

JOURNAL OF THE HOUSE

Fifty-sixth Legislative Assembly

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Bismarck, April 2, 1999

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

The prayer was offered by Representative Grande.

The roll was called and all members were present except Representatives Byerly, Froelich, S. Kelsh, and Stefonowicz.

A quorum was declared by the Speaker.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1021 as printed on HJ pages 1113-1120 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 1021: Reps. Lloyd, Boehm, Nichols.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1022 as printed on HJ page 1092 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 HB 1022: Reps. Dalrymple, Wentz, Nichols.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1038 as printed on HJ page 1120 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 1038: Reps. Weisz, Dalrymple, Metcalf.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Reengrossed HB 1183 as printed on HJ pages 1093-1095 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 1183: Reps. Keiser, Dalrymple, Huether.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Engrossed SB 2017, 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 SB 2017: Reps. Carlisle, Tollefson, Guleson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2202: Reps. Carlson, Poolman, Aarsvold.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GROSZ MOVED that the House do concur in the Senate amendments to Engrossed HB 1404 as printed on HJ pages 1112-1113, which motion prevailed.

Reengrossed HB 1404 was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1404: A BILL for an Act to create and enact a new subdivision to subsection 13 of section 2 of chapter 299 of the 1991 Session Laws as amended by section 1 of chapter 286 of the 1993 Session Laws and five new subsections to section 27 of chapter 299 of the 1991 Session Laws, relating to the definition of tank and third-party judgments under the petroleum release compensation fund; to amend and reenact sections 17, 19, and 33 of chapter 299 of the 1991 Session Laws, relating to the petroleum release compensation fund; to repeal section 29 of chapter 299 of the 1991 Session Laws, relating to petroleum spill reports; 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 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Froelich; Stefonowicz

Reengrossed HB 1404 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GROSZ MOVED that the House do concur in the Senate amendments to HCR 3018 as printed on HJ page 1121, which motion prevailed.

Engrossed HCR 3018 was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3018: A concurrent resolution to create and enact a new section to article XI of the Constitution of North Dakota, relating to hunting, trapping, and fishing.

ROLL CALL

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 95 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Lemieux

ABSENT AND NOT VOTING: Froelich; Stefonowicz

Engrossed HCR 3018 was declared adopted on a roll call vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do not concur in the Senate amendments to Engrossed HB 1274 as printed on HJ page 1019 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 HB 1274: Reps. Brandenburg, Haas, Nowatzki.

REPORT OF CONFERENCE COMMITTEE

REP. FROSETH MOVED that the conference committee report on Engrossed HB 1093 as printed on HJ pages 1130-1131 be adopted, which motion prevailed.

Reengrossed HB 1093, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1093: A BILL for an Act authorizing the state of North Dakota acting through job service North Dakota to sell or transfer certain property.

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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Maragos

ABSENT AND NOT VOTING: Froelich; Stefonowicz

Reengrossed HB 1093 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. GRANDE MOVED that the conference committee report on Engrossed HB 1174 as printed on HJ pages 1131-1132 be adopted, which motion prevailed.

Reengrossed HB 1174 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1174: A BILL for an Act to amend and reenact section 54-06-24 of the North Dakota Century Code, relating to the state employee suggestion incentive program.

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, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Cleary; Rose

ABSENT AND NOT VOTING: Froelich; Gulleson; Stefonowicz

Reengrossed HB 1174 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. CARLISLE MOVED that the conference committee report on Engrossed SB 2002 as printed on HJ page 1133 be adopted, which motion prevailed.

Engrossed SB 2002, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the secretary of state and public printing; to provide for line item transfers for the 1997-99 biennium; to create and enact a new section to chapter 54-09 of the North Dakota Century Code, relating to the secretary of state's general services operating fund; to amend and reenact sections 41-09-42.1 and 54-09-05 of the North Dakota Century Code, relating to fees collected by the secretary of state and the salary of the secretary of state; 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 88 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Cleary; Ekstrom; Fairfield; Hoffner; Kelsh, S.; Lemieux; Rose; Sandvig

ABSENT AND NOT VOTING: Froelich; Stefonowicz

Engrossed SB 2002, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

REP. DEVLIN MOVED that the conference committee report on Engrossed SB 2170 as printed on HJ page 1132 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. KLEMIN MOVED that the conference committee report on Engrossed SB 2189 as printed on HJ page 1132 be adopted, which motion prevailed.

Engrossed SB 2189, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2189: A BILL for an Act to amend and reenact section 29-19-02 of the North Dakota Century Code, relating to a speedy trial.

ROLL CALL

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

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.;

Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Froelich; Stefonowicz

Engrossed SB 2189, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. DEKREY MOVED that the conference committee report on Engrossed SB 2212 as printed on HJ pages 1133-1134 be adopted, which motion prevailed.

