page 71, after line 23, insert:

"8. Within federal guidelines, the department shall place emphasis in spending child care assistance moneys on the development and maintenance of quality child care positions."

Page 71, line 27, replace "sections" with "section" and remove "and 50-08.1-02"

Page 71, after line 28, insert:

**"SECTION 78. REPEAL.** Sections 50-09-20 and 50-09-21 of the North Dakota Century Code and section 50-09-20.1 of the 1995 Supplement to the North Dakota Century Code are repealed.

**SECTION 79. REPEAL.** Section 50-08.1-02 of the 1995 Supplement to the North Dakota Century Code is repealed."

Page 72, line 7, after the comma insert "the caseload ratio established in section 50-09-20.1, the training and expertise of the managers administrating training, education, employment, and management program,"

Page 72, line 12, after the second comma insert "o,"

Page 72, line 14, after "parties" insert ", and also includes two members of the legislative assembly appointed by the chairman of the legislative council"

Page 72, after line 14, insert:

**"SECTION 83. TRANSFER OF RESPONSIBILITIES.** To provide for an orderly transfer of responsibilities under this chapter and chapter 14-08.1 from the clerks of court to the public authority and its state disbursement unit, it is the intention of the legislative assembly that, during the periods between July 1, 1997, and July 1, 1999, with respect to the state disbursement unit activities, and between July 1, 1997, and the system implementation date, with respect to income withholding and other activities, the clerks of court and the public authority shall share responsibilities. The public authority, upon consultation with the supreme court and other representatives selected by the clerks of court, shall prepare schedules for the transfer of specific responsibilities on a county-by-county and case-by-case basis. As soon as the public authority is able to assume responsibilities with respect to a particular county, it is the intention of the legislative assembly that responsibilities with respect to newly issued and newly amended child support orders be assumed by the public authority."

Page 72, after line 25, insert:

**"SECTION 89. EFFECTIVE DATE.** Section 78 of this Act becomes effective January 1, 1998, if House Bill No. 1041 becomes law and that bill includes provisions repealing North Dakota Century Code sections 50-09-20, 50-09-20.1, and 50-09-21, but is otherwise ineffective."

Page 72, remove lines 28 and 29

Page 73, line 2, remove "and" and after "75" insert ", 79, and 83"

ReNUMBER accordingly

#### REQUEST

**SEN. KRAUTER REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1226, as amended, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1226, as amended, the roll was called and there were 23 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; O'Connell; Robinson; Tallackson; Thompson; Tomac; Traynor; Wanzek; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Watne

**ABSENT AND NOT VOTING:** Nething; Redlin

The proposed amendments to Engrossed HB 1226, as amended, failed.

#### MOTION

**SEN. NALEWAJA MOVED** that Engrossed HB 1226, as amended, be further amended as follows:

In addition to the amendments to Engrossed House Bill No. 1226 as printed on pages 1126-1130 of the Senate Journal, Engrossed House Bill No. 1226 is further amended as follows:

Page 1, line 21, after the second semicolon insert "to provide for legislative intent;"

Page 72, after line 14, insert:

**"SECTION 84. LEGISLATIVE INTENT - USE OF CERTAIN TEMPORARY ASSISTANCE FOR NEEDY FAMILIES PROGRAM SAVINGS.** The department of human services shall identify the amount of any expenditures avoided by the operation of subdivision dd of subsection 1 of section 75 of this Act. With those funds, the department of human services may provide the families of affected children benefits by voucher or, through the state department of health, may provide supplemental benefits, substantially in the form of the special supplemental nutrition program for women, infants, and children, to the families of affected children."

Renumber accordingly

#### REQUEST

**SEN. NALEWAJA REQUESTED** a recorded roll call vote on the motion to adopt the proposed further amendments to Engrossed HB 1226, as amended, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed further amendments to Engrossed HB 1226, as amended, the roll was called and there were 26 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; DeMers; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Kringstad; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; O'Connell; Robinson; Tallackson; Thane; Thompson; Tomac; Traynor; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Kinnoin; Krebsbach; LaFountain; Lee; Mutch; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Urlacher

**ABSENT AND NOT VOTING:** Nething; Redlin

The proposed further amendments to Engrossed HB 1226, as amended, were adopted.

