

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

* * * * *

Bismarck, April 3, 1997

The House convened at 9:00 a.m., with Speaker Timm presiding.

The prayer was offered by Representative Coats.

The roll was called and all members were present.

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 8:40 a.m., Thursday, April 3, 1997.

This is to inform you that on April 2, 1997, I signed the following: HB 1030, HB 1058, HB 1063, HB 1083, HB 1213, HB 1158, HB 1159, HB 1170, HB 1248, HB 1261, HB 1263, HB 1264, HB 1269, HB 1270, and HB 1330.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1055, HB 1164, HB 1243, HB 1342.

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

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

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1034

In lieu of the amendments to Reengrossed House Bill No. 1034 as printed on pages 919 through 927 of the Senate Journal, Reengrossed House Bill No. 1034 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "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.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-65-01 of the North Dakota Century Code is amended and reenacted as follows:

15-65-01. North Dakota educational telecommunications council - Creation - Purpose. The North Dakota educational telecommunications council shall encourage and ~~direct promote~~ the creation of educational telecommunication programs and use of technology for educational purposes and the development of technology systems to improve educational opportunity within the state.

SECTION 2. AMENDMENT. Section 15-65-02 of the North Dakota Century Code is amended and reenacted as follows:

15-65-02. Membership - Appointment - Term - No compensation - Expenses - Organization. The North Dakota educational telecommunications council consists of:

1. The commissioner of higher education or the commissioner's designee.

2. The superintendent of public instruction or the superintendent's designee.
3. ~~One citizen member appointed by the governor giving preference to users of a telecommunications system.~~
4. The director of the information services division of the office of management and budget.
5. ~~A representative of prairie public broadcasting, appointed by the governor.~~
6. ~~4.~~ A representative of the telephone industry, appointed by the governor.
7. ~~A representative of the North Dakota association of telephone cooperatives, appointed by the governor.~~
8. ~~A representative of the North Dakota cable television association, appointed by the governor.~~
9. ~~5.~~ A school board member, appointed by the governor.
10. ~~6.~~ A school administrator, appointed by the governor.
11. ~~7.~~ A schoolteacher, appointed by the governor.

The term of office of the appointed members is three years, ~~except that of the original appointees, three shall serve one year, three shall serve two years, and two shall serve three years, which appointees to be determined by lot.~~ At all times either the school board member or the school administrator must be from a school with an enrollment of less fewer than five hundred students.

The ~~two citizen members, the school board member, the school administrator, and the schoolteacher~~ appointed by the governor must be reimbursed for actual necessary expenses incurred in the performance of their duties as members of the council at the same rates as provided by law for other state officers and employees. The costs incurred in reimbursing the ~~two citizen~~ members of the council for their actual necessary expenses must be paid by the superintendent of public instruction. The other members of the council are not entitled to any compensation or reimbursement for expenses incurred in performing their duties. ~~The superintendent of public instruction shall call the initial meeting of the council at which time the council shall elect its chairman and other officers and take such other action as it deems appropriate.~~

SECTION 3. AMENDMENT. Section 15-65-03 of the North Dakota Century Code is amended and reenacted as follows:

15-65-03. Powers and duties. The council shall:

1. ~~Direct the implementation of telecommunication systems that are compatible and that can be connected with each other. Promote the use of technology and the development of technology systems to enhance educational opportunities within the state.~~
2. ~~Develop a comprehensive written plan for the development of telecommunications in this state. Cooperate with state agencies and other organizations to develop statewide educational technology systems.~~
3. ~~Be concerned with the development and use of statewide educational telecommunication programs and systems.~~
4. ~~Hold coordinating authority for the development of such statewide educational telecommunication programs and systems as may be required to serve the entire state.~~
5. ~~Assist any organization, state agencies, or both in the preparation, filing, and prosecution before federal agencies such applications, reports, or other documents or requests of any kind that may be necessary or appropriate to achieve the purposes of this chapter.~~
6. ~~Receive gifts and contributions from public and private sources to be expended to provide educational telecommunication programs and systems.~~

7. ~~Be concerned with the activation of educational broadcasting channels presently assigned to North Dakota, or the reallocation or addition of the channels, or both, as are determined to be in the best interests of the people of the state.~~
8. ~~Actively cooperate with the state department of public instruction and the state board of higher education and other agencies and private organizations for the purpose of developing statewide educational telecommunication projects.~~
9. Adopt bylaws for the conduct of its affairs.
10. ~~4.~~ Publish the informational material it deems necessary.
11. ~~5.~~ Carry on Conduct a continuing study relating to assess the needs, resources, and facilities which are available or may be required to establish educational telecommunication programs and technology systems throughout the entire state.
12. ~~6.~~ Contract with eligible applicants to build and operate public television stations in this state. Eligible applicants are those licensed by the federal communications commission to operate noncommercial public television stations. Operational contracts may not exceed the amount raised within the preceding fiscal year by the applicant from nontax sources in this state. Receive gifts and grants from private and public sources to be expended for educational technology projects.

SECTION 4. AMENDMENT. Section 15-65-06 of the North Dakota Century Code is amended and reenacted as follows:

15-65-06. Plan for statewide system of interactive telecommunications educational technology - Solicitation of grants. In developing and implementing a plan for a statewide system of interactive telecommunications educational technology, the educational telecommunications council shall solicit grants to be used in conjunction with moneys appropriated by the legislative assembly for telecommunications educational technology. Any moneys appropriated by the legislative assembly for telecommunications educational technology, unless specifically provided otherwise, and any grants received in accordance with this section must be used to implement the plan systems developed by the educational telecommunications council pursuant to this chapter.

SECTION 5. AMENDMENT. Section 54-35-15 of the North Dakota Century Code is amended and reenacted as follows:

54-35-15. ~~Science and Information~~ technology program - Staff - Powers and duties.

1. The legislative council, or its designee, shall provide ~~scientific and technological~~ information technology research and staff services to the legislative branch. The services must be provided in accordance with the existing statutory authority of the legislative council and within the framework of its other staff services.
2. The legislative council staff office shall provide ~~the scientific and technological~~ information technology services, and the council, or its designee, may hire such additional staff as are necessary, and set compensation for any additional staff within the limits of legislative appropriations.
3. The council, or its designee, shall structure the provision of ~~scientific and technological~~ information technology services and assistance to the legislative assembly; and shall receive such cooperation and assistance from other state agencies as it may reasonably request.
4. The council, or its designee, shall study emerging technology and evaluate its impact on the state's system of information technology, and report and make recommendations to the legislative council and the legislative assembly regarding information technology in state government.

5. The council, or its designee, shall develop guidelines for reports to be provided by each executive branch agency, institution, or department, the institutions under the control of the board of higher education, and agencies of the judicial and legislative branches on information technology in those entities.
6. The council, or its designee, shall review the information technology management of executive branch agencies, institutions, or departments, institutions under the control of the board of higher education, and agencies of the judicial and legislative branches as determined necessary by the council or its designee.
7. The council, or its designee, shall perform information systems reviews and audits of information technology systems or applications of executive branch state agencies, institutions, and departments, institutions under the control of the state board of higher education, and agencies of the judicial and legislative branches, as determined necessary by the council, or its designee. The reviews and audits may include evaluating compliance with system or application requirements, data integrity, security, controls, audit trails, backup and recovery methods, and the effectiveness and appropriateness of the system in achieving its intended purpose, as applicable.
8. The council, or its designee, shall monitor the implementation of information technology systems development projects and application development projects for conformance with the agency's strategic plan and compliance with statewide policies and standards as determined necessary by the council, or its designee, and report any nonconformance or noncompliance discovered to the council or its designated committee.
9. As used in this section, "information technology" means computing and data communications systems and their supporting infrastructure used in the acquisition, processing, management, analysis, storage, and delivery of information.

