

**JOURNAL OF THE SENATE**

**Fifty-seventh Legislative Assembly**

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**Bismarck, April 12, 2001**

The Senate convened at 8:30 a.m., with President Dalrymple presiding.

The prayer was offered by Pastor Don Burnett, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. HOLMBERG MOVED** that the conference committee report on Engrossed SB 2008 as printed on SJ pages 1312-1313 be adopted, which motion prevailed on a voice vote.

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

**SECOND READING OF SENATE BILL**

**SB 2008:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of banking and financial institutions.

**ROLL CALL**

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

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

Reengrossed SB 2008 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. FISCHER MOVED** that the conference committee report on Engrossed SB 2287 as printed on SJ page 1313 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2287, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2287:** A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to maintenance of natural watercourses and debrisement of bridges and low water crossings.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Christenson; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Grindberg; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nething; Polovitz; Robinson; Tallackson; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist; Bercier; Bowman; Christmann; Freborg; Heitkamp; Krauter; Mutch; Nichols; O'Connell; Schobinger; Solberg; Stenehjem; Thane

Reengrossed SB 2287 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. COOK MOVED** that the conference committee report on Engrossed SB 2291 as printed on SJ pages 1313-1314 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2291, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2291:** A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to the transfer of credits among institutions of higher education; and to provide an effective date.

**ROLL CALL**

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

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

**NAYS:** Bercier

Reengrossed SB 2291 passed and the title was agreed to.

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**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. NETHING MOVED** that the conference committee report on Engrossed HB 1023 as printed on SJ page 1314 be adopted, which motion prevailed on a voice vote.

**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1196, HB 1386, HB 1399, HB 1328, and HB 1444 be moved to the top of the calendar, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. LEE MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Reengrossed HB 1196, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Reengrossed HB 1196: Sens. Fischer, Solberg, Polovitz.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. COOK MOVED** that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on Engrossed HB 1386, which motion prevailed.

**THE PRESIDENT APPOINTED** as a new Conference Committee on Engrossed HB 1386: Sens. Cook, Flakoll, D. Mathern.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. URLACHER MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1399, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1399: Sens. Wardner, Christmann, Nichols.

**MOTION**

**SEN. WANZEK MOVED** that the Senate Conference Committee on Reengrossed HB 1328 be dissolved, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. FREBORG MOVED** that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on Engrossed HB 1444, which motion prevailed.

**THE PRESIDENT APPOINTED** as a new Conference Committee on Engrossed HB 1444: Sens. Cook, Flakoll, Christenson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. URLACHER MOVED** that the Senate do concur in the House amendments to SB 2067 as printed on SJ pages 1295-1297, which motion prevailed on a voice vote.

SB 2067, as amended, was placed on the Eleventh order of business.

**SECOND READING OF SENATE BILL**

**SB 2067:** A BILL for an Act to create and enact a new section to chapter 57-40.6 of the North Dakota Century Code, relating to the study of coordination of public safety answering points coverage; to amend and reenact sections 57-40.6-01, 57-40.6-02, 57-40.6-03, 57-40.6-03.1, 57-40.6-04, 57-40.6-05, 57-40.6-06, and 57-40.6-08 of the North Dakota Century Code, relating to a fee on telephone exchange access service and application of that fee to wireless service for support of wireless enhanced 911 service; and to provide an effective date.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Cook; O'Connell; Stenehjem

Engrossed SB 2067 passed and the title was agreed to.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2067.

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

**MR. SPEAKER:** The Senate has adopted the conference committee reports and subsequently passed: SB 2008, SB 2287, and SB 2291.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on HB 1023.

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

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

**HB 1386:** Sens. Cook; Flakoll; D. Mathern

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

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

**HB 1196:** Sens. Fischer; Solberg; Polovitz

**HB 1399:** Sens. Wardner; Christmann; Nichols

**HB 1444:** Sens. Cook; Flakoll; Christenson

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1142.

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

**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2039.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report subsequently passed, and the emergency clause carried: HB 1416.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1455.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The Speaker has appointed Rep. Timm to replace Rep. B. Thoreson on the Conference Committee on SB 2011.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House does not concur in the Senate amendments to HB 1045 and HB 1413 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1045:** Reps. Hawken; Nelson; Hunskor  
**HB 1413:** Reps. Carlson; Wikenheiser; Winrich

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The conference committee was unable to agree and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

**SB 2002:** Reps. Timm; Byerly; Glassheim

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

#### REPORT OF CONFERENCE COMMITTEE

**SB 2001, as engrossed:** Your conference committee (Sens. Nething, Kringstad, Lindaas and Reps. Byerly, Skarphol, Glassheim) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1066-1067 and place SB 2001 on the Seventh order.