Engrossed SB 2212, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2212: A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to injuring another while fleeing a peace officer; and to amend and reenact section 39-10-71 of the North Dakota Century Code, relating to the penalty for fleeing a peace officer.

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, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Fairfield; Kelsh, S.; Meyer

ABSENT AND NOT VOTING: Froelich; Stefonowicz

Engrossed SB 2212, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. JENSEN MOVED that the conference committee report on Engrossed SB 2309 as printed on HJ page 1134 be adopted, which motion prevailed.

Engrossed SB 2309, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 43-25-07 of the North Dakota Century Code, relating to school of massage therapy accreditation standards; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney;

Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Poolman; Price; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Boehm; Brusegaard; Carlson; Nelson; Pollert; Porter; Renner

ABSENT AND NOT VOTING: Froelich; Stefonowicz

Engrossed SB 2309, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. DORSO MOVED that Engrossed SB 2320 be moved to the bottom of the Seventh order, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. DROVDAL MOVED that the conference committee report on Engrossed SB 2350 as printed on HJ page 1134 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. GALVIN MOVED that the conference committee report on Engrossed SCR 4036 as printed on HJ page 1135 be adopted, which motion prevailed.

Engrossed SCR 4036, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4036: A concurrent resolution directing the Legislative Council to study the operation of the temporary assistance for needy families program in North Dakota as it relates to the relationship between the state and the federally recognized Indian tribes in the state.

ROLL CALL

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gordier; Grande; Grosz; Grumbo; Gullekson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Froelich; Stefonowicz

Engrossed SCR 4036, as amended, was declared adopted on a roll call vote.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

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

SB 2014: Reps. Bernstein; Delzer; Kerzman
SB 2019: Reps. Carlson; Wentz; Nichols
SB 2025: Reps. Lloyd; Carlson; Aarsvold
SB 2043: Reps. Byerly; Dalrymple; Huether
SB 2044: Reps. Byerly; Dalrymple; Huether
SB 2180: Reps. Kempenich; N. Johnson; Ekstrom
SB 2267: Reps. Kempenich; Weisz; Meyer

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

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

SCR 4021: Reps. Renner; Pollert; Stefonowicz

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1014, HB 1016, HB 1017, HB 1020, HB 1171, HB 1329, and HB 1428 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1014: Reps. Timm; Bernstein; Hoffner

HB 1016: Reps. Svedjan; Delzer; Hoffner

HB 1017: Reps. Bernstein; Timm; Kerzman

HB 1020: Reps. Carlson; Lloyd; Aarsvold

HB 1171: Reps. L. Thoreson; Haas; Kroeber

HB 1329: Reps. DeKrey; Klemin; Meyer

HB 1428: Reps. D. Johnson; Brandenburg; Warner

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1004, HB 1046, HB 1115.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2066, SB 2107, SB 2185, SB 2229, SB 2280, SB 2388, SCR 4023.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report on SB 2108, SB 2159, SB 2246, SB 2266, SB 2275.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1026.

MOTION

REP. DORSO MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

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

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1040, HB 1365, HB 1431, HB 1447.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

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

SB 2017: Reps. Carlisle; Tollefson; Gullerson

SB 2202: Reps. Carlson; Poolman; Aarsvold

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1021, HB 1022, HB 1038, HB 1183, and HB 1274 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1021: Reps. Lloyd; Boehm; Nichols

HB 1022: Reps. Dalrymple; Wentz; Nichols

HB 1038: Reps. Weisz; Dalrymple; Metcalf

HB 1183: Reps. Keiser; Dalrymple; Huether

HB 1274: Reps. Brandenburg; Haas; Nowatzki

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1443.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1443

In lieu of the amendments adopted by the Senate as printed on page 644 of the Senate Journal, Reengrossed House Bill No. 1443 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 five new sections to chapter 52-08 of the North Dakota Century Code, relating to work force training; to amend and reenact subsection 6 of section 15-10-01 and subsection 13 of section 15-10-17 of the North Dakota Century Code, relating to name

changes of institutions of higher education; to repeal section 15-11-02.1 of the North Dakota Century Code, relating to supervision of the college at Devils Lake; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 6 of section 15-10-01 of the North Dakota Century Code is amended and reenacted as follows:

6. The following ~~junior colleges and off-campus educational center:~~ Bismarck state college, ~~university of North Dakota—~~ Lake Region state college, and ~~the university of North Dakota—~~ Williston ~~center~~ state college.