SECTION 6. AMENDMENT. Section 54-44.2-00.1 of the North Dakota Century Code is amended and reenacted as follows:

54-44.2-00.1. Definitions. As used in this chapter:

1. ~~"Data processing" or "electronic data processing" means the systematic sequencing of operations performed by data processing equipment or programs, or both, upon data stored or entered in alphabetic, numeric, or alphanumeric format. "Information technology" means computing and data communications systems and their supporting infrastructure used in the acquisition, processing, management, analysis, storage, and delivery of information.~~
2. ~~"Data processing equipment" means an electronic device or associated devices, except calculators and stand alone noncommunicating word processors, which perform logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses and includes all compiling and related input, output, and storage, equipment, programs and procedures, and data processing communications facilities. "Information technology services" means the equipment, software, and services necessary for the acquisition, processing, management, analysis, storage, and delivery of information.~~
3. ~~"Telecommunications" means the electronic exchange of voice, data, image, and video information. "Telephone services" means the equipment, software, and services necessary to transmit voice, data, or video through the public telephone network.~~
4. ~~"Transmission facilities" means terrestrial lines, and microwave, lightwave, and satellite facilities.~~
5. ~~"Word processing" means the textual formatting, correcting, editing, and rearranging of language elements, designed to convey full messages in English syntax, through manipulation of electronic or magnetic impulses.~~

~~"Word processors" are devices on which word processing can be carried out.~~

SECTION 7. AMENDMENT. Section 54-44.2-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-44.2-01. Information services division - Creation. The information services division is established in the office of management and budget. The director of the office of management and budget shall appoint a director of the information services division. The director of the information services division shall supervise and regulate ~~electronic data processing activities~~ the information technology of all executive branch state agencies, institutions, departments, and boards, ~~except the job service North Dakota and the office of the adjutant general excluding the institutions under the control of the board of higher education.~~ The division shall establish an electronic data processing center which must, unless excepted by the director, be used by all executive branch state agencies, departments, and institutions except the institutions under the control of the board of higher education, the job service North Dakota, and the office of the adjutant general. The division shall provide data processing services to the legislative and judicial branches of government. If the division is unable to fulfill a request for service from the legislative or judicial branch of government, the service may be procured by the legislative or judicial branch within the limits of legislative appropriations.

The director of the information services division must be appointed upon the basis of education, experience, and other qualifications in data processing information technology and administration. ~~The position of director is not a classified position and the director, without reference to partisan politics, and must serve at the pleasure of the director of the office of management and budget.~~ The director of the information services division shall employ such other professional, technical, and clerical personnel as the director determines to be necessary to carry out the duties prescribed in this chapter and shall, within the limits of the legislative appropriation, shall fix the salaries of all employees within the division. All personnel within the division must be allowed their actual and necessary travel expenses at the same rate as for other employees of the state.

SECTION 8. AMENDMENT. Section 54-44.2-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-44.2-02. Information services division - Powers and duties. The information services division shall:

1. Provide ~~systems design, programming, and other data processing~~ information technology services.
2. ~~Design, plan, justify, and implement all data processing systems within and between state agencies that utilize the services of the division. Provide telephone services.~~
3. Have the authority to purchase or lease ~~such additional~~ equipment or replace, including by trade or resale, present equipment as may be necessary to carry out this chapter. Each executive branch department, agency, or institution, except the institutions under the control of the board of higher education, ~~the job service North Dakota, and the office of adjutant general,~~ shall submit to the director of the information services division for approval or disapproval and the legislative council, or its designee, in accordance with guidelines established by the division, a written request for data processing services that require new data processing applications. A request must also be submitted for modifications to existing data processing applications which are expected to increase the cost of operating such data processing applications by more than fifteen percent. ~~The director may approve or disapprove the lease, purchase, or other contractual acquisition of additional or new electronic data processing information technology services or equipment by executive branch agencies, except the institutions under the control of the board of higher education, the job service North Dakota, and the office of adjutant general. The director may authorize a user agency to house and operate electronic data processing equipment. The information services division shall review requests for conformance with the requesting organization's strategic plan and compliance with statewide policies and standards. If the request is not in conformance or compliance, the information services division may~~

disapprove the request or require justification for the departure from the strategic plan or statewide policy or standard. The division shall inform the legislative council, or its designee, of any requests disapproved or additional justification received relating to a request.

4. Provide data-processing information technology services, including assistance and advisory service to the legislative, executive, and judicial branches. If the division is unable to fulfill a request for service from the legislative or judicial branch, the service may be procured by the legislative or judicial branch within the limits of legislative appropriations.
5. ~~Establish and justify data processing activities and costs in order that effectiveness can be measured.~~
6. ~~Establish a data bank to eliminate the duplicate storage of common data and thereby develop more economical and efficient use of the data processing system. The data bank must consist of data, except where data is restricted from such use by law and such confidentiality cannot be reasonably maintained in the data bank, contained within the files of all agencies, departments, and institutions being provided services by the division. If the data bank contains data of use to other departments, agencies, and institutions, the data may be made available to such departments, agencies, and institutions after notice has been given to the agency, department, or institution from which the data was originally received.~~
7. ~~Analyze proposals for executive branch agency word processing equipment and facility acquisitions and make such comments and recommendations as it may believe necessary so that such equipment and facilities will be compatible with electronic data processing equipment and programs under the supervision of the division. The office of management and budget may not approve vouchers for acquisition of word processing equipment and facilities by executive branch agencies unless the vouchers have attached to them the division's comments and recommendations.~~
8. ~~Conduct conferences and meetings with various state agencies, departments, institutions, and political subdivisions to review proposals and provide information on improving telecommunications and transmission facilities in government and coordinate information technology services. The information services division shall report annually to the legislative council or its designated committee regarding the coordination of services with political subdivisions.~~
9. ~~Implement improvements in the state telecommunications and transmission facilities as are feasible and within the limitations of appropriated funds.~~
10. ~~Adopt any rules determined to be necessary to establish standard procedures and practices in the development and use of telecommunications and transmission facilities provided by the division.~~
11. ~~Provide advice, general guidelines, and information to political subdivisions on the compatibility and interactive capacity of computers and other electronic information systems with the goal of developing a statewide compatible electronic communications network by 1996.~~
12. 6. Have authority to request information on or review information technology systems, applications, system development projects, and application development projects of executive branch departments, agencies, and institutions.
7. Perform all other duties necessary to carry out this chapter.

SECTION 9. Four new sections to chapter 54-44.2 of the North Dakota Century Code are created and enacted as follows:

Information technology standards. The information services division, based on information from state agencies, institutions, and departments, and in consultation with the legislative council, shall develop statewide information technology policies, standards, and guidelines. Unless an exception is granted by the information services division, each executive branch state agency, institution, or department, excluding the

institutions under the control of the board of higher education, shall comply with the policies and standards developed by the information services division.

Information technology planning. Each executive branch state agency, institution, or department, including the institutions under the control of the board of higher education, shall prepare an information technology strategic plan, subject to approval by the information services division. The plan must be submitted to the information services division and the legislative council by January fifteenth of each even-numbered year. The plan must be prepared based on guidelines developed by the information services division in consultation with the legislative council; must provide the information technology goals, objectives, and activities of the organization for the next five years; and must include a detailed list of information technology assets owned, leased, or employed by the agency, institution, or department. Each agency, institution, or department shall provide interim updates to its plan if major information technology changes occur which affect its plan. The information services division shall review each agency's, institution's, or department's strategic plan for compliance with statewide information technology policies and standards and may require an agency, institution, or department to change its strategic plan to comply with statewide policies or standards or to resolve conflicting directions among plans. Agencies of the judicial and legislative branches shall file their information technology strategic plans with the information services division and the legislative council by January fifteenth of each even-numbered year. Each agency, institution, or department shall prepare its budget request for the next biennium based on its information technology strategic plan. Based on the plans prepared by agencies, institutions, and departments, the information services division shall prepare a statewide information technology strategic plan and distribute copies of that plan to members of the legislative assembly as requested by the legislative council or its designee.

Information technology coordination - Report to legislative council. The director of the information services division and the commissioner of the board of higher education shall meet at least twice each year to plan and coordinate their information technology systems and services. The director and commissioner shall consider areas in which joint or coordinated information technology systems and services may result in more efficient and effective state government operations. The director and commissioner shall report their findings and recommendations to the legislative council or its designated committee before November of each year.

