

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, March 26, 2001

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

The prayer was offered by Reverend Bob Weiss, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**HB 1328, as reengrossed: SEN. WANZEK (Agriculture Committee) MOVED** that the amendments on SJ pages 947-949 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**.

## REQUEST

**SEN. HEITKAMP REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed HB 1328, which request was granted.

## ROLL CALL

The question being on the motion to adopt the amendments to Reengrossed HB 1328, the roll was called and there were 32 YEAS, 17 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Nething; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; Christenson; Every; Heitkamp; Kelsh; Krauter; Kroepelin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Tomac

The motion to adopt the amendments to Reengrossed HB 1328 passed.

## CONSIDERATION OF AMENDMENTS

**HB 1396, as engrossed: SEN. KELSH (Natural Resources Committee) MOVED** that the amendments on SJ page 950 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Robert Albers.

## MOTION

**SEN. CHRISTMANN MOVED** that the rules be suspended, and after action taken on the Sixth order, the remaining bills on that order be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**HB 1371, as engrossed: SEN. CHRISTENSON (Education Committee) MOVED** that the amendments on SJ page 949 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1371:** A BILL for an Act to amend and reenact section 15-34.1-01 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-20-01 of the North Dakota Century Code, relating to the compulsory attendance of students.

## 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; Kroepflin; Lee; Lindaas; Lyson; 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

**NAYS:** Mathern, D.

Engrossed HB 1371, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1377, as engrossed: SEN. KILZER (Government and Veterans Affairs Committee)**  
**MOVED** that the amendments on SJ pages 949-950 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1377:** A BILL for an Act to create and enact a new section to chapter 43-05 of the North Dakota Century Code, relating to the authority of the board of podiatric medicine to borrow funds; to provide for a legislative council study; and to declare an emergency.

#### REQUEST

**SEN. ANDRIST REQUESTED** that the Senate divide Engrossed HB 1377, as amended, which request was granted.

**DIVISION A:** All of the bill except Section 2.

**DIVISION B:** Section 2 of the bill.

The question being on the final adoption of Division A of Engrossed HB 1377, as amended, the motion passed on a verification vote.

The question being on the final adoption of Division B of Engrossed HB 1377, as amended, the motion passed on a verification vote.

Therefore, Divisions A and B of Engrossed HB 1377, as amended, were adopted and HB 1377, as amended, was placed on the Fourteenth order for immediate second reading and final passage.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 27 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee; Lyson; Nelson, C.; Nelson, G.; Nething; Solberg; Stenehjorn; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist; Bercier; Christenson; Cook; Every; Heitkamp; Kelsh; Klein; Krauter; Kroepflin; Lindaas; Mathern, D.; Mathern, T.; Mutch; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Tallackson; Thane; Tomac

Engrossed HB 1377, as amended, passed, the title was agreed to, but the emergency clause lost for lack of two-thirds majority.

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#### CONSIDERATION OF AMENDMENTS

**HB 1426, as engrossed: SEN. WARDNER (Government and Veterans Affairs Committee)**  
**MOVED** that the amendments on SJ pages 951-952 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1426:** A BILL for an Act to amend and reenact subsection 11 of section 16.1-01-12, subsection 4 of section 16.1-08.1-01, section 16.1-08.1-03.1, subsection 3 of section 16.1-08.1-03.3, sections 16.1-08.1-04, and 16.1-08.1-06 of the North Dakota Century Code, relating to initiated or referred measure contribution statements definitions and contribution reporting; and to repeal section 16.1-08.1-03.6 of the North Dakota Century Code, relating to federal campaign committee contributions and contributions made to other candidates.

**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; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepin; Lee; Lindaas; Lyson; 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:** Mathern, D.

Engrossed HB 1426, as amended, passed and the title was agreed to.

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**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Governor Art Link.

**CONSIDERATION OF AMENDMENTS**

**HB 1425, as engrossed: SEN. TRAYNOR (Natural Resources Committee) MOVED** that the amendments on SJ pages 950-951 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1425:** A BILL for an Act to amend and reenact subsection 1 of section 10-06.1-10 of the North Dakota Century Code, relating to acquisition of farmland or ranchland by nonprofit organizations; and to provide an expiration date.