SECTION 2. AMENDMENT. Subsection 13 of section 15-10-17 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

13. To establish a retirement program as an alternative to chapter 15-39.1 for employees of institutions under its control, subject to the following guidelines:
- a. Benefits under the program ~~shall~~ must be provided through annuity contracts purchased by the board but which ~~shall~~ become the property of the participants;
 - b. The cost of the annuity contracts ~~shall~~ must be defrayed by contributions made pursuant to rules of the state board of higher education;
 - c. Eligible employees appointed before July 1, 1973, shall participate in the alternate retirement program only by their individual election. When the electing eligible employee is a member of the teachers' fund for retirement, the employee's assessments and employer's contributions together with interest credited at the current rate for one-year certificates then being paid by the Bank of North Dakota ~~shall~~ must be transferred to the employee's account in the alternate program. ~~Such~~ The election ~~shall~~ must be made ~~prior to~~ before July 1, 1980, and shall relinquish all rights the eligible employee or the employee's beneficiary may have to benefits provided in chapters 15-39 and 15-39.2;
 - d. Employees of Bismarck state college and ~~university of North Dakota—~~ Lake Region state college coming under the jurisdiction of the board who are members of the teachers' fund for retirement may elect ~~prior to~~ before July 1, 1985, to continue membership in the teachers' fund for retirement in lieu of the alternate retirement program. If an employee does not elect to continue membership in the teachers' fund for retirement, membership in that fund will terminate and the employee will become a member of the alternate retirement program established by the board effective July 1, 1985. An employee of ~~the above-named~~ these colleges who becomes a member of the alternate retirement program may elect ~~prior to~~ before July 1, 1985, to have the employee's assessments and employer's contributions in the teachers' fund for retirement with interest transferred by the board of trustees of the teachers' fund for retirement to the employee's account in the alternate retirement program. If an employee elects to transfer the employee's assessment and employer's contributions together with interest to the alternate retirement program, the employee relinquishes all rights the employee or the employee's beneficiary may have to benefits provided in chapters 15-39, 15-39.1, and 15-39.2; and
 - e. Employees of institutions under the control of the state board of higher education who are members of the public employees retirement system and who become entitled to participate in the alternate retirement program are entitled to a special annuity purchase in the alternate retirement program in accordance with this subdivision. An eligible employee who consents to have that employee's contribution included is entitled to have that employee's contribution and

employer's contribution, with interest, in the public employees retirement system fund, used by the retirement board of the public employees retirement system to purchase for that employee an annuity in the alternate retirement program in lieu of any other rights under the public employees retirement fund. However, before the employer's contribution may be used for an annuity purchase, the employee's combined years of service with the public employees retirement system and the alternate retirement program must equal or exceed the years of service necessary to be eligible for retirement benefits under the public employees retirement system. An employee who transferred from the public employees retirement system ~~prior to~~ before March 30, 1987, and who received a refund of that employee's contribution is entitled to have the employer's contribution, with interest, used to purchase an annuity even if that employee did not purchase an annuity in the alternate employee program with the employee's contribution. If an employee makes the election allowed under this subdivision, that employee relinquishes all rights the employee or any of the employee's beneficiaries may have had to benefits provided under chapter 54-52.

The board shall provide for the administration of the alternate retirement program and establish rules ~~therefor~~ for the program consistent with ~~the foregoing guidelines~~ this subsection. ~~Nothing in this~~ This subsection shall ~~be construed in derogation of~~ does not derogate any existing retirement programs approved by the board.

SECTION 3. A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Institution to serve work force needs. Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall establish a division or other unit within the institution to serve the work force needs of business and industry and to serve as a broker in arranging the delivery of training.

SECTION 4. A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Work force training board - Formation. Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall appoint a work force training board consisting of representatives from businesses, labor, and industries located within the institution's delivery area. The work force training board must consist of at least seven but no more than fifteen members and must include at least one representative from either an Indian-owned business, the tribal government, or the tribal colleges within the designated region.

SECTION 5. A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Preparation of business plan - Revolving loans. Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall prepare an annual business plan that must include provisions for use of the training capacity of the tribal colleges within the designated region, in consultation with the work force training board. The work force training board shall approve the business plan and make recommendations for funding of the business plan to the state board of higher education. The state board of higher education may establish for each institution of higher education assigned primary responsibility for work force training a revolving loan fund for work force training program startups using the borrowing authority provided in section 15-10-16.1.

SECTION 6. A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Performance measurements for work force training. Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall develop, in consultation with the work force training board, performance measurements for work force training. The measurements must include requirements for being time sensitive and results oriented and must determine how well the training needs of business and industry are being met.

SECTION 7. A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Work force training - Investment fee.