Information technology management reviews - Report to legislative audit and fiscal review committee. The information services division shall review the information technology management of executive branch state agencies, institutions, or departments, including the institutions under the control of the board of higher education, as determined by the director of the information services division. The review must include an evaluation of the organization's planning effectiveness, conformance to its strategic plan, compliance with statewide policies and standards, asset quality, and training methods, and for an organization that contracts for information technology services, an analysis of the organization's contract management system and the contractor's compliance with contract provisions. If an agency, institution, or department is found not to be in compliance with statewide policies and standards and does not agree to come into compliance, the information services division may report the issue to the legislative audit and fiscal review committee. The information services division shall report recurring issues of noncompliance to the legislative audit and fiscal review committee.

SECTION 10. AMENDMENT. Section 54-44.2-04 of the North Dakota Century Code is amended and reenacted as follows:

54-44.2-04. Appointment of ~~data-processing~~ information technology coordinators. Each agency, department, or institution of this state utilizing the services and equipment provided by the information services division shall appoint an electronic ~~data-processing~~ information technology coordinator. The coordinator shall maintain liaison with the division and assist the division in such activities as the establishment of priorities, rescheduling, reports, and other areas related to making the most economical use of the ~~data-processing services and equipment~~ information technology.

SECTION 11. AMENDMENT. Section 54-44.2-06 of the North Dakota Century Code is amended and reenacted as follows:

54-44.2-06. ~~Secrecy provision~~ Confidentiality. The personnel of the information services division may receive from the various departments; and the employees of the various departments may provide to the division; any information from

the files and records of the ~~various~~ departments necessary to effect the purposes of this chapter without regard to the confidential or ~~secret~~ nature of the information; provided, however, the ~~personnel of the division are~~ is subject to the same restrictions and penalties regarding the dissemination of this information as ~~are the personnel of the~~ department involved.

SECTION 12. AMENDMENT. Section 54-44.2-07 of the North Dakota Century Code is amended and reenacted as follows:

54-44.2-07. Acceptance of federal and other funds. ~~Funds received by a state agency or institution from the government of the United States for the purpose of matching state funds for the purpose of improving normal or emergency telecommunication systems may be deposited in the information services operating fund, unless the funds have been specifically appropriated by the legislative assembly for some other purpose or unless transfer would be contrary to the federal regulations governing the grant. The information services division may accept federal or other funds, which must be deposited in the information services operating fund and which may be spent subject to legislative appropriations. The director of the information services division may apply for any public or private grants available for the improvement of telecommunication systems~~ information technology.

SECTION 13. AMENDMENT. Section 54-44.2-08 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-44.2-08. Access to electronically stored information - Coordination by information services division. An entity of the state may establish procedures for providing access to any computer data base or electronically filed or stored information maintained by that entity. The procedures must address the measures that are necessary to maintain the confidentiality of information protected by federal or state law. The entity may charge a reasonable fee for providing that access. ~~If the original information is keyed, entered, provided, compiled, or submitted by any political subdivision, the fees must be shared by the state and the political subdivision based on their proportional costs to make the data available.~~ The information services division shall cooperate with each state entity providing access to any computer data base or electronically filed or stored information to assist in providing economical, efficient, and compatible access.

SECTION 14. REPEAL. Sections 15-65-04, 54-44.2-02.1, 54-44.2-02.2, 54-44.2-02.3, and 54-44.2-02.4 of the North Dakota Century Code and section 54-44.2-02.5 of the 1995 Supplement to the North Dakota Century Code are repealed.

SECTION 15. LEGISLATIVE INTENT - INFORMATION TECHNOLOGY STRATEGIC PLANS. It is the intent of the fifty-fifth legislative assembly that state agency information technology strategic plans include the following:

1. Each state agency information technology strategic plan should include an executive summary consisting of:
 - a. Proposed information technology direction for the agency.
 - (1) Overall information technology plan summary, including benefits and outcomes justifying the plan.
 - (2) The compatibility of the agency's plan with the statewide information technology plan (when complete).
 - (3) Major goals, objectives, timelines, and projected costs, by funding source.
 - (a) Short-term - The current biennium.
 - (b) Medium-term - One to three years (subsequent biennium).
 - (c) Long-term - Three to five years (second subsequent biennium).
 - (4) A summary of each major project in the plan which includes information on:

- (a) Total project cost.
 - (b) Cost for each biennium, by funding source.
 - (c) Estimated development costs, including costs within the agency, information services division services required, and contract services needed.
 - (d) Estimated ongoing maintenance and support costs, including costs within the agency, information services division services required, and contract services needed.
 - (e) Personnel training costs.
 - b. Annual projections for five years of operational costs by funding source, including federal funds, of the agency's current information technology systems including full-time equivalent positions, information services division services, contract services, and training.
 - c. Information technology accomplishments, including major agency accomplishments relating to the agency's goals and objectives included in the previous information technology plan.
2. Each state agency information technology strategic plan should also include:
 - a. A description of the agency and a summary of services provided by the agency.
 - b. A list of current information technology systems of the agency, including:
 - (1) Major systems, including a description of the systems, the systems' capabilities to share information with other agencies and political subdivisions, and public access to information in the systems.
 - (2) Other systems, including a description of the systems, the systems' capabilities to share information with other agencies and political subdivisions, and public access to information in the systems.
 - (3) Projected annual operational and support costs by funding source, including federal funds for systems, for five years including projections relating to agency full-time equivalent positions, information services division services, the use of outside consultants, and employee training.
 - (4) An information technology inventory, including the cost of inventory.
 - (5) A description of the agency's information technology contract management system, including procedures used in securing contracts and monitoring procedures during the contract period.
 - (6) A list of employee training methods relating to information technology.
 - (7) A disaster recovery plan for the agency's information technology systems.
 - c. An assessment of current systems of the agency, including:
 - (1) An analysis of the systems, including those aspects of the systems that work well and those that need improvement, including:
 - (a) In-office applications and services.

- (b) Capability of sharing information with other agencies and political subdivisions.
 - (c) Availability of public access to information.
 - (2) Systems' requirements - Whether federal or state law affects systems' requirements and whether the systems must be approved by the federal government or other organization.
 - (3) Options for systems' modifications, if any are being considered.
- d. Information technology direction for the agency, including:
- (1) An overall agency information technology plans summary.
 - (2) A list of goals and objectives for the agency's information technology systems, including:
 - (a) Short-term - The current biennium.
 - (b) Medium-term - One to three years (subsequent biennium).
 - (c) Long-term - Three to five years (second subsequent biennium).
 - (d) Specific estimated costs by funding source, including federal funds, for each objective during the next three years and an estimated cost range for long-term goals and objectives, if a specific estimate is unavailable.
 - (e) Identification of plans to use agency employees, information services division, or outside consultants to accomplish each objective and, if applicable, the method of contracting which will be used.
 - (f) The benefits resulting from achieving the goals, including the effect on employee productivity and on agency services.
 - (g) The impact on other agencies or users resulting from achieving the goals or objectives.
 - (h) Measurable outcomes that may be realized as a result of achieving the goals or objectives.
 - (3) For each major information technology project in the plan, specific information should be included on:
 - (a) A detailed cost-benefit analysis.
 - (b) Total project cost information, by year and by funding source.
 - (c) Project development costs, including costs within the agency, information services division services required, and contract services needed.
 - (d) Estimated ongoing maintenance and support costs, including costs within the agency, information services division services required, and contract services needed.
 - (e) Personnel training costs.
 - (f) Options for phasing in the project.
 - (g) Options for implementing only certain components of the project.

- (4) A list of methods used by the agency to manage information technology costs and to ensure that the systems and services are cost effective.
 - (5) A review of the compatibility of the agency's plan with the statewide information technology plan (when complete) and with statewide information technology policies and standards (when established).
- e. Accomplishments in achieving information technology goals and objectives; including:
- (1) A list of specific agency accomplishments relating to the agency's goals and objectives included in the previous information technology plan.
 - (2) A comparison of outcomes realized resulting from achieving goals and objectives compared to projected outcomes included in the previous plan.
 - (3) A comparison of actual project costs to project estimates included in the previous plan.