Engrossed SB 2001 was placed on the Seventh order of business on the calendar.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORT

**SEN. NETHING MOVED** that the conference committee report on Engrossed SB 2001 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2001, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2001:** A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to legislative compensation; and to declare an emergency.

#### ROLL CALL

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

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

**NAYS:** Mutch

Reengrossed SB 2001 passed, the title was agreed to, and the emergency clause was declared carried.

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**REPORT OF CONFERENCE COMMITTEE**

**SB 2007, as engrossed:** Your conference committee (Sens. Andrist, Thane, Tomac and Reps. Delzer, Kempenich, Kerzman) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1124-1126 and place SB 2007 on the Seventh order.

Engrossed SB 2007 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. ANDRIST MOVED** that the conference committee report on Engrossed SB 2007 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2007, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2007:** A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and department of veterans' affairs; to provide for a performance audit of the veterans' home; to provide for a report to the legislative assembly; and to provide for a legislative council study.

**ROLL CALL**

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

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

Reengrossed SB 2007 passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1416, as engrossed:** Your conference committee (Sens. Watne, Lyson, Traynor and Reps. Kretschmar, Grande, Mahoney) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 910-911, adopt amendments as follows, and place HB 1416 on the Seventh order:

That the Senate recede from its amendments as printed on page 1100 of the House Journal and pages 910 and 911 of the Senate Journal and that Engrossed House Bill No. 1416 be amended as follows:

Page 1, line 2, after "chance" insert "; to provide an effective date; and to declare an emergency"

Page 1, after line 14, insert:

"c. If an organization's total actual expenses exceed the allowable expenses provided by this subsection, the organization may also deduct the expenses up to two additional percent of the first two hundred thousand dollars of adjusted gross proceeds per quarter.

**SECTION 2. EFFECTIVE DATE.** This Act becomes effective on July 1, 2001.

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

Re-number accordingly

Engrossed HB 1416 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. WATNE MOVED** that the conference committee report on Engrossed HB 1416 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1416, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1416:** A BILL for an Act to amend and reenact subsection 2 of section 53-06.1-11 of the North Dakota Century Code, relating to allowable expenses for games of chance; to provide an effective date; and to declare an emergency.

**ROLL CALL**

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

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

Engrossed HB 1416, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**REPORT OF CONFERENCE COMMITTEE**

**HB 1455, as engrossed:** Your conference committee (Sens. Trenbeath, Traynor, Watne and Reps. DeKrey, Devlin, Eckre) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1099-1100, adopt amendments as follows, and place HB 1455 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1099 and 1100 of the House Journal and page 911 of the Senate Journal and that Engrossed House Bill No. 1455 be amended as follows:

Page 1, line 2, remove "subsection 1 of section 28-34-01," and remove the second "section"

Page 1, line 4, remove "and appeals from decisions of local"

Page 1, line 5, remove "governing bodies"

Page 1, line 15, remove ", and the provisions of subsection 5 do not apply"

Page 4, line 12, remove "notice of appeal may include a request for de novo review by the district court. If"

Page 4, line 13, remove "there is no request for de novo review, a"

Page 4, after line 27, insert:

7. The findings of fact made by the agency do not sufficiently address the evidence presented to the agency by the appellant.

8. The conclusions of law and order of the agency do not sufficiently explain the agency's rationale for not adopting any contrary recommendations by a hearing officer or an administrative law judge.

Page 4, remove lines 30 and 31

Page 5, remove lines 1 through 5

Page 5, line 31, overstrike "An agency may request"

Page 6, overstrike lines 1 and 2

Page 6, remove lines 3 through 18

Page 6, line 19, replace "4" with "3"

Page 6, line 22, replace "5" with "4"

Page 7, line 1, replace "6" with "5"

Page 7, line 5, replace "7" with "6"

Renumber accordingly

Engrossed HB 1455 was placed on the Seventh order of business on the calendar.

**CONSIDERATION OF CONFERENCE COMMITTEE REPORT**

**SEN. TRENBEATH MOVED** that the conference committee report on Engrossed HB 1455 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1455, as amended, was placed on the Fourteenth order.

**SECOND READING OF HOUSE BILL**

**HB 1455:** A BILL for an Act to amend and reenact subsection 1 of section 28-32-14 and sections 28-32-17, 28-32-19, and 54-57-03 of the North Dakota Century Code, relating to finality of decisions of administrative law judges in adjudicative proceedings of administrative agencies.

**ROLL CALL**

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

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

Engrossed HB 1455, as amended, passed and the title was agreed to.