#### MOTION

**SEN. DEMERS MOVED** that Engrossed HB 1226, as amended, be further amended as follows:

In addition to the amendments to Engrossed House Bill No. 1226 as printed on pages 1126-1130 of the Senate Journal, Engrossed House Bill No. 1226 is further amended as follows:

Page 67, line 30, after "eligible" insert "pregnant" and remove "in the third trimester of a"

Page 67, line 31, remove "pregnancy"

Renumber accordingly

#### REQUEST

**SEN. DEMERS REQUESTED** a recorded roll call vote on the motion to adopt the proposed further amendments to Engrossed HB 1226, as amended, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed further amendments to Engrossed HB 1226, as amended, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thompson; Tomac; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne

**ABSENT AND NOT VOTING:** Nething; Redlin

The proposed further amendments to Engrossed HB 1226, as amended, failed.

**HB 1226:** A BILL for an Act to provide temporary requirements for administration of temporary assistance for needy families; to create and enact a new subsection to section 14-03-17, a new section to chapter 14-05, two new sections to chapter 14-08.1, five new sections to chapter 14-09, a new subsection to section 14-17-09, a new section to chapter 14-17, a new subsection to section 14-17-14, a new section to chapter 14-19, a new subsection to section 23-02.1-19, a new section to chapter 28-21, a new chapter to title 34, a new chapter to title 35, a new chapter to title 43, and ten new sections to chapter 50-09 of the North Dakota Century Code, relating to the implementation of federal welfare reform in North Dakota; to amend and reenact sections 11-17-07, 14-08.1-05, 14-08.1-06, 14-08.1-07, 14-09-08.1, 14-09-08.4, 14-09-08.6, 14-09-08.9, 14-09-08.10, 14-09-08.11, 14-09-08.13, 14-09-08.14, 14-09-09.3, subsection 4 of section 14-09-09.7, sections 14-09-09.10, 14-09-09.13, 14-09-09.14, 14-09-09.15, 14-09-09.16, 14-09-09.17, 14-09-09.24, 14-09-09.25, 14-17-10, subsection 4 of section 14-17-13, sections 14-17-16, 14-19-03, 14-19-05, 14-19-06, 14-19-10, subsection 5 of section 23-02.1-13, sections 50-06-01.4, 50-06-01.8, 50-09-01, 50-09-02, 50-09-02.1, 50-09-03, 50-09-06, 50-09-09, 50-09-14, 50-09-20, 50-09-20.1, 50-09-21, 50-09-22, and 50-09-24 of the North Dakota Century Code, relating to the implementation of federal welfare reform in North Dakota; to repeal sections 14-09-09.23, 50-06-06.8, 50-08.1-02, 50-09-16, 50-09-17, 50-09-20, 50-09-20.1, 50-09-21, and 50-09-22 of the North Dakota Century Code, relating to procedures for income withholding and the state and county shares of the cost of the aid to families with dependent children program; to provide a penalty; to provide a continuing appropriation; to provide an appropriation; to provide for a legislative council study; to provide for a statewide task force; to provide for the transfer of responsibilities; to provide for legislative intent; to provide an effective date; to provide an expiration date; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** DeMers; Heitkamp; Krauter; LaFountain; Mathern; Mutzenberger; Nelson, C.; O'Connell

**ABSENT AND NOT VOTING:** Nothing; Redlin

Engrossed HB 1226, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1022, HB 1023, and HB 1024 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1022:** Reps. Freier; Boehm; Aarsvold

**HB 1023:** Reps. Kunkel; Lloyd; Wilkie

**HB 1024:** Reps. Lloyd; Kunkel; Aarsvold

#### MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1009 and HB 1012 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1009:** Reps. Martinson; Gerntholz; Huether

**HB 1012:** Reps. Wentz; Delzer; Oban

#### MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

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

**SB 2018:** Reps. Tollefson; Martinson; Huether

**SB 2030:** Reps. Nottestad; Sabby; S. Kelsh

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report on SB 2088, SB 2116, SB 2145.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2009, SB 2013, SB 2032.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2173.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1238, HB 1340, HB 1387, HB 1456.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The Speaker has signed: SB 2046, SB 2093.