SECTION 16. LEGISLATIVE INTENT - GRANTS FOR THE CENTER FOR INNOVATION IN INSTRUCTION. It is the intent of the fifty-fifth legislative assembly that the funds appropriated for grants to the center for innovation in instruction be distributed by the board of higher education to support teacher and school staff training in educational technology through the center for innovation in instruction.

SECTION 17. LEGISLATIVE INTENT - PRAIRIE PUBLIC BROADCASTING - MATCHING GRANTS. It is the intent of the fifty-fifth legislative assembly that prairie public broadcasting receive grants from the board of higher education. The grants are to be distributed four times each year, in July, October, January, and April. The grants must be fifty cents for each dollar raised by prairie public broadcasting during the three-month period ending in the month immediately preceding the month in which the grants must be distributed. In determining the amount of the grant, revenue from the following sources must be considered: membership contributions for prairie public television and prairie public radio from North Dakota residents, program underwriting contributions raised from organizations doing business in North Dakota, and fees received for the prairie on-line program. Grants may not exceed \$475,000 during any state fiscal year. If, as of June thirtieth of any year, the amount of grants distributed during the preceding twelve months is less than \$475,000, the undistributed amount available for that fiscal year must be deposited in the state general fund.

SECTION 18. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from other income, to the board of higher education for grants for the biennium beginning July 1, 1997, and ending June 30, 1999, as follows:

Grants - center for innovation in instruction	\$ 297,250
Grants - prairie public broadcasting	<u>950,000</u>
Total general fund appropriation	\$1,247,250

SECTION 19. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$466,960, or so much of the sum as may be necessary, to the legislative council for the purpose of defraying the expenses of its information technology program for the biennium beginning July 1, 1997, and ending June 30, 1999."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 160 - LEGISLATIVE COUNCIL

SENATE - This amendment makes the following appropriations changes:

Reduces the general fund appropriation provided to the Legislative Council for its information technology functions by \$381,316, from \$848,276 provided in the House version to \$466,960 provided in the Senate version.

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

SENATE - This amendment makes the following appropriations changes:

Adds a section of legislative intent providing the information that the Legislative Assembly recommends to be included in state agency information technology strategic plans.

Removes funding added by the House of \$8,223,250, \$8,027,250 of which is from the general fund, for the Educational Telecommunications Council to distribute as educational technology grants. The associated legislative intent sections added by the House relating to this funding are also removed.

Adds a general fund appropriation of \$1,247,250 from the general fund to the Board of Higher Education for providing grants to the Center for Innovation in Instruction of \$297,250 and to Prairie Public Broadcasting of \$950,000. Sections of legislative intent are added providing guidance on the distribution of these grants.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1035

In lieu of the amendments adopted by the Senate as printed on pages 697 and 698 of the Senate Journal, Engrossed House Bill No. 1035 is amended as follows:

Page 13, line 5, remove "Election -"

Page 13, line 6, replace "twenty" with "nine"

Page 13, line 7, replace ", commissioner of higher" with "and"

Page 13, line 8, remove "education or the commissioner's designee," and remove ", and the president of the North"

Page 13, line 9, remove "Dakota library association" and replace "voting" with "nonvoting"

Page 13, line 10, replace "four" with "nine", remove "a", and replace "or institutional" with "libraries, one of whom must represent higher education institution libraries, one of whom must represent school libraries"

Page 13, line 11, remove "library"

Page 13, line 12, replace "one citizen at large" with "four of whom must represent public libraries. The governor shall take into account reasonable geographic considerations when appointing the members to represent public libraries" and remove "The state librarian shall divide the state into four"

Page 13, remove lines 13 through 16

Page 13, line 17, remove "established North Dakota libraries are qualified voters for purposes of the election."

Page 13, line 18, replace "four" with "three" and remove "elected and two"

Page 13, line 19, remove the first "members", replace "four" with "three", and remove "elected and"

Page 13, line 20, remove "two members" and replace "four" with "three"

Page 13, line 21, replace "elected" with "appointed by the governor" and remove ", as designated by the state librarian"

Page 13, line 23, replace "council" with "governor"

Page 13, line 24, remove "elected or"

Page 14, line 18, replace "Advise the state librarian on" with "Approve"

Page 15, line 11, replace "\$30,000" with "\$70,000"

Page 15, line 13, replace "and" with a comma and after "schools" insert ", or regional library cooperatives"

Page 15, line 14, replace the second "and" with a comma

Page 15, line 15, after "schools" insert ", or regional library cooperatives"

Page 15, line 17, replace "or" with a comma and after "school" insert ", or regional library cooperative"

Page 15, line 18, replace the first "and" with a comma and after "schools" insert ", and regional library cooperatives"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 250 - STATE LIBRARY

SENATE - This amendment makes the following changes:

Reduces the number of members on the Library Coordinating Council by 11, from 20 to nine.

Provides that the council approve grants rather than advise the State Librarian on grants.

Increases funding for Internet access grants by \$40,000 from the general fund, from \$30,000 to \$70,000, and allows regional library cooperatives to apply for these grants, in addition to libraries and schools.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1035

Page 14, line 18, replace "Advise the state librarian on" with "Approve"

Page 15, after line 30, insert:

"SECTION 23. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary, to the state library for the purpose of providing grants to the existing regional library cooperatives, the new dimensions information authority, the north central library authority, and the Dakota west cooperating libraries, to be distributed equally upon application from each entity for the purpose of defraying the expense of improving and maintaining linkages to other libraries within the state."

Renumber accordingly

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.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1226

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, after the second underscored comma insert "except in cases of pregnancy resulting from rape or incest,"

Page 70, line 19, after "chapter" insert "during the month of the child's probable conception" and 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

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1226

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

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 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.

SIXTH ORDER OF BUSINESS

SB 2228, as engrossed: REP. WARDNER (Government and Veterans Affairs Committee)

MOVED that the amendments on HJ page 1303 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2228: A BILL for an Act to create and enact a new section to chapter 27-12 and sections 44-04-17.5, 44-04-18.01, 44-04-18.02, 44-04-18.10, 44-04-18.11, 44-04-19.05, 44-04-19.2, 44-04-21.1, 44-04-21.2, and subsection 19 of section 54-12-01 of the North Dakota Century Code, relating to public records and public meetings; to amend and reenact sections 44-04-18, 44-04-18.1, 44-04-18.3, 44-04-18.4, 44-04-18.5, 44-04-18.7, 44-04-19, 44-04-19.1, 44-04-20, 44-04-21, and 54-44.2-08 of the North Dakota Century Code, relating to public records and meetings; and to repeal section 44-04-18.2 of the North Dakota Century Code, relating to economic development records and meetings.

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 89 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie

NAYS: Boehm; Carlson; Christopherson; Delzer; Grosz; Kelsch, R.; Rennerfeldt; Speaker Timm

Engrossed SB 2228, as amended, passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution for the amendment of subsections 1 and 6 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the names, locations, and missions of the institutions of higher education.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 52 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Dorso; Drovda; Freier; Galvin; Gorder; Grande; Grosz; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Keiser; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Lloyd; Mickelson; Murphy; Nelson; Nicholas; Poolman; Price; Renner; Rennerfeldt; Skarphol; Soukup; Svedjan; Torgerson; Wald; Wardner; Weisz; Speaker Timm

NAYS: Aarsvold; Boucher; Callahan; Christenson; Coats; Delmore; Devlin; Fairfield; Froseth; Gerntholz; Glassheim; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Jensen; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Monson; Nichols; Niemeier; Nottestad; Oban; Olson; Rose; Sabby; Sandvig; Schmidt; Stenehjem; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Warner; Wentz; Wilkie

Reengrossed SCR 4010, as amended, was declared adopted on a roll call vote.

MOTION

REP. FREIER MOVED that the House be on the Seventh order of business and at the conclusion of that order, the House stand in recess until 1:00 p.m., which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1448, as engrossed: Your conference committee (Sens. Mutch, Krebsbach, LaFountain and Reps. Skarphol, Klein, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1150, adopt amendments as follows, and place HB 1448 on the Seventh order:

That the Senate recede from its amendments as printed on page 1150 of the House Journal and page 890 of the Senate Journal and that Engrossed House Bill No. 1448 be amended as follows:

Page 1, line 3, after "benefits" insert "; and to provide an expiration date"

Page 2, line 17, replace "one-fourth" with "one-half"

Page 4, after line 19, insert:

"SECTION 3. EXPIRATION DATE. Section 1 of this Act is effective through December 31, 2000, and after that date is ineffective. Section 2 of this Act is effective through December 31, 1999, and after that date is ineffective."