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**MOTION**

**SEN. NOTHING MOVED** that the Senate Conference Committee on Engrossed HB 1200 be dissolved and that a new conference committee be appointed, which motion prevailed.

**THE PRESIDENT APPOINTED** as a new Conference Committee on Engrossed HB 1200: Sens. Bowman, Solberg, Tomac.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. URLACHER MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1413, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1413: Sens. Wardner, Grindberg, Kroepflin.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. NOTHING MOVED** that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on Engrossed SB 2002, which motion prevailed.

**THE PRESIDENT APPOINTED** as a new Conference Committee on Engrossed SB 2002: Sens. Nething, Solberg, Tallackson.

**MOTION**

**SEN. CHRISTMANN MOVED** that HB 1045 be moved to the top of the calendar, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. FREBORG MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1045, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1045: Sens. Wanzek, Cook, O'Connell.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report subsequently passed, and the emergency clause carried: SB 2001.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2007.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report subsequently passed, and the emergency clause carried: HB 1416.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1455.

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

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

**SB 2002:** Sens. Nething; Solberg; Tallackson

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

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

**HB 1045:** Sens. Wanzek; Cook; O'Connell

**HB 1413:** Sens. Wardner; Grindberg; Kroeplin

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

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

**HB 1200:** Sens. Bowman; Solberg; Tomac

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

**MR. PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2023.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2023**

Page 1, line 5, after "appropriation" insert "; to provide a statement of legislative intent"

Page 2, line 1, replace "\$6,656,000" with "\$6,356,000"

Page 2, line 6, replace "2,599,000" with "2,299,000"

Page 2, after line 6, insert:

"The Minot state university local responsibility of \$2,299,000 must be paid in ten annual payments with each of the first two annual payments being \$315,000 and each of the remaining eight annual payments being \$208,625."

Page 2, line 27, after "renovation" insert "and expansion"

Page 3, line 7, after "renovation" insert "and expansion"

Page 3, after line 10, insert:

**"SECTION 6. LEGISLATIVE INTENT - STATE COLLEGE OF SCIENCE - STUDENT UNION RENOVATION AND EXPANSION.** It is the intent of the fifty-seventh legislative assembly that the state college of science local responsibility of \$1,300,000, as provided in section 4 of this Act, must be collected and the renovation and expansion plans must be approved by the state architect before the state college of science may begin on the renovation and expansion of the student union.

**SECTION 7. STATE FACILITY ENERGY IMPROVEMENT PROJECT - REPORT TO THE FIFTY-EIGHTH LEGISLATIVE ASSEMBLY.** The agencies and institutions receiving authorization for energy improvement projects pursuant to section 3 of this Act shall monitor the resulting energy savings and the cost-effectiveness of the projects and shall report the results to the house and senate appropriations committees of the fifty-eighth legislative assembly."

Renumber accordingly



**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2023 - Summary of House Action**

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
University of North Dakota				
Total all funds	\$3,990,785	\$7,490,785	\$0	\$7,490,785
Less estimated income	<u>3,990,785</u>	<u>7,490,785</u>		<u>7,490,785</u>
General fund	\$0	\$0	\$0	\$0
North Dakota State University				
Total all funds	\$296,348	\$11,296,348	\$0	\$11,296,348
Less estimated income	<u>296,348</u>	<u>11,296,348</u>		<u>11,296,348</u>
General fund	\$0	\$0	\$0	\$0
State College of Science				
Total all funds	\$0	\$4,300,000	\$0	\$4,300,000
Less estimated income		<u>4,300,000</u>		<u>4,300,000</u>
General fund	\$0	\$0	\$0	\$0
Minot State University				
Total all funds	\$5,076,000	\$7,850,000	\$0	\$7,850,000
Less estimated income	<u>5,076,000</u>	<u>7,850,000</u>		<u>7,850,000</u>
General fund	\$0	\$0	\$0	\$0
State Department of Health				
Total all funds	\$2,700,000	\$2,700,000	\$0	\$2,700,000
Less estimated income	<u>2,700,000</u>	<u>2,700,000</u>		<u>2,700,000</u>
General fund	\$0	\$0	\$0	\$0
Job Service North Dakota				
Total all funds	\$2,302,000	\$2,302,000	\$0	\$2,302,000
Less estimated income	<u>2,302,000</u>	<u>2,302,000</u>		<u>2,302,000</u>
General fund	\$0	\$0	\$0	\$0
Department of Transportation				
Total all funds	\$352,600	\$352,600	\$0	\$352,600
Less estimated income	<u>352,600</u>	<u>352,600</u>		<u>352,600</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$14,717,733	\$36,291,733	\$0	\$36,291,733
Less estimated income	<u>14,717,733</u>	<u>36,291,733</u>		<u>36,291,733</u>
General fund	\$0	\$0	\$0	\$0