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

**MR. SPEAKER:** The Senate has overridden the Governor's veto on HB 1440. The vote was 41 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING.

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

**MR. SPEAKER:** The Senate has overridden the Governor's veto on HB 1137. The vote was 43 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause failed: HB 1243.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1226.

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

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

**HB 1068:** Sens. Kringstad; Urlacher; Kinnoin

**HB 1482:** Sens. Traynor; Fischer; Thompson

**MOTION**

**SEN. GOETZ MOVED** that the Senate stand in recess until 5:00 p.m., which motion prevailed.

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

**MOTION**

**SEN. LIPS MOVED** that the Senate reconsider the action whereby the conference committee report on Engrossed HB 1163 was rejected, which motion prevailed on a verification vote.

**REPORT OF CONFERENCE COMMITTEE**

**SEN. KRINGSTAD MOVED** that the conference committee report on Engrossed HB 1163 as printed on SJ page 1133 be adopted.

**REQUEST**

**SEN. B. STENEHJEM REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1163, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on Engrossed HB 1163, the roll was called and there were 35 YEAS, 11 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Robinson; Sand; Solberg; St. Aubyn; Tallackson; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland

**NAYS:** Bowman; Christmann; Klein; Mutch; O'Connell; Schobinger; Stenehjem, B.; Stenehjem, W.; Thompson; Tomac; Yockim

**ABSENT AND NOT VOTING:** Mutzenberger; Nothing; Redlin

The conference committee report on Engrossed HB 1163 was adopted.

Engrossed HB 1163 was placed on the Fourteenth order.

#### SECOND READING OF HOUSE BILL

**HB 1163:** A BILL for an Act to amend and reenact sections 57-43.1-02 and 57-43.2-02 of the North Dakota Century Code, relating to motor vehicle fuel and special fuel taxes; to repeal sections 57-43.1-02.1 and 57-43.2-02.1 of the North Dakota Century Code, relating to additional motor vehicle fuel and special fuel taxes; to provide an appropriation; to provide an effective date; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 42 YEAS, 4 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Mutch; O'Connell; Schobinger; Stenehjem, B.

**ABSENT AND NOT VOTING:** Mutzenberger; Nothing; Redlin

Engrossed HB 1163 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1034, as reengrossed: SEN. W. STENEHJEM (Appropriations Committee) MOVED** that the amendments on SJ pages 1114-1125 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1034:** A BILL for an Act to create and enact four new sections to chapter 54-44.2 of the North Dakota Century Code, relating to information technology planning, standards, setting, and reviews by the information services division; to amend and reenact sections 15-65-01, 15-65-02, 15-65-03, 15-65-06, 54-35-15, 54-44.2-00.1, 54-44.2-01, 54-44.2-02, 54-44.2-04, 54-44.2-06, 54-44.2-07, and 54-44.2-08 of the North Dakota Century Code, relating to the educational telecommunications council, information technology responsibilities of the legislative council, and duties and responsibilities of the information services division; to repeal sections 15-65-04, 54-44.2-02.1, 54-44.2-02.2, 54-44.2-02.3, 54-44.2-02.4, and 54-44.2-02.5 of the North Dakota Century Code, relating to the educational telecommunications council and duties and responsibilities of the information services division; to provide statements of legislative intent; and to provide an appropriation.

#### 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, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Mutzenberger; Nothing; Redlin

Reengrossed HB 1034, as amended, passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**HB 1035, as engrossed and amended: SEN. LEE (Appropriations Committee) MOVED** that the amendments on SJ pages 1125-1126 be adopted and then be placed on the Fourteenth order with **DO PASS**.

**REQUEST**

**SEN. YOCKIM REQUESTED** a recorded roll call vote on the motion to adopt the amendments to Engrossed HB 1035, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the amendments to Engrossed HB 1035, the roll was called and there were 34 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Mathern; Nelson, C.; O'Connell; Thompson; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Mutzenberger; Nothing; Redlin

The motion to adopt the amendments to Engrossed HB 1035 prevailed.