Renumber accordingly

Engrossed HB 1448 was placed on the Seventh order of business on the calendar.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Timm presiding.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 9:15 a.m., Thursday, April 3, 1997.

I am returning to you unsigned and hereby veto HB 1147. I have several concerns about the bill and its potential impact on children in our state.

First, the bill is mandatory and requires all law enforcement officials to notify a school administrator about a North Dakota student accused of possessing or using marijuana, accused of activity that would be a felony, or other offenses against North Dakota. Present law allows a school administrator, principal, or guidance counselor to have information if the juvenile was "adjudicated" of an offense that would have been a felony if committed by an adult. But, this bill goes further. It does not require "adjudication," which is a finding of guilt. It requires notification of a petition being filed against a child, which is only the accusation of wrongdoing.

Second, this bill undermines the underlying principle of our justice system which is that individuals are presumed innocent until proven guilty by the state. I believe we need to carefully protect this basic principle. In this case, we must balance school safety with the stigma attached to being accused of wrongdoing prior to a finding of guilt. This bill allows school officials to distribute information about possible wrongdoing to others without such a finding. I believe the bill goes too far.

Third, in 1995 the Legislative Assembly passed tough juvenile laws as part of the Governor's Juvenile Task Force. These laws now require juveniles to be treated as adults for serious felony acts and affords the public information about those charges and dispositions. Therefore, many of the felonies with which a juvenile will be charged will be treated in adult court.

For these reasons, I respectfully veto HB 1147.

MOTION

REP. DORSO MOVED that HB 1147 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto and that HB 1147 be placed on the Eleventh order of business on the calendar and laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WARDNER MOVED that the House do not concur in the Senate amendments to Reengrossed HB 1034, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Reengrossed HB 1034: Reps. Clark, Byerly, Fairfield.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. POOLMAN MOVED that the House do not concur in the Senate amendments to Engrossed HB 1035, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1035: Reps. Poolman, Grande, Rose.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1226, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1226: Reps. Price, Weisz, Kerzman.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1028 as printed on HJ pages 1235-1236, which motion prevailed.

Engrossed HB 1028, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1028: A BILL for an Act to provide an appropriation for defraying the expenses of various state departments and institutions; to provide for a transfer from the accumulated and undivided profits of the Bank of North Dakota to the general fund; to create and enact a new section to chapter 5 of the 1995 Session Laws, relating to capital improvements at the north central research center; to amend and reenact section 4 of chapter 25 of the 1995 Session Laws, relating to state employee defense costs; 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 97 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnson, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

Engrossed HB 1028, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

REP. KOPPELMAN MOVED that the conference committee report on HB 1085 as printed on HJ page 1303 be adopted, which motion prevailed.

HB 1085, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1085: A BILL for an Act to amend and reenact subsection 5 of section 19-03.1-37 of the North Dakota Century Code, relating to subpoenas by the defendant in a controlled substance proceeding.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Coats; Hanson; Keiser; Kilzer; Olson; Thorpe; Warner

HB 1085, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. SVEEN MOVED that the conference committee report on Engrossed HB 1357 as printed on HJ page 1303 be adopted, which motion prevailed.

Engrossed HB 1357, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1357: A BILL for an Act to prohibit surreptitious intrusion; to amend and reenact subdivision c of subsection 1 of section 12.1-32-15 of the North Dakota Century Code, relating to sexual offenders; 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 97 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

Engrossed HB 1357, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. SKARPHOL MOVED that the conference committee report on Engrossed HB 1448 be adopted, which motion prevailed.

Engrossed HB 1448, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1448: A BILL for an Act to amend and reenact sections 52-04-05 and 52-06-05 of the North Dakota Century Code, relating to the determination of rates and unemployment compensation maximum potential benefits; 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 97 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

Engrossed HB 1448, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED that all bills acted upon today be messaged to the Senate immediately, which motion prevailed.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1034, HB 1035, and HB 1226 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1034: Reps. Clark; Byerly; Fairfield

HB 1035: Reps. Poolman; Grande; Rose

HB 1226: Reps. Price; Weisz; Kerzman

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 1028.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2228.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SCR 4010.

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 1085, HB 1357, HB 1448.

MOTION

REP. FREIER MOVED that the House be on the Seventh and Sixteenth orders of business and at the conclusion of those orders, the House stand in recess until 5:00 p.m., which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1007: Your conference committee (Sens. Solberg, Lips, Tallackson and Reps. Gerntholz, Soukup, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1082, adopt amendments as follows, and place HB 1007 on the Seventh order:

That the Senate recede from its amendments as printed on page 1082 of the House Journal and page 842 of the Senate Journal and that House Bill No. 1007 be amended as follows:

Page 1, line 11, replace "103,781" with "101,200"

Page 1, line 13, replace "703,542" with "700,961"

Page 1, line 15, replace "628,616" with "626,035"

Page 1, after line 15, insert:

"SECTION 2. LEGISLATIVE INTENT - LINE ITEM TRANSFER FOR EQUIPMENT PURCHASE. It is the intent of the fifty-fifth legislative assembly that the labor commissioner utilize available funds within the 1997-99 appropriation for the purchase of a new printer. The emergency commission may authorize the transfer of funds between lines, if requested by the labor commissioner, for the purchase of a new printer."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 406 - LABOR COMMISSIONER

CONFERENCE COMMITTEE - This amendment reduces the operating expenses line item by \$2,581 from the general fund for risk management premiums. The amendment also adds a section of legislative intent relating to the purchase of a new printer. The intent section provides that even though the 1997 Legislative Assembly did not fund the request for a new printer, the Labor Commissioner may request the Emergency Commission to authorize the transfer of funds between line items for the purchase of a new printer.

HB 1007 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1306, as engrossed: Your conference committee (Sens. Watne, C. Nelson, W. Stenehjelm and Reps. Stenehjelm, Nottestad, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on HJ page 977, adopt amendments as follows, and place HB 1306 on the Seventh order:

That the House recede from its amendments as printed on page 977 of the House Journal and page 744 of the Senate Journal and that Engrossed House Bill No. 1306 be amended as follows:

Page 1, line 15, replace "11.02 pounds" with "one pound"

Page 1, line 16, replace "5" with ".45" and after "or" insert "the gratuitous delivery of a controlled substance not a narcotic drug or methamphetamine which is a singular and isolated event involving an amount of controlled substance sufficient solely for a single personal use; or"

Renumber accordingly

Engrossed HB 1306 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1021, as engrossed: Your conference committee (Sens. Nalewaja, Goetz, Krauter and Reps. Kunkel, Freier, Aarsvold) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1208-1210, adopt amendments as follows, and place HB 1021 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1208-1210 of the House Journal and pages 969-971 of the Senate Journal and that Engrossed House Bill No. 1021 be amended as follows:

Page 1, line 10, replace "11,236,409" with "11,292,661"

Page 1, line 11, replace "7,302,181" with "7,262,014"

Page 1, line 13, replace "498,122" with "898,122"

Page 1, line 16, replace "1,200,000" with "1,700,000"

Page 1, line 17, replace "650,000" with "1,050,000"

Page 1, after line 20, insert:

"Waterbank program 500,000"

Page 1, line 22, replace "25,859,916" with "27,676,001"

Page 1, line 23, replace "\$650,000" with "\$1,050,000"

Page 2, after line 19, insert:

"SECTION 6. WATERBANK PROGRAM. The amount of \$500,000, or such lesser amount as may be available, for the line item entitled waterbank program in section 1 of this Act, is from the game and fish department operating fund and shall be used to increase water storage and enhance wildlife habitat in North Dakota. Priority shall be given to contracts to increase upper basin storage and enhance wildlife habitat in the Devils Lake basin. Contracts and agreements relating to the waterbank program may be entered into by the director of the game and fish department, in cooperation with the commissioner of agriculture."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 720 - GAME AND FISH DEPARTMENT

CONFERENCE COMMITTEE - This amendment removes \$40,167 relating to risk management premiums and adds \$500,000 from the Game and Fish Department operating fund for the waterbank program. This amendment also adds a new section authorizing the Game and Fish Department to enter into contracts and agreements relating to the waterbank program, in cooperation with the Commissioner of Agriculture.