1. Except for employers with fewer than fifteen employees and public school districts, job service North Dakota shall assess each employer a work force training investment fee of four one-hundredths of one percent of taxable wages paid by the employer to employees during each calendar year. The work force training investment fee is a fee separate from contributions made under chapter 52-04 and may not be deposited in the unemployment compensation fund. Job service shall assess the fee on an annual basis and may assess the fee in the same manner as it collects contributions and taxable wages reported by reimbursing employers under chapter 52-04. The work force training investment fee payments may not be included in computing unemployment compensation rates assigned to employers and may not be deducted by an employer from the wages of the employer's employees.
2. Funds collected under this section must be deposited in a work force training investment account and used to provide work force training programs at institutions of higher education that are assigned primary responsibility for work force training as defined by the state board of higher education. Administrative costs incurred by job service for collection of the work force training investment fee and for costs related to the establishment and maintenance of the work force training investment account must be paid from the work force training investment account. The funds may not be used by institutions of higher education for capital construction projects. The funds must be used to provide work force training, including operation and administration of a training division, acquisition of equipment, marketing, and program development. The institutions of higher education, job service, the work force 2000 advisory board and the tribal colleges in the state shall cooperate in addressing work force training needs in the state.
3. The state board of higher education shall establish up to four regions reflecting the geographical areas of work force training responsibility for the institutions of higher education eligible for funds under this section. Funds collected under this section must be allocated for use in the region of the state in which the funds were collected based upon covered employment, as defined by job service, in that region of the state.
4. Each institution of higher education providing a work force training program shall submit a report annually to the legislative council, the governor, the state board of higher education, the state board for vocational and technical education, and the North Dakota work force development council regarding the work force training programs receiving funds under this section.

SECTION 8. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$375,000, or so much of the sum as may be necessary, to the state board for vocational and technical education for the purpose of contracting with institutions of higher education assigned primary responsibility for work force training in this state for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 9. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$71,000, or so much of the sum as may be necessary, to job service North Dakota for the purpose of creating the collection structure and administering collection of the work force training investment fee for providing work force training programs under this Act, for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 10. APPROPRIATION. There is hereby appropriated out of any moneys in the work force training investment account, not otherwise appropriated, the sum of \$1,500,000, or so much of the sum as may be necessary, to the state board for vocational and technical education for the purpose of contracting with institutions of higher education assigned primary responsibility for providing work force training

programs under this Act, for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 11. APPROPRIATION. There is hereby appropriated out of any moneys in the work force training investment account, not otherwise appropriated, the sum of \$40,000, or so much of the sum as may be necessary, to job service North Dakota for the purpose of administering the collection of the work force training investment fee for providing work force training programs under this Act, for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 12. REPEAL. Section 15-11-02.1 of the North Dakota Century Code is repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4054, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SCR 4054 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4057, as engrossed: Government and Veterans Affairs Committee (Rep. Klein, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SCR 4057 was placed on the Tenth order on the calendar.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFFER

This is to inform you that on April 1, 1999, I have signed the following: HB 1257, HB 1295, HB 1300, HB 1326, and HB 1441. Also, on April 2, 1999, I have signed the following: HB 1275.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do concur in the Senate amendments to HB 1182 as printed on HJ pages 1111-1112, which motion prevailed.

HB 1182, as amended, was placed on the Eleventh order of business on the calendar.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KEISER MOVED that the House do not concur in the Senate amendments to HB 1131 as printed on HJ pages 1092-1093 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 HB 1131: Reps. Mickelson, R. Kelsch, Mahoney.

SECOND READING OF HOUSE BILL

HB 1182: A BILL for an Act to amend and reenact subsections 1 and 4 of section 23-07-01.1, subsection 1 of section 39-06-03.1, subsections 1, 2, and 3 of section 39-06-07.2, section 39-06-27, subsections 4, 6, and 7 of section 39-06-32, section 39-08-21, and subsection 1 of section 39-20-05 of the North Dakota Century Code, relating to reporting of physical or mental disorders to the department of transportation, nondriver photo identification cards, medical advice to the director, reporting of conviction, suspension, or revocation, or failure to appear by other jurisdictions, hearings on suspension or revocation for unlawful use of licenses, and medical qualifications exemptions for intrastate drivers; 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 88 YEAS, 0 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose;

Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Carlisle; Drovdal; Gulleston; Henegar; Kempenich; Meyer; Nottestad; Stefonowicz; Sveen; Tollefson

Engrossed HB 1182 passed, the title was agreed to and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

REP. JENSEN MOVED that the conference committee report on Engrossed SB 2320 as printed on HJ page 1134 be adopted.