Engrossed HB 1035, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1035:** A BILL for an Act to create and enact chapter 54-24.4 of the North Dakota Century Code, relating to the North Dakota library coordinating council; to amend and reenact sections 54-24-02, 54-24-03, 54-24-09, 54-24.3-01, 54-24.3-03, 54-24.3-04, 54-24.3-05, 54-24.3-06, 54-24.3-07, 54-24.3-08, 54-24.3-09, 54-24.3-10, 54-24.3-11, 54-24.3-12, 54-24.3-13, 54-24.3-14, 54-24.3-15, and 54-24.3-16 of the North Dakota Century Code, relating to the state library and multitype library authorities; to repeal sections 54-24-07 and 54-24.3-02 of the North Dakota Century Code, relating to state library printing costs and the statewide library planning committee; and to provide appropriations.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Mutzenberger; Nothing; Redlin

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

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1009, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1009: Sens. Solberg, Naaden, Robinson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1012, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1012: Sens. St. Aubyn, Bowman, Krauter.



**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1022, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1022: Sens. Nalewaja, Lips, Robinson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1023, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1023: Sens. Nalewaja, Lips, Krauter.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NAADEN MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1024, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1024: Sens. Nalewaja, Lips, Robinson.

**MOTION**

**SEN. GOETZ MOVED** that Sen. Heitkamp replace Sen. Kinnoin on the conference committee on HB 1068, which motion prevailed.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2160, SB 2202.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report on SB 2136.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1478.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report on HB 1019.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1412.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has adopted the conference committee report and failed to pass: HB 1190.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

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

**SB 2132:** Reps. Kempenich; Murphy; Thorpe

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1163.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1034, HB 1035.

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

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

**HB 1009:** Sens. Solberg; Naaden; Robinson

**HB 1012:** Sens. St. Aubyn; Bowman; Krauter

**HB 1022:** Sens. Nalewaja; Lips; Robinson

**HB 1023:** Sens. Nalewaja; Lips; Krauter

**HB 1024:** Sens. Nalewaja; Lips; Robinson

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

**MR. SPEAKER:** The President has appointed Sen. Heitkamp to replace Sen. Kinnoin on the Conference Committee on HB 1068.

**MOTION**

**SEN. GOETZ MOVED** that the absent members be excused, which motion prevailed.

**MOTION**

**SEN. GOETZ MOVED** that the Senate be on the Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Thursday, April 3, 1997, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2043, as engrossed:** Your conference committee (Sens. Thane, B. Stenehjem, DeMers and Reps. Christopherson, Kilzer, Sandvig) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 862, adopt amendments as follows, and place SB 2043 on the Seventh order:

That the House recede from its amendments as printed on page 862 of the Senate Journal and pages 985 and 986 of the House Journal and that Engrossed Senate Bill No. 2043 be amended as follows:

Page 2, line 10, after the first "a" insert "first-time"

Page 2, line 27, replace "a" with "any" and remove "care"

Engrossed SB 2043 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2194:** Your conference committee (Sens. Thane, Fischer, DeMers and Reps. Christopherson, C. Johnsen, Rose) recommends that the **HOUSE RECEDE** from the amendments on SJ pages 882-883, adopt amendments as follows, and place SB 2194 on the Seventh order:

That the House recede from its amendments as printed on pages 882 and 883 of the Senate Journal and page 1018 of the House Journal and that Senate Bill No. 2194 be amended as follows:

Page 1, line 2, after "disease" insert "; and to provide an expiration date"

Page 2, line 3, replace ", regardless of age or the existence of" with "born after December 31, 1962"

Page 2, line 4, remove "any preexisting condition"

Page 2, after line 6, insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 1999, and after that date is ineffective."

Renumber accordingly

SB 2194 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2255:** Your conference committee (Sens. Christmann, Fischer, Thompson and Reps. Brown, Olson, Hanson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 931-932, adopt amendments as follows, and place SB 2255 on the Seventh order:

That the House recede from its amendments to Senate Bill No. 2255 as printed on pages 931 and 932 of the Senate Journal and pages 1039 and 1040 of the House Journal and that Senate Bill No. 2255 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to dogs running at large; and to declare an emergency."