This amendment increases the land habitat and deer depredation line item by \$500,000 from the Game and Fish Department operating fund to provide materials and other assistance to landowners to construct deerproof fences around hay yards.

This amendment adds \$400,000 to the wildlife habitat line item to reflect the increased fee collections anticipated as a result of 1997 House Bill No. 1395.

This amendment also adds the following items which were removed by the House:

\$56,252 and the authority for a full-time equivalent (FTE) audiovisual production specialist I.

The authority for an FTE administrative secretary III for the Lonetree wildlife area.

\$400,000 for construction of a southeastern regional office.

	ENGROSSED BILL	RESTORE TWO FTE POSITIONS	RESTORE CAPITAL CONSTRUCTION PROJECT	REMOVE RISK MANAGEMENT PREMIUMS	OTHER CHANGES	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
Salaries and wages	\$11,236,409	\$56,252				\$56,252	\$11,292,661	\$11,292,661	
Operating expenses	7,302,181			\$(40,167)		(40,167)	7,262,014	7,262,014	
Equipment	638,150						638,150	638,150	
Capital improvements	498,122		\$400,000			400,000	898,122	898,122	
Grants	2,548,400						2,548,400	2,548,400	
Noxious weed control	200,000						200,000	200,000	
Land habitat and deer depredation	1,200,000				\$500,000	500,000	1,700,000	1,700,000	
Wildlife habitat	650,000						1,050,000	1,050,000	
Small and big game restoration trust	400,000				400,000	400,000	400,000	400,000	
Grants, gifts, and donations	100,000						100,000	100,000	
Nongame wildlife	120,000						120,000	120,000	
Waterbank program					500,000	500,000	500,000	500,000	
Lonetree Reservoir	966,654						966,654	966,654	
Total special funds	\$25,859,916	\$56,252	\$400,000	\$(40,167)	\$1,400,000	\$1,816,085	\$27,676,001	\$27,676,001	\$ 0
FTE	126.00	2.00				2.00	128.00	128.00	

Engrossed HB 1021 was placed on the Seventh order of business on the calendar.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1055, HB 1098, HB 1103, HB 1164, HB 1182, HB 1240, HB 1243, HB 1274, HB 1342.

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 1055, HB 1098, HB 1103, HB 1164, HB 1182, HB 1240, HB 1243, HB 1274, HB 1342.

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 2043, SB 2344.

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 carried: SB 2255.

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 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.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has amended and subsequently passed: HB 1018.

SENATE AMENDMENTS TO HOUSE BILL NO. 1018

Page 1, line 2, after "tax" insert "; to amend and reenact section 57-15-01.1 of the North Dakota Century Code, relating to property tax levy authority of taxing districts; and to provide an effective date"

Page 1, after line 18, insert:

"SECTION 3. AMENDMENT. Section 57-15-01.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-15-01.1. (Effective for first four taxable years beginning after December 31, 1994) Protection of taxpayers and taxing districts. Each taxing district may levy the lesser of the amount in dollars as certified in the budget of the governing body, or the amount in dollars as allowed in this section, subject to the following:

1. No taxing district may levy more taxes expressed in dollars than the amounts allowed by this section.
2. For purposes of this section:
 - a. "Base year" means the taxing district's taxable year with the highest amount levied in dollars in property taxes of the three taxable years immediately preceding the budget year; and
 - b. "Budget year" means the taxing district's year for which the levy is being determined under this section.
3. A taxing district may elect to levy two percent more in taxable year 1995 ~~and, two percent more in taxable year 1996 than the amount levied in dollars in the base year and for taxable years, two percent more in taxable year 1997, and one percent more in taxable year 1998 may elect to levy than the amount levied in dollars in the base year.~~ Any levy under this section must be specifically approved by a resolution approved by the governing body of the taxing district. Before determining the levy limitation under this section, the dollar amount levied in the base year must be:
 - a. Reduced by an amount equal to the sum determined by application of the base year's mill rate for that taxing district to the final base year taxable valuation of any property that is not included in the assessment for the budget year but was included in the assessment for the base year. However, no reduction may be made under this section due to the exemption of the personal property of railroads by enactment of House Bill No. 1396 by the fifty-fourth legislative assembly.
 - b. Increased by an amount equal to the sum determined by the application of the base year's mill rate for that taxing district to the final budget year taxable valuation of any property that was not included in the assessment for the base year but which is included in the assessment for the budget year.
 - c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district.
4. A taxing district may levy an amount in dollars equal to the amount levied in any of the previous three years reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district and increased by an amount equal to the sum determined by the application of any unused mill levy authority from that year, which was authorized by law or by the electors of that taxing district but not levied for that year, to the budget year taxable valuation of the taxable property in that taxing district. A taxing district electing to increase its levy under this subsection may not add any amount permitted by subsection 3 to the amount levied under this subsection.
5. In addition to any other levy limitation factor under this section, a taxing district may increase its levy in dollars to reflect new or increased mill levies authorized by the legislative assembly or authorized by the electors of the taxing district.

6. Under this section a taxing district may supersede any applicable mill levy limitations otherwise provided by law, or a taxing district may levy up to the mill levy limitations otherwise provided by law without reference to this section, but the provisions of this section do not apply to the following:
 - a. Any irrepealable tax to pay bonded indebtedness levied pursuant to section 16 of article X of the Constitution of North Dakota.
 - b. The one-mill levy for the state medical center authorized by section 10 of article X of the Constitution of North Dakota.
7. A school district choosing to determine its levy authority under this section may apply subsection 3 only to the amount in dollars levied for general fund purposes under section 57-15-14 or, if the levy in the base year included separate general fund and special fund levies under sections 57-15-14 and 57-15-14.2, the school district may apply subsection 3 to the total amount levied in dollars in the base year for both the general fund and special fund accounts. School district levies under any section other than section 57-15-14 may be made within applicable limitations but those levies are not subject to subsection 3.
8. Optional levies under this section may be used by any city or county that has adopted a home rule charter unless the provisions of the charter supersede state laws related to property tax levy limitations.

(Effective for taxable years beginning after December 31, 1998) Protection of taxpayers and taxing districts. Each taxing district may levy the lesser of the amount in dollars as certified in the budget of the governing body, or the amount in dollars as allowed in this section, subject to the following:

1. No taxing district may levy more taxes expressed in dollars than the amounts allowed by this section.
2. For purposes of this section:
 - a. "Base year" means the taxing district's taxable year with the highest amount levied in dollars in property taxes of the three taxable years immediately preceding the budget year;
 - b. "Budget year" means the taxing district's year for which the levy is being determined under this section; and
 - c. "Calculated mill rate" means the mill rate that results from dividing the base year taxes levied by the sum of the taxable value of the taxable property in the base year plus the taxable value of the exempt property calculated in the same manner as the taxable property.
3. A taxing district may elect to levy the amount levied in dollars in the base year. Any levy under this section must be specifically approved by a resolution approved by the governing body of the taxing district. Before determining the levy limitation under this section, the dollar amount levied in the base year must be:
 - a. Reduced by an amount equal to the sum determined by application of the base year's calculated mill rate for that taxing district to the final base year taxable valuation of any taxable and exempt property that is not included in the taxing district for the budget year but was included in the taxing district for the base year.
 - b. Increased by an amount equal to the sum determined by the application of the base year's calculated mill rate for that taxing district to the final budget year taxable valuation of any taxable or exempt property that was not included in the taxing district for the base year but which is included in the taxing district for the budget year.
 - c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district.