**Senate Bill No. 2023 - House Action**

This amendment makes the following changes:

- The required local match for the Minot State University Old Main renovation project is reduced by \$300,000, from \$2,599,000 to \$2,299,000. The local match must be paid in 10 annual payments. The first two payments will be \$315,000 and the remaining eight payments will be \$208,625. The amount of bonds issued for the project remains unchanged from the Senate version of \$7,850,000; however, the portion of bonds repaid from the general fund is increased by \$300,000 to reflect the decrease in local repayment responsibility.
- A section is added providing that the required local match of \$1.3 million for the State College of Science Student Union renovation and expansion project must be raised by the college and the project plans must be approved by the state architect before the project is started.
- A section is added providing that the Department of Transportation, North Dakota State University, and the University of North Dakota must report to the House and Senate Appropriations Committees of the Fifty-eighth Legislative Assembly regarding the cost-effectiveness of the energy improvement projects authorized in Section 3 of the bill.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2041, SB 2042, SB 2354.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2041**

Page 1, line 20, remove ", including recommendations known as higher education"

Page 1, line 21, remove "roundtable recommendations accepted by the legislative council in 2000"

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

HOUSE - This amendment refines the language regarding the higher education strategic planning and strategic plan by removing the reference to the higher education roundtable.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2042**

Page 1, line 5, remove "15-11-37,"

Page 1, line 6, replace "chapters 15-62.3 and" with "chapter"

Page 1, line 9, after the second comma insert "and" and replace ", and the tuition assistance grant" with a period

Page 1, remove line 10

Page 1, line 19, after the period insert "a."

Page 2, after line 2, insert:

"b. Appoint and remove the commissioner of higher education, fix the commissioner's salary within the limits of legislative appropriations, and prescribe the commissioner's duties.

c. Appoint and remove all university system office personnel, fix their salaries within the limits of legislative appropriations, fix their terms of office, and prescribe their duties."

Page 8, line 4, remove "15-11-37," and replace "chapters" with "chapter"

Page 8, line 5, remove "15-62.3 and"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

HOUSE - This amendment clarifies State Board of Higher Education powers and duties as listed in North Dakota Century Code (NDCC) Section 15-10-17 in regard to the chancellor of higher education and University System office personnel and removes the repeal of NDCC Section 15-11-37 and Chapter 15-62.3, relating to acceptance of gifts and grants by the dean of the medical school and the tuition assistance grant program, respectively.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2354**

In lieu of the amendments as printed on pages 1309 and 1310 of the House Journal, Engrossed Senate Bill No. 2354 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative council study of an alternatives-to-abortion services program.

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY - ALTERNATIVES-TO-ABORTION SERVICES PROGRAM.** During the 2001-02 interim, the legislative council shall consider studying the feasibility and desirability of an alternatives-to-abortion services program that would provide information, counseling, and support services to assist women to choose childbirth and to make informed decisions regarding the choice of adoption or parenting. The study must include a review of how federal funds received under title X of the Public Health Service Act of 1970 are spent in the state and a review of the continuum of care and access to services across the state. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

ReNUMBER accordingly

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

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1442.

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

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

**SB 2003:** Reps. Wentz; Martinson; Aarsvold

**SB 2020:** Reps. Monson; Wentz; Gulleson

**SB 2021:** Reps. Wald; Boehm; Gulleson

**SB 2022:** Reps. Byerly; Skarphol; Huether

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

**MR. PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1066, HB 1189, HB 1197, HB 1261, HB 1319, HB 1328.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2033, SB 2095, SB 2098, SB 2191, SB 2204, SB 2222, SB 2345, SB 2389, SB 2415, SB 2454, SCR 4020.

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:30 a.m., Friday, April 13, 2001, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2104, as engrossed:** Your conference committee (Sens. Wanzek, Erbele, Nichols and Reps. Pietsch, D. Johnson, Mueller) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1100 and place SB 2104 on the Seventh order.

Engrossed SB 2104 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2106, as engrossed:** Your conference committee (Sens. Wanzek, Flakoll, Christenson and Reps. Brusegaard, D. Johnson, Hanson) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1028-1029, adopt amendments as follows, and place SB 2106 on the Seventh order:

That the House recede from its amendments as printed on pages 1028 and 1029 of the Senate Journal and pages 1104 and 1105 of the House Journal and that Engrossed Senate Bill No. 2106 be amended as follows:

Page 2, line 19, after the second period insert:

"1."