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

**SECTION 1. Dogs running at large - Liability for damage or injury.** The owner of a dog may not permit the dog to run at large and cause damage. The owner of a dog is liable for any damage to the property of another person and for any injury to any individual caused by the dog running at large, as well as for any costs incurred by a political subdivision or law enforcement agency in capturing and impounding the dog. If the owner of a dog is a minor, the duties and responsibilities created by this section are imputed to the parent or legal guardian of the minor.

**SECTION 2. Dogs running at large - Capture.** Unless a board of county commissioners by resolution identifies another person or entity responsible for the capture and impoundment of dogs running at large, as authorized by section 11-11-14, the county sheriff shall capture any dog running at large which the sheriff believes to be dangerous and impound the dog at an animal shelter or facility designated by the board of county commissioners. If seventy-two hours after impoundment the dog remains unclaimed, the animal shelter or facility having control of the dog shall perform euthanasia or cause euthanasia to be performed on the dog.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

SB 2255 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2344, as reengrossed:** Your conference committee (Sens. Watne, Andrist, C. Nelson and Reps. Keiser, Murphy, Mahoney) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 827-828, adopt further amendments as follows, and place SB 2344 on the Seventh order:

That the Senate accede to the House amendments as printed on pages 827 and 828 of the Senate Journal and pages 974 and 975 of the House Journal and that Reengrossed Senate Bill No. 2344 be further amended as follows:

Page 1, line 22, after the ninth comma insert "subsection 1 of section 10-32-50, sections"

Page 118, line 2, overstrike "transfer" and insert immediately thereafter "dissolution avoidance"

Page 118, line 4, overstrike "to give any" and insert immediately thereafter "that if, in the future, the continued membership of any member is terminated through an event covered in the agreement, then each remaining member shall give dissolution avoidance" and overstrike "referred to in subsection 2 of"

Page 118, line 5, overstrike "section 10-32-32"

Page 118, line 24, after "made" insert "before or"

Page 169, after line 3, insert:

**"SECTION 131. AMENDMENT.** Subsection 1 of section 10-32-050 of the North Dakota Century Code is amended and reenacted as follows:

1. A written agreement among persons who are then members or who have signed contribution agreements, relating to the control of any phase of the business and affairs of the limited liability company, its liquidation, dissolution, and termination, or the relations among members or persons who have signed contribution agreements is valid as provided in subsection 2.
  - a. When this chapter provides that a particular result may or must be obtained through a provision in the articles of organization, other than a provision required by subsection 1 of section 10-32-07 to be contained in the articles, or in the operating agreement, the same result can be accomplished through a member-control agreement valid under this section or through a procedure established by a member-control agreement valid under this section.

- b. A member-control agreement may waive, in whole or in part, a member's dissenting rights under sections 10-32-54 and 10-32-55, but may not waive dissenters' rights under subdivision a of subsection 2 of section 10-32-131.
- c. A member-control agreement may not include an agreement to give transfer consent.
- d. A member-control agreement may include a business continuation agreement only if the articles of organization grant the members the power to enter into business continuation agreements ~~and only if entered into after the limited liability company has incurred an event of dissolution.~~

Renumber accordingly

Reengrossed SB 2344 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2372:** Your conference committee (Sens. Andrist, Lee, Berg and Reps. Keiser, Jensen, Mahoney) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 780 and place SB 2372 on the Seventh order.

SB 2372 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1019, as engrossed:** Your conference committee (Sens. Goetz, St. Aubyn, Robinson and Reps. Byerly, Soukup, Wilkie) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1208 and place HB 1019 on the Seventh order.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1238, as engrossed:** Your conference committee (Sens. Krebsbach, Sand, Thompson and Reps. Carlson, Axtman, Mahoney) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 859, adopt amendments as follows, and place HB 1238 on the Seventh order:

That the Senate recede from its amendments as printed on page 859 of the House Journal and page 655 of the Senate Journal and that Engrossed House Bill No. 1238 be amended as follows:

Page 1, line 3, after "funds" insert "; and to provide a penalty"

Page 1, line 15, after "is" insert "an infraction if the amount of insufficient funds or credit is not more than one hundred dollars.", remove the overstrike over "~~a class B misdemeanor~~", and replace "an infraction" with "if the amount of insufficient funds or credit is more than one hundred dollars and not more than five hundred dollars, and a class A misdemeanor if the amount of insufficient funds or credit is more than five hundred dollars"