4. A taxing district may levy an amount in dollars equal to the amount levied in any of the previous three years reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district and increased by an amount equal to the sum determined by the application of any unused mill levy authority from that year, which was authorized by law or by the electors of that taxing district but not levied for that year, to the budget year taxable valuation of the taxable property in that taxing district. A taxing district electing to increase its levy under this subsection may not add any amount permitted by subsection 3 to the amount levied under this subsection.
5. In addition to any other levy limitation factor under this section, a taxing district may increase its levy in dollars to reflect new or increased mill levies authorized by the legislative assembly or authorized by the electors of the taxing district.
6. Under this section a taxing district may supersede any applicable mill levy limitations otherwise provided by law, or a taxing district may levy up to the mill levy limitations otherwise provided by law without reference to this section, but the provisions of this section do not apply to the following:
 - a. Any irrevocable tax to pay bonded indebtedness levied pursuant to section 16 of article X of the Constitution of North Dakota.
 - b. The one-mill levy for the state medical center authorized by section 10 of article X of the Constitution of North Dakota.
7. A school district choosing to determine its levy authority under this section may apply subsection 3 only to the amount in dollars levied for general fund purposes under section 57-15-14 or, if the levy in the base year included separate general fund and special fund levies under sections 57-15-14 and 57-15-14.2, the school district may apply subsection 3 to the total amount levied in dollars in the base year for both the general fund and special fund accounts. School district levies under any section other than section 57-15-14 may be made within applicable limitations but those levies are not subject to subsection 3.
8. Optional levies under this section may be used by any city or county that has adopted a home rule charter unless the provisions of the charter supersede state laws related to property tax levy limitations.

SECTION 4. EFFECTIVE DATE. Section 3 of this Act is effective for taxable years beginning after December 31, 1996."

Renumber accordingly

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 2009, SB 2013, SB 2032, SB 2088, SB 2116, SB 2136, SB 2145, SB 2160, SB 2173, SB 2202, SB 2213.

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

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

HB 1116: Sens. Klein; Mutch; Thompson

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 1019, HB 1238, HB 1301, HB 1387.

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 carried: HB 1412.

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 2372.

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.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bill was engrossed and enrolled: HB 1163.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2009, SB 2013, SB 2032, SB 2088, SB 2116, SB 2136, SB 2145, SB 2160, SB 2173, SB 2202, SB 2213.

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

MADAM PRESIDENT: The Speaker has signed: SB 2009, SB 2013, SB 2032, SB 2088, SB 2116, SB 2136, SB 2145, SB 2160, SB 2173, SB 2202, SB 2213.

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

MR. SPEAKER: The President has signed: HB 1041, HB 1047, HB 1055, HB 1098, HB 1100, HB 1103, HB 1111, HB 1164, HB 1179, HB 1182, HB 1215, HB 1240, HB 1243, HB 1274, HB 1342, HB 1393, HB 1431, HB 1433.

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 2005, SB 2007, SB 2011, SB 2020, SB 2037, SB 2042, SB 2068, SB 2112, SB 2149, SB 2159, SB 2234, SB 2318, SB 2351, SB 2362.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolution: HCR 3025.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3025.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2005, SB 2007, SB 2011, SB 2020, SB 2037, SB 2042, SB 2068, SB 2112, SB 2149, SB 2159, SB 2234, SB 2318, SB 2351, SB 2362.

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

MADAM PRESIDENT: The Speaker has signed: SB 2005, SB 2007, SB 2011, SB 2020, SB 2037, SB 2042, SB 2068, SB 2112, SB 2149, SB 2159, SB 2234, SB 2318, SB 2351, SB 2362.

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

MR. SPEAKER: The President has signed: HB 1373.

THE HOUSE RECONVENED pursuant to recess taken, with Speaker Timm presiding.

REPORT OF CONFERENCE COMMITTEE

HB 1008, as engrossed: Your conference committee (Sens. Naaden, Bowman, Robinson and Reps. Tollefson, Gerntholz, Huether) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1205-1207, adopt further amendments as follows, and place HB 1008 on the Seventh order:

That the House accede to the Senate amendments as printed on pages 1205-1207 of the House Journal and pages 967 and 968 of the Senate Journal and that Engrossed House Bill No. 1008 be further amended as follows:

Page 1, line 2, replace "section" with "sections" and after "49-01-05" insert "and 60-02-07"

Page 1, line 3, after "commissioners" insert "and public warehouse licenses"

Page 2, after line 3, insert:

"SECTION 3. AMENDMENT. Section 60-02-07 of the North Dakota Century Code is amended and reenacted as follows:

60-02-07. Public warehouse license - How obtained - Fee. An annual license must be obtained from the commission for each public warehouse in operation in this state. The license expires on July thirty-first of each year. No license may describe more than one public warehouse nor grant permission to operate any public warehouse other than the one described. The annual license fee for a public warehouse is ~~one~~ two hundred fifty dollars for a warehouse of a bushel capacity of two hundred thousand [7047.8 cubic meters] or less, ~~three~~ four hundred dollars for a warehouse of a bushel capacity of more than two hundred thousand and ~~one to and including~~ not more than five hundred thousand [~~7047.83~~ 7047.8 to ~~and including~~ not more than 17619.54 cubic meters], and ~~four~~ five hundred dollars for a warehouse of a bushel capacity of more than five hundred thousand and ~~one~~ [~~17619.57~~ 17619.54 cubic meters] ~~or more~~. If a public warehouseman operates two or more warehouses in the same city or siding, in conjunction with each other and with the same working force, and ~~where but~~ keeps one set of books and records ~~is kept~~ for all such warehouses, and issues one series of scale tickets, warehouse receipts, checks, and credit-sale contracts ~~of but one series are issued~~ for the grain stored and purchased therein, only one license is required for the operation of all such warehouses. Where two or more warehouses are operated under one license, the license fee is based upon the combined bushel capacity of the warehouses. If the commission employs fewer than two full-time equivalent warehouse inspectors, each annual fee under this section is reduced by one hundred dollars."

Renumber accordingly

Engrossed HB 1008 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1017, as engrossed: Your conference committee (Sens. Bowman, Holmberg, Krauter and Reps. Byerly, Tollefson, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1216, adopt amendments as follows, and place HB 1017 on the Seventh order:

That the Senate recede from its amendments as printed on page 1216 of the House Journal and page 1047 of the Senate Journal and that Engrossed House Bill No. 1017 be amended as follows:

Page 1, line 11, replace "2,724,015" with "2,650,601"

Page 1, line 20, replace "20,941,778" with "20,868,364"

Page 1, line 22, replace "8,055,867" with "7,982,453"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

CONFERENCE COMMITTEE - This amendment reduces the operating expenses line item by \$73,414 from the general fund for risk management premiums.

Engrossed HB 1017 was placed on the Seventh order of business on the calendar.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 4:40 p.m., Thursday, April 3, 1997.

This is to inform you that on April 3, 1997, I signed the following: HB 1002, HB 1011, HB 1016, HB 1027, HB 1036, HB 1046, HB 1051, HB 1074, HB 1075, HB 1115, HB 1189, HB 1199, HB 1210, HB 1216, HB 1257, HB 1259, HB 1267, HB 1324, HB 1339, HB 1344, HB 1346, HB 1362, HB 1364, HB 1368, HB 1396, HB 1399, HB 1403, and HB 1418.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER TIMM ANNOUNCED that Rep. Huether would be replaced by the following Representatives on the corresponding Conference Committees:

HB 1004: Rep. Wilkie

HB 1009: Rep. Aarsvold

SB 2002: Rep. Oban

SB 2018: Rep. Wilkie

SB 2214: Rep. Oban

REPORT OF CONFERENCE COMMITTEE

REP. GERNTHOLZ MOVED that the conference committee report on HB 1007 be adopted, which motion prevailed.

HB 1007, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the labor commissioner; and to amend and reenact section 34-05-01.2 of the North Dakota Century Code, relating to the salary of the labor commissioner.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Belter; Byerly; Dalrymple; Gorder

HB 1007, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. STENEHJEM MOVED that the conference committee report on Engrossed HB 1306 be adopted, which motion prevailed.

Engrossed HB 1306, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1306: A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 27-20-34 of the North Dakota Century Code, relating to transfers from juvenile to adult court.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Belter; Byerly; Dalrymple; Gorder

Engrossed HB 1306, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. KUNKEL MOVED that the conference committee report on Engrossed HB 1021 be adopted, which motion prevailed.