Page 2, line 24, after the period insert:

"2."

Page 2, line 25, after the period insert:

"3. a."

Page 3, line 2, replace "For purposes of this section" with:

"b. For purposes of this subsection"

Page 3, line 3, after "school" insert "district"

Page 3, after line 4, insert:

"c. If the members of the board of a school district believe that another school district has violated this subsection, the board may file a complaint with the superintendent of public instruction. Upon receipt of a complaint alleging a violation of this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this subsection, the superintendent may withhold some or all of the transportation aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board of public school education. A decision by the state board of public school education is final."

Page 5, line 6, after the period insert "a."

Page 5, line 7, overstrike "or indirectly"

Page 5, after line 10, insert:

- "b. For purposes of this subsection, directly exerting influence means providing information about the school district to individuals who are not residents of that district unless the information is requested.
- c. If the members of the board of a school district believe that another school district has violated this subsection, the board may file a complaint with the superintendent of public instruction. Upon receipt of a complaint alleging a violation of this subsection, the superintendent of public instruction shall hold a hearing and accept testimony and evidence regarding the complaint. If the superintendent finds that a school district has violated this subsection, the superintendent may withhold some or all of the transportation aid payments to which the district would be otherwise entitled for a period of one year from the date of the finding. A decision by the superintendent under this subsection is appealable to the state board of public school education. A decision by the state board of public school education is final."

ReNUMBER accordingly

Engrossed SB 2106 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2220, as engrossed:** Your conference committee (Sens. Lyson, Cook, Christenson and Reps. Koppelman, Delzer, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 967, adopt amendments as follows, and place SB 2220 on the Seventh order:

That the House recede from its amendments as printed on page 967 of the Senate Journal and page 1053 of the House Journal and that Engrossed Senate Bill No. 2220 be amended as follows:

Page 1, line 16, replace "fifty" with "twenty-nine" and remove "for officer time"

ReNUMBER accordingly

Engrossed SB 2220 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2419:** Your conference committee (Sens. Urlacher, Erbele, Kroeplin and Reps. Brandenburg, Pietsch, Mueller) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 970, adopt amendments as follows, and place SB 2419 on the Seventh order:

That the House recede from its amendments as printed on page 970 of the Senate Journal and pages 1011 and 1012 of the House Journal and that Senate Bill No. 2419 be amended as follows:

Page 1, line 1, replace "provide for a legislative council study; and to repeal" with "amend and reenact"

Page 1, line 3, after "applicators" insert "; and to provide for a legislative council study"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 4-35-09.1 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

#### **4-35-09.1. Proof of financial responsibility - Exceptions.**

1. A commercial pesticide applicator certificate may not be issued or renewed unless the applicant furnishes proof of financial responsibility as provided in this section. A commercial pesticide applicator shall furnish proof of financial responsibility on demand to the agriculture commissioner as provided in this section. Minimum financial responsibility must be ~~demonstrated annually~~maintained in the amount of one hundred thousand

dollars, and may be demonstrated by a notarized letter from an officer of a financial institution or from a certified public accountant attesting to the existence of net assets equal to at least one hundred thousand dollars, a performance bond, or a general liability insurance policy. The performance bond or insurance policy must contain a provision requiring the issuing company to notify the agriculture commissioner at least ten days before the effective date of cancellation, termination, or other modification of the bond or insurance policy. The agriculture commissioner ~~must~~ shall immediately ~~request the suspension of~~ suspend the certification of a person who fails to maintain the minimum financial responsibility standards of this section. If there is any recovery against the certificate holder, the holder ~~must~~ shall demonstrate continued compliance with the minimum standards of this section. An employee of a commercial pesticide application business is not required to meet these standards separately if the business documents compliance with the minimum financial responsibility standards of this section. An application for reinstatement of a suspended certificate under this section must be accompanied by proof of satisfaction of any judgment previously rendered.

2. This section does not apply to:
  - a. A rancher who is required to obtain a commercial pesticide applicator certificate for controlling noxious weeds on the leased federal acreage as a condition of a federal grasslands lease.
  - b. A grazing association and its members if either the association or any member is required to obtain a commercial pesticide applicator certificate for controlling noxious weeds on the leased federal acreage as a condition of a federal grasslands lease.
  - c. A person required to be certified in the right-of-way category.
  - d. An applicator who holds a commercial pesticide certificate and is controlling noxious weeds on grassland, land producing tame hay, or other lands not devoted to the production of an annual crop."

Page 1, remove lines 11 and 12

Renumber accordingly

SB 2419 was placed on the Seventh order of business on the calendar.

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

**WILLIAM R. HORTON, Secretary**