REQUEST

REP. KOPPELMAN REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on SB 2320, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on SB 2320, the roll was called and there were 37 YEAS, 51 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Boucher; Brandenburg; Byerly; Dalrymple; DeKrey; Delmore; Dorso; Eckre; Ekstrom; Glassheim; Haas; Hanson; Hawken; Huether; Jensen; Johnson, N.; Kelsch, R.; Koppang; Kroeber; Lemieux; Mahoney; Maragos; Metcalf; Mueller; Nicholas; Niemeier; Pollert; Price; Svedjan; Thoreson, L.; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Belter; Bernstein; Boehm; Brekke; Brusegaard; Carlson; Clark; Cleary; Delzer; Devlin; Disrud; Fairfield; Froelich; Froseth; Galvin; Gorder; Grande; Grosz; Grumbo; Gunter; Herbel; Hoffner; Johnson, D.; Keiser; Kelsh, S.; Kerzman; Klein; Klemin; Kliniske; Koppelman; Lloyd; Lundgren; Martinson; Mickelson; Monson; Nelson; Nichols; Nowatzki; Poolman; Porter; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Thoreson, B.; Thorpe; Timm; Warner

ABSENT AND NOT VOTING: Carlisle; Drovdal; Gulleston; Henegar; Kempenich; Meyer; Nottestad; Stefonowicz; Sveen; Tollefson

The motion to adopt the conference committee report on SB 2320 failed, therefore the conference committee report on SB 2320 was not adopted.

REPORT OF CONFERENCE COMMITTEE

REP. SEVERSON MOVED that the conference committee report on Engrossed HB 1310 as printed on HJ page 1035 be adopted, which motion prevailed.

Reengrossed HB 1310, as amended, was placed on the Eleventh order.

MOTION

REP. DORSO MOVED that Engrossed SB 2320 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1310: A BILL for an Act to amend and reenact sections 24-03-06, 24-03-08, and 24-06-26.1 of the North Dakota Century Code, relating to construction of highways to permit a natural flow of water.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 62 YEAS, 26 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boucher; Brekke; Brusegaard; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dorso; Ekstrom; Froseth; Galvin; Glassheim; Gorder; Grumbo; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kerzman; Klein; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Nelson; Nicholas; Nichols; Niemeier; Porter; Price; Rose; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Bernstein; Boehm; Brandenburg; Byerly; Carlson; Dalrymple; Delzer; Eckre; Fairfield; Froelich; Grande; Grosz; Huether; Kelsh, S.; Klemin; Lloyd; Lundgren; Monson; Nowatzki; Pollert; Poolman; Renner; Rennerfeldt; Sandvig; Thorpe; Timm

ABSENT AND NOT VOTING: Carlisle; Drovdal; Gulleson; Henegar; Kempenich; Meyer; Nottestad; Stefonowicz; Sveen; Tollefson

Reengrossed HB 1310 passed and the title was agreed to.

**SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT
CALENDAR**

SCR 4054: A concurrent resolution urging the President to award Theodore Roosevelt the congressional Medal of Honor.

SCR 4057: A concurrent resolution urging the Governor to declare October 9, 1999, through October 8, 2000, "Leif Ericson Year".

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

SCR 4054 and SCR 4057 were declared adopted on a voice vote.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report on: SB 2170, SB 2350.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2002, SB 2189, SB 2212, SB 2309, SCR 4036.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1182.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing on April 2, 1999: HCR 3009, HCR 3037, HCR 3043, HCR 3046, HCR 3051, HCR 3057, HCR 3058, HCR 3063, HCR 3070, HCR 3074.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SCR 4054, SCR 4057.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1310.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1131 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1131: Reps. Mickelson; R. Kelsch; Mahoney

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1404, HCR 3018.

MOTION

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

MOTION

REP. MONSON 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., Monday, April 5, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2168, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (20 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2168 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "adult residential" with "basic"

Page 1, line 8, after the third semicolon insert "to provide an expiration date;"

Page 1, line 16, replace "adult residential" with "basic"

Page 5, remove lines 1 through 21

Page 5, line 22, replace "2" with "1"

Page 5, replace lines 24 through 26 with:

- "2. "Assisted living facility" has the meaning provided in section 50-24.5-01, but if the term is not defined in that section, the term means a facility that:
 - a. Makes response staff available at all times;
 - b. Provides housing and:
 - (1) Congregate meals;
 - (2) Kitchen facilities in each resident's living quarters; or
 - (3) Any combination of congregate meals and kitchen facilities in each resident's living quarters sufficient to assure each resident adequate access to meals;
 - c. Assures provision of:
 - (1) Personal care, therapeutic care, and social and recreational programming;
 - (2) Supervision, safety, and security;
 - (3) Medication services; and
 - (4) Transportation services;
 - d. Fosters dignity, respect, and independence by allowing, to the maximum extent feasible, each resident to determine the resident's service providers, routines of care provision, and service delivery; and
 - e. Services five or more adult residents, unrelated to the proprietor, on a specified premises not licensed under chapter 23-20 or 25-16, which meets the requirements of the national fire protection association 101 Life Safety Code, as applicable.
3. "Basic care facility" has the meaning provided in section 23-09.3-01."