Page 2, line 14, overstrike "fifteen" and insert immediately thereafter "twenty"

Page 2, line 26, overstrike "fifteen" and insert immediately thereafter "twenty"

Page 3, line 10, replace "fifteen" with "twenty"

Page 3, line 12, after "instrument" insert ", or the holder's agent or representative"

Page 3, line 22, after the second underscored comma insert "or the holder's agent or representative,"

Page 4, line 15, overstrike "fifteen" and insert immediately thereafter "twenty"

Renumber accordingly

Engrossed HB 1238 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1301:** Your conference committee (Sens. Kringstad, Schobinger, Kinnoin and Reps. D. Johnson, Brusegaard, Kroepflin) recommends that the **SENATE RECEDE**

from the Senate amendments on HJ page 835, adopt amendments as follows, and place HB 1301 on the Seventh order:

That the Senate recede from its amendments as printed on page 835 of the House Journal and page 648 of the Senate Journal and that House Bill No. 1301 be amended as follows:

Page 3, line 10, replace "forty-five" with "forty"

Renumber accordingly

HB 1301 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1340, as engrossed:** Your conference committee (Sens. Kringstad, Schobinger, Tomac and Reps. Belter, Mickelson, Warner) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 988, adopt amendments as follows, and place HB 1340 on the Seventh order:

That the Senate recede from its amendments as printed on page 988 of the House Journal and page 689 of the Senate Journal and that Engrossed House Bill No. 1340 be amended as follows:

Page 1, line 3, after "transfer" insert "and an appropriation"

Page 2, line 19, after "**TRANSFER**" insert "**- APPROPRIATION**"

Page 2, line 23, after the period insert "Before July 1, 1999, the tax commissioner shall certify to the state treasurer any amount by which the amount transferred under this section exceeds the amount of individual income tax liability reductions resulting from the deductions and credits for qualified adoption expenses under this Act for the first two taxable years beginning after December 31, 1996. Notwithstanding section 54-44.1-11, thirty days after the close of the 1997-99 biennium the state treasurer shall transfer from the state general fund to the children's services coordinating committee for deposit in its operating fund the amount certified by the tax commissioner under this section. The amount to be transferred to the children's services coordinating committee under this section is hereby appropriated from the state general fund, but not in an amount exceeding \$154,000."

Renumber accordingly

Engrossed HB 1340 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1387, as engrossed:** Your conference committee (Sens. Sand, Klein, Thompson and Reps. Kempenich, Axtman, Mahoney) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 860, adopt amendments as follows, and place HB 1387 on the Seventh order:

That the Senate recede from its amendments as printed on page 860 of the House Journal and pages 671 and 672 of the Senate Journal and that Engrossed Senate Bill No. 1387 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 12.1-20 of the North Dakota Century Code, relating to prohibiting the facilitation of sexual acts in public; and to provide a penalty.

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

**SECTION 1.** A new section to chapter 12.1-20 of the North Dakota Century Code is created and enacted as follows:

##### **Facilitation of sexual acts in public.**

1. As used in this section:

- a. "Adult entertainment center" means any commercial facility at which motion pictures or videos that include explicit representations of

sexual conduct are offered for viewing at that facility, but does not include the guest rooms of a hotel or motel.

- b. "Sexual act" has the meaning prescribed in section 12.1-20-02.
  - c. "Sexual conduct" has the meaning prescribed in section 12.1-27.1-01.
2. It is an infraction for a person to willfully own, rent, lease, manage, or exercise control of any portion of an adult entertainment center if that portion contains:
    - a. Any partition between subdivisions of a room or area that has an opening that facilitates a sexual act between individuals on either side of the partition; or
    - b. A room, booth, stall, or partitioned portion of a room offered to individuals for a fee as an incident to viewing a video, motion picture, or similar entertainment, unless the room, booth, stall, or partitioned portion of the room has:
      - (1) At least one side open to an adjacent public space so that the area inside is visible to individuals in the adjacent public space; and
      - (2) The viewing area is lighted in a manner that the persons in that area are visible from the adjacent public space.
  3. This section does not apply to an enclosure that is a private office space used by the owner, manager, or employees of the adult entertainment center if that office space is not held out or available to the public for the purpose of viewing a video, motion picture, or similar entertainment for a fee.
  4. The department of health or the state's attorney having jurisdiction may bring an action to enjoin a pattern of violations of this section."