Engrossed HB 1021, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act to make an appropriation for defraying the expenses of the state game and fish department.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 71 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Boucher; Brandenburg; Callahan; Carlisle; Christenson; Christopherson; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovda; Fairfield; Froseth; Gerntholz; Glassheim; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Kilzer; Kliniske; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Price; Rose; Sabby; Sandvig; Schmidt; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlson; Clark; Coats; Delzer; Freier; Galvin; Grande; Grosz; Johnsen, C.; Klein; Koppelman; Lloyd; Mickelson; Poolman; Renner; Rennerfeldt; Skarphol; Soukup

ABSENT AND NOT VOTING: Belter; Gorder

Engrossed HB 1021, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED that Reengrossed SB 2344 be placed at the top of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. KEISER MOVED that the conference committee report on Reengrossed SB 2344 be adopted, which motion prevailed.

Reengrossed SB 2344, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2344: A BILL for an Act to create and enact sections 10-19.1-41.1, 10-19.1-72.1, 10-19.1-73.2, 10-19.1-73.3, 10-19.1-75.1, 10-19.1-75.2, 10-19.1-76.1, 10-19.1-76.2, 10-19.1-76.3, 10-19.1-85.1, 10-19.1-132, 10-19.1-133, 10-19.1-134, 10-19.1-135, 10-19.1-136, 10-19.1-137, 10-19.1-138, 10-19.1-139, 10-19.1-140, 10-19.1-141, 10-19.1-142, 10-19.1-143, 10-19.1-144, 10-19.1-145, 10-19.1-146, 10-19.1-147, 10-19.1-148, 10-19.1-149, 10-19.1-150, 10-19.1-151, 10-19.1-152, 10-32-39.1, 10-32-40.1, 10-32-40.2, 10-32-43.1, 10-32-43.2, 10-32-48.1, 10-32-52.1, 10-32-78.1, 10-32-130.1, 10-32-130.2, 10-32-156, 57-38-07.2, and 57-38.1-17.3 of the North Dakota Century Code, relating to the North Dakota Business Corporation Act - General Provisions, the Limited Liability Company Act, limited liability partnerships, income tax, and the Uniform Division of Income Tax Act; to amend and reenact sections 10-06.1-17, 10-19.1-01, 10-19.1-10, 10-19.1-13, 10-19.1-14, 10-19.1-15, 10-19.1-16, 10-19.1-25, 10-19.1-26, 10-19.1-30, 10-19.1-31, 10-19.1-35, 10-19.1-40, 10-19.1-41, 10-19.1-42, 10-19.1-43, 10-19.1-47, 10-19.1-48, 10-19.1-50, 10-19.1-51, 10-19.1-52, 10-19.1-53, 10-19.1-55, 10-19.1-56, 10-19.1-57, 10-19.1-58, 10-19.1-59, 10-19.1-60, 10-19.1-66, 10-19.1-71, 10-19.1-72, 10-19.1-73, 10-19.1-74, 10-19.1-75, 10-19.1-76, 10-19.1-81, 10-19.1-82, 10-19.1-83, 10-19.1-85, 10-19.1-86, 10-19.1-87, 10-19.1-89, 10-19.1-90, 10-19.1-91, 10-19.1-92, 10-19.1-95, 10-19.1-110, 10-19.1-110.1, 10-19.1-115, 10-19.1-117, 10-19.1-123, 10-19.1-124, 10-19.1-127, 10-31-01, 10-31-02, 10-31-02.1, 10-31-02.2, 10-31-03, 10-31-04, 10-31-05, 10-31-07, 10-31-07.1, 10-31-07.2, 10-31-07.3, 10-31-12, 10-31-13, 10-31-13.1, 10-32-02, 10-32-06, 10-32-07, 10-32-10, 10-32-11, 10-32-12, 10-32-13, 10-32-15, 10-32-16, 10-32-17, 10-32-19, 10-32-22, 10-32-23, 10-32-28, 10-32-31, 10-32-32, 10-32-34, 10-32-37, 10-32-38, 10-32-39,

10-32-40, 10-32-42, 10-32-43, 10-32-44, 10-32-47, 10-32-48, subsection 1 of section 10-32-50, sections 10-32-51, 10-32-52, 10-32-53, 10-32-54, 10-32-55, 10-32-56, 10-32-58, 10-32-64, 10-32-66, 10-32-67, 10-32-68, 10-32-72, 10-32-77, 10-32-78, 10-32-79, 10-32-80, 10-32-81, 10-32-83, 10-32-84, 10-32-85, 10-32-86, 10-32-87, 10-32-88, 10-32-89, 10-32-91, 10-32-92, 10-32-93, 10-32-94, 10-32-95, 10-32-96, 10-32-97, 10-32-99, 10-32-100, 10-32-101, 10-32-102, 10-32-103, 10-32-104, 10-32-105, 10-32-106, 10-32-107, 10-32-108, 10-32-109, 10-32-110, 10-32-113, 10-32-114, 10-32-115, 10-32-117, 10-32-119, 10-32-121, 10-32-122, 10-32-127, 10-32-135, 10-32-136, 10-32-137, 10-32-138, 10-32-139, 10-32-140, 10-32-141, 10-32-142, 10-32-143, 10-32-144, 10-32-145, 10-32-146, 10-32-147, 10-32-148, 10-32-149, 10-32-150, 10-32-152, 10-32-153, 10-32-154, 10-32-155, 45-10.1-01, 45-10.1-02, 45-10.1-03, 45-10.1-04, 45-10.1-07.1, 45-10.1-08, 45-10.1-51, 45-10.1-52, 45-10.1-53, 45-10.1-54, 45-10.1-55, 45-10.1-56, 45-10.1-57, 45-10.1-58, 45-20-01, 45-22-01, 45-22-03, 45-22-04, 45-22-05, 45-22-06, 45-22-07, 45-22-08, 45-22-11, 45-22-12, 45-22-13, 45-22-14, 45-22-16, 45-22-17, 45-22-18, 45-22-20, 45-22-22, 45-22-23, 45-22-24, 45-22-25, 45-22-26, 45-22-27, 57-38-07.1, and 57-38.1-17.2 of the North Dakota Century Code, relating to corporations or limited liability company farming, the Business Corporation Act, the Professional Organizations Act, the Limited Liability Company Act, the Uniform Limited Partnership Act, events causing dissolution and winding up of partnership business, limited liability partnerships, income tax, and the Uniform Division of Income Tax Act; to repeal sections 10-19.1-54, 10-19.1-73.1, 10-19.1-77, 10-19.1-78, 10-19.1-79, 10-19.1-80, chapters 10-22, 10-23, sections 10-32-41, 10-32-45, 10-32-46, 10-32-90, and 10-32-151 of the North Dakota Century Code, relating to the North Dakota Business Corporation Act - General Provisions, the North Dakota Business Corporation Act - Foreign Corporations, the North Dakota Business Corporation Act - Administration, Reports, Fees, Effect, and the Limited Liability Company Act; and to provide penalties.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gernholz; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Belter; Gorder

Reengrossed SB 2344, as amended, passed and the title was agreed to.

MOTION

REP. FREIER MOVED that the House be on the Fifth, Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Friday, April 4, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2399: Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2399 was placed on the Fourteenth order on the calendar.

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

MADAM PRESIDENT: The Speaker has appointed Rep. Wilkie to replace Rep. Huether on the Conference Committee on HB 1004.

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

MADAM PRESIDENT: The Speaker has appointed Rep. Aarsvold to replace Rep. Huether on the Conference Committee on HB 1009.

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

MADAM PRESIDENT: The Speaker has appointed Rep. Oban to replace Rep. Huether on the Conference Committee on SB 2002.

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

MADAM PRESIDENT: The Speaker has appointed Rep. Wilkie to replace Rep. Huether on the Conference Committee on SB 2018.

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

MADAM PRESIDENT: The Speaker has appointed Rep. Oban to replace Rep. Huether on the Conference Committee on SB 2214.

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 1007, HB 1021, HB 1306.

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 2344.

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

ROY GILBREATH, Chief Clerk