Page 5, line 29, replace "adult residential" with "basic"

Page 6, line 1, replace "an adult residential" with "a basic"

Page 7, line 10, replace "an adult residential" with "a basic"

Page 7, line 13, replace "an adult residential" with "a basic"

Page 7, line 15, replace "adult" with "basic"

Page 7, line 16, remove "residential"

Page 7, line 21, after the period insert "The department's share of the total cost of any conversion is limited to one million dollars or eighty percent of the project cost, whichever is less."

Page 7, line 26, replace "an adult" with "a basic"

Page 7, line 27, remove "residential"

Page 8, line 1, replace "Adult residential" with "Basic"

Page 8, line 13, replace "an adult residential" with "a basic"

Page 8, line 16, replace "an adult residential" with "a basic"

Page 9, line 11, replace "an adult residential" with "a basic"

Page 9, line 23, replace "\$20,543,942" with "\$12,409,448" and replace "\$6,058,739" with "\$3,618,391"

Page 9, line 25, after "Act" insert "and including \$226,238 for department administrative costs for the biennium beginning July 1, 1999, and ending June 30, 2001" and replace "\$20,543,942" with "\$12,409,448"

Page 10, line 2, replace "\$14,785,540" with "\$8,715,279, including an estimated \$190,460 of fund interest earnings"

Page 10, line 4, after the period insert "Of the first \$8,524,820 deposited in the health care trust fund, \$4,262,410 must be allocated by the department of human services for loans and grants pursuant to section 3 of this Act and \$4,262,410 must be available for funding the service payments to the elderly and disabled program to be appropriated in Senate Bill No. 2012. If additional amounts in excess of \$8,715,279 become available during the biennium based on the calculation of section 2 of this Act, the department of human services may increase the amount paid and the funds are hereby appropriated, subject to emergency commission and budget section approval."

Page 10, line 9, after the period insert "The continuation of these positions, if required, must be requested of the fifty-seventh legislative assembly."

Page 10, after line 12, insert:

"SECTION 9. EXPIRATION DATE. This Act is effective through June 30, 2001, and after that date is ineffective."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

HOUSE - This amendment changes Section 3 to reflect changes to Senate Bill No. 2036, amends Section 4 to reflect a revised total of \$12,409,448, of which \$3,618,391 is from the general fund, related to the government nursing facility funding pool in Section 2, amends Section 5 to reflect total trust fund deposits of \$8,524,820, of which \$4,262,410 will be appropriated in Senate Bill No. 2012 for the SPED program and \$4,262,410 for the trust fund loans and grants with an additional \$190,460 of trust fund earnings for loans and grants, limits Department of Human Services share of a project to \$1 million or 80 percent of project costs, whichever is less, and provides an expiration date.

REPORT OF STANDING COMMITTEE

SB 2171, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (14 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2171 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 858 of the House Journal, Engrossed Senate Bill No. 2171 is amended as follows:

Page 1, line 6, remove the second "and"

Page 1, line 8, remove "subsection 3 of section 27-20-24, sections"

Page 1, line 10, after "1997" insert "; and to provide for a legislative council study"

Page 4, line 16, replace "24" with "23"

Page 4, line 27, replace "Whether" with "In cases in which a compelling reason has been shown that it would not be in the child's best interests to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, whether"

Page 6, remove lines 28 and 29

Page 7, remove lines 1 through 3

Page 9, line 7, replace "Establish" with "In cases in which a compelling reason has been shown that it would not be in the child's best interests to return home, to have parental rights terminated, to be placed for adoption, to be placed with a fit and willing relative, or to be placed with a legal guardian, establish"

Page 9, line 28, after "within" insert "thirty days after a court determines that reasonable efforts of the type described in subsection 2 of section 5 of this Act are not required, or"

Page 14, line 25, remove "or"

Page 14, line 27, after "care" insert "; or"

(3) The date a child is placed in foster care voluntarily and with the consent of the child's parent"

Page 15, line 3, replace "15" with "14"

Page 21, line 24, replace "22" with "21" and replace "23" with "22"

Page 22, line 25, replace "23" with "22"

Page 23, line 24, replace "22" with "21"

Page 26, line 12, replace "24" with "23"

Page 31, after line 5, insert:

"SECTION 26. LEGISLATIVE COUNCIL STUDY - IMPACT OF THE ADOPTION AND SAFE FAMILIES ACT. The legislative council shall consider studying, during the 1999-2000 interim, the impact to the state department of human services, counties, court system, division of juvenile services, adoption agencies, and families of the Adoption and Safe Families Act of 1997 including related state and county staffing requirements, court costs, adoption-related costs and issues, foster care-related impacts, and the impacts on families."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2361: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). SB 2361 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the first "a" with "two" and replace "subsection" with "subsections"

Page 1, line 4, replace the second comma with "and" and remove ", and"

Page 1, line 5, remove "3"

Page 1, line 8, replace "A" with "Two" and replace "subsection" with "subsections"

Page 1, line 9, replace "is" with "are"

Page 1, line 12, remove "to develop new racetracks in the state as necessary and approved"

Page 1, line 13, remove "by the commission,"

Page 1, after line 15, insert:

"Track development fund" means a fund administered by the commission, established for the sole purpose of developing new racetracks in the state, and from which no transfers may be made other than direct expenditures for designing, constructing, and outfitting new racetracks."