Renumber accordingly

Engrossed HB 1387 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1412, as engrossed:** Your conference committee (Sens. Mutch, Krebsbach, Lindaas and Reps. Poolman, Axtman, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 906, adopt amendments as follows, and place HB 1412 on the Seventh order:

That the Senate recede from its amendments as printed on page 906 of the House Journal and pages 700 and 701 of the Senate Journal and that Engrossed House Bill No. 1412 be amended as follows:

Page 1, line 2, after "securities" insert "; to amend and reenact subsection 4 of section 10-04-03 of the North Dakota Century Code, relating to deposit of security fees; and to declare an emergency"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 4 of section 10-04-03 of the North Dakota Century Code is amended and reenacted as follows:

4. All fees collected under this chapter ~~shall~~ must be turned deposited in to the general fund of the state treasury, except civil penalties collected from enforcement actions for the purpose of distribution to aggrieved investors may be deposited in a special securities protection fund. All other civil penalties collected, including those collected for the reasonable expenses for the administration of a particular case, must be deposited in the general fund.

Page 1, underscore lines 6 through 23

Page 2, underscore lines 1 through 31

Page 3, underscore lines 1 through 29

Page 3, after line 29, insert:

"**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1412 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1456, as engrossed:** Your conference committee (Sens. Wanzek, Cook, Wogsland and Reps. R. Kelsch, Grande, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1049-1050, adopt amendments as follows, and place HB 1456 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1049 and 1050 of the House Journal and pages 822 and 823 of the Senate Journal and that Engrossed House Bill No. 1456 be amended as follows:

Page 1, line 2, replace the second "school" with "education"

Page 1, line 8, replace the second "school" with "education"

Page 1, line 11, replace the colon with "the student, through home education, has met the issuing entity's requirements for high school graduation and the student's parent or legal guardian provides the issuing entity with a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the student's performance in grades nine through twelve.

2. In the alternative, a high school diploma may be issued to a student by the student's school district of residence, a state-approved nonpublic high school, or the North Dakota division of independent study if the student, through home education, has completed at least seventeen units of high school coursework from the minimum required curriculum offerings established for public and private schools in section 15-41-24 and the student's parent or legal guardian provides the issuing entity with a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the student's performance in grades nine through twelve. The issuing entity may indicate on a diploma issued under this subsection that the student has received home education."

Page 1, remove lines 12 through 21

Page 1, line 22, replace "2" with "3" and after "1" insert "or 2"

Page 1, line 24, after "the" insert "applicable"

Renumber accordingly

Engrossed HB 1456 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1478:** Your conference committee (Sens. Fischer, B. Stenehjem, DeMers and Reps. Kliniske, Kilzer, Kerzman) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 959, adopt amendments as follows, and place HB 1478 on the Seventh order:

That the Senate recede from its amendments as printed on page 959 of the House Journal and pages 746 and 747 of the Senate Journal and that House Bill No. 1478 be amended as follows:

Page 1, line 2, replace "expectant mothers" with "pregnant women"

Page 1, line 7, overstrike "unborn child" and insert immediately thereafter "fetus"

Page 1, line 9, overstrike "unborn child's"

Page 1, line 10, after "survival" insert "of the fetus", remove "or drawings", and replace "unborn" with "a fetus"

Page 1, line 11, remove "children" and remove "or drawings"

Page 1, line 15, overstrike "unborn child" and insert immediately thereafter "fetus"

Renumber accordingly

HB 1478 was placed on the Seventh order of business on the calendar.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on April 1, 1997, I signed the following: SB 2023, SB 2045, SB 2052, SB 2054, SB 2056, SB 2057, SB 2089, SB 2091, SB 2099, SB 2106, SB 2117, SB 2122, SB 2139, SB 2157, SB 2364, and SB 2379.

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

**William C. Parker, Secretary**