Page 2, line 11, overstrike "seventeen" and insert immediately thereafter "fifteen"

Page 2, line 12, after the underscored semicolon insert "one-half of"

Page 2, line 15, after "~~meet~~" insert "; and two percent must be paid to the commission to be used for the track development fund" and remove the overstrike over the overstruck period

Page 2, remove the overstrike over line 16

Page 2, line 17, remove the overstrike over "~~the general fund~~" and remove "; and one and one-half percent must be paid to the commission to"

Page 2, line 18, remove "be deposited in the promotion fund"

Page 2, line 22, overstrike "twenty-one" and insert immediately thereafter "nineteen"

Page 2, line 23, after "pay" insert "one-half of"

Page 2, line 24, remove "two and" and after "one-half" insert "of one"

Page 2, line 26, after the underscored semicolon insert "must pay two percent to the commission to be deposited in the track development fund;" and after "one-half" insert "of one"

Page 2, line 27, remove the overstrike over "~~The remaining two and one-half percent must~~"

Page 2, remove the overstrike over line 28

Page 2, remove lines 29 and 30

Page 3, remove lines 1 through 10

Page 3, line 12, replace "2005" with "2001"

Page 3, line 13, replace "2005" with "2001"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2381, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (19 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2381 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2404, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 9 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2404 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "five" and replace "section" with "sections"

Page 1, line 2, after the semicolon insert "to amend and reenact subsection 6 of section 15-10-01 and subsection 13 of section 15-10-17 of the North Dakota Century Code, relating to name changes of institutions of higher education; to repeal section 15-11-02.1 of the North Dakota Century Code, relating to supervision of the college at Devils Lake;"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 6 of section 15-10-01 of the North Dakota Century Code is amended and reenacted as follows:

6. The following ~~junior colleges and off-campus educational center:~~ Bismarck state college, ~~university of North Dakota~~ Lake Region state college, and ~~the university of North Dakota~~ Williston center state college.

SECTION 2. AMENDMENT. Subsection 13 of section 15-10-17 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

13. To establish a retirement program as an alternative to chapter 15-39.1 for employees of institutions under its control subject to the following guidelines:
- a. Benefits under the program shall be provided through annuity contracts purchased by the board but which shall become the property of the participants;
 - b. The cost of the annuity contracts shall be defrayed by contributions made pursuant to rules of the state board of higher education;
 - c. Eligible employees appointed before July 1, 1973, shall participate in the alternate retirement program only by their individual election. When the electing eligible employee is a member of the teachers' fund for retirement, the employee's assessments and employer's contributions together with interest credited at the current rate for one-year certificates then being paid by the Bank of North Dakota shall be transferred to the employee's account in the alternate program. Such election shall be made prior to July 1, 1980, and shall relinquish all rights the eligible employee or the employee's beneficiary may have to benefits provided in chapters 15-39 and 15-39.2;
 - d. Employees of Bismarck state college and ~~university of North Dakota~~ Lake Region state college coming under the jurisdiction of the board who are members of the teachers' fund for retirement may elect prior to July 1, 1985, to continue membership in the teachers' fund for retirement in lieu of the alternate retirement program. If an employee does not elect to continue membership in the teachers' fund for retirement, membership in that fund will terminate and the employee will become a member of the alternate retirement program established by the board effective July 1, 1985. An employee of the above-named colleges who becomes a member of the alternate retirement program may elect prior to July 1, 1985, to have the employee's assessments and employer's contributions in the teachers' fund for retirement with interest transferred by the board of trustees of the teachers' fund for retirement to the employee's account in the alternate retirement program. If an employee elects to transfer the employee's assessment and employer's contributions together with interest to the alternate retirement program, the employee relinquishes all rights the employee or the employee's beneficiary may have to benefits provided in chapters 15-39, 15-39.1, and 15-39.2; and
 - e. Employees of institutions under the control of the state board of higher education who are members of the public employees retirement system and who become entitled to participate in the alternate retirement program are entitled to a special annuity purchase in the alternate retirement program in accordance with this subdivision. An eligible employee who consents to have that employee's contribution included is entitled to have that employee's contribution and employer's contribution, with interest, in the public employees retirement system fund, used by the retirement board of the public employees retirement system to purchase for that employee an annuity in the alternate retirement program in lieu of any other rights under the public employees retirement fund. However, before the employer's contribution may be used for an annuity purchase, the employee's combined years of service with the public employees retirement system and the alternate retirement program must equal or exceed the years of service necessary to be eligible for retirement benefits under the public employees retirement system. An employee who transferred from the public employees retirement system prior to March 30, 1987, and who received a refund of that employee's contribution is entitled to have the employer's contribution, with

interest, used to purchase an annuity even if that employee did not purchase an annuity in the alternate employee program with the employee's contribution. If an employee makes the election allowed under this subdivision, that employee relinquishes all rights the employee or any of the employee's beneficiaries may have had to benefits provided under chapter 54-52.

The board shall provide for the administration of the alternate retirement program and establish rules therefor consistent with the foregoing guidelines. Nothing in this subsection shall be construed in derogation of any existing retirement programs approved by the board."

Page 1, underscore line 6

Page 1, line 7, underscore "1.", replace "Job" with "Except for employers with fewer than twenty-five employees and schools, job", and underscore "service North Dakota shall assess each employer a work force training"

Page 1, line 8, underscore "investment fee of", replace "four" with "three", and underscore "one-hundredths of one percent of taxable wages paid by the"

Page 1, underscore lines 9 through 18

Page 1, line 19, underscore "investment account" and insert immediately thereafter "under the control of the state board for vocational and technical education" and underscore "and used to provide work force training programs at"

Page 1, underscore line 20

Page 1, line 21, underscore "force training", remove "as defined by the state board of higher education", and underscore ". Administrative"

Page 1, underscore lines 22 through 24

Page 2, underscore lines 1 through 4

Page 2, line 5, underscore "education shall cooperate with job service," and insert immediately thereafter "the state board for vocational and technical education," and underscore "the work force 2000 advisory board,"

Page 2, underscore lines 6 and 7

Page 2, remove lines 8 through 15

Page 2, line 16, replace "4." with "3." and underscore "The state board of higher education shall establish up to four regions reflecting the"

Page 2, underscore lines 17 through 19

Page 2, line 20, underscore "collected based upon covered employment in that region of the state." and insert immediately thereafter "The state board for vocational and technical education may reallocate up to twenty percent of the funds collected in any region to another region based upon the increased need for work force training funds in that region."

Page 2, line 21, replace "5." with "4." and underscore "Each institution of higher education providing a work force training program shall"

Page 2, line 22, underscore "submit a report annually to the", remove "legislative council, the governor, the", underscore "state board", and remove "of"

Page 2, line 23, replace "higher" with "for vocational and technical", underscore "education", remove the comma, and underscore "and the North Dakota work force development council regarding"

Page 2, underscore line 24

Page 2, after line 24, insert:

"**SECTION 4.** A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Institution to serve work force needs. Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall establish a division or other unit within the institution to serve the work force needs of business and industry and to serve as a broker in arranging the delivery of training.

SECTION 5. A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Work force training board - Formation. Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall appoint a work force training board consisting of representatives from businesses, labor, and industries located within the institution's delivery area. The work force training board must consist of at least seven but no more than fifteen members including at least one representative from one of the following: an Indian-owned business, the tribal government, or the tribal colleges within the designated region.

SECTION 6. A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Preparation of business plan - Revolving loans. Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall prepare an annual business plan that must include provisions for use of the training capacity of the tribal colleges within the designated region, in consultation with the work force training board. The work force training board shall approve the business plan and make recommendations for funding of the business plan to the state board of higher education. The state board of higher education may establish for each institution of higher education assigned primary responsibility for work force training a revolving loan fund for work force training program startups using the borrowing authority provided for in section 15-10-16.1.

SECTION 7. A new section to chapter 52-08 of the North Dakota Century Code is created and enacted as follows:

Performance measurements for work force training. Subject to state board of higher education policies, the president of an institution of higher education that is assigned primary responsibility for work force training shall develop, in consultation with the work force training board, performance measurements for work force training. The measurements must include requirements for being time-sensitive and results-oriented and must determine how well the training needs of business and industry are being met.

SECTION 8. REPEAL. Section 15-11-02.1 of the North Dakota Century Code is repealed."

Page 2, line 26, replace "special" with "work force training investment" and remove "created in section 1 of this Act"

Page 2, line 27, replace "\$1,963,100" with "\$1,000,000" and replace "job service North Dakota for the" with "the institutions of higher education assigned primary responsibility for"

Page 2, line 28, remove "purpose of" and after "under" insert "sections 3 through 7 of"

Page 2, line 29, after the period insert "Any excess funds collected for deposit in the work force training investment account must remain in the account."

SECTION 10. INITIAL FUNDING - REPAYMENT. The Bank of North Dakota shall provide a loan of not more than \$400,000 to provide initial funds for deposit in the work force training investment account for work force training through institutions of higher education. The loan must be repaid from funds collected under section 3 of this Act by December 31, 2002."

Renumber accordingly

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

LANCE HAGEN, Chief Clerk