**MOTION**

**SEN. G. NELSON MOVED** the previous question, which motion prevailed.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; Erbele; Heitkamp; Klein; Krauter; Kroepin; Mutch; Schobinger; Solberg; Tomac; Urlacher; Wanzek

**NAYS:** Bercier; Christenson; Cook; Dever; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Stenehjem; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Wardner; Watne

Engrossed HB 1425, as amended, lost.

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**CONSIDERATION OF AMENDMENTS**

**HB 1451, as engrossed: SEN. WARDNER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 952 be adopted and then be placed on the Fourteenth order **WITHOUT RECOMMENDATION**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1451:** A BILL for an Act to provide for administrative rules committee review of existing administrative rules.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Every; Kilzer; Krebsbach; Mathern, D.; Nelson, C.; Nichols; Traynor

Engrossed HB 1451, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1456, as engrossed: SEN. C. NELSON (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 952 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1456:** A BILL for an Act to create and enact a new section to chapter 16.1-08.1 of the North Dakota Century Code, relating to the filing of campaign contribution statements by political committees; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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 1456, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1251: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 946-947 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1251:** A BILL for an Act to create and enact a new subdivision to subsection 18 of section 52-01-01 of the North Dakota Century Code, relating to unemployment compensation treatment of partnerships and limited liability companies; and to amend and reenact subsection 14 and paragraph 2 of subdivision a of subsection 17 of section 52-01-01 of the North Dakota Century Code, relating to unemployment compensation coverage of managers of limited liability companies.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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

HB 1251, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1319, as reengrossed: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 947 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1319:** A BILL for an Act to amend and reenact paragraphs 1 and 2 of subdivision a of subsection 17 of section 52-01-01 of the North Dakota Century Code, relating to unemployment compensation coverage for corporations and limited liability companies.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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 HB 1319, as amended, passed and the title was agreed to.

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**MOTION**

**SEN. NETHING MOVED** that the Senate reconsider its action whereby HCR 3045 passed, which motion prevailed.

**MOTION**

**SEN. NETHING MOVED** that HCR 3045 be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do not concur in the House amendments to SB 2201 as printed on SJ page 885 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2201: Sens. Traynor, Trenbeath, Watne.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2226 as printed on SJ page 833 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2226: Sens. Watne, Dever, C. Nelson.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for filing on March 26, 2001: SCR 4009, SCR 4011, SCR 4013, SCR 4015, SCR 4016, SCR 4017, SCR 4023, SCR 4025, SCR 4026, SCR 4038, SCR 4043, SCR 4046.

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

**MR. PRESIDENT:** The Speaker has signed: SB 2055, SB 2074, SB 2129, SB 2160, SB 2169, SB 2175, SB 2176, SB 2196, SB 2234, SB 2235, SB 2256, SB 2288, SB 2327, SB 2330, SB 2344, SB 2375, SB 2381, SB 2393, SB 2406, SB 2408, SB 2424, SB 2426, SB 2431, SB 2441, SB 2451.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for approval on March 26, 2001: SB 2055, SB 2074, SB 2129, SB 2160, SB 2169, SB 2175, SB 2176, SB 2196, SB 2234, SB 2235, SB 2256, SB 2288, SB 2327, SB 2330, SB 2344, SB 2375, SB 2381, SB 2393, SB 2406, SB 2408, SB 2424, SB 2426, SB 2431, SB 2441, SB 2451.

**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 1058:** Sens. Cook; Wanzek; Christenson

**HB 1182:** Sens. Flakoll; Wanzek; O'Connell

**HB 1363:** Sens. Lyson; Trenbeath; C. Nelson

**HB 1398:** Sens. Trenbeath; Dever; C. Nelson

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2201 and SB 2226 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2201:** Sens. Traynor; Trenbeath; Watne

**SB 2226:** Sens. Watne; Dever; C. Nelson

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4048.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1201, HB 1296, HB 1304, HB 1306, HB 1354, HB 1370, HB 1390, HB 1408, HB 1474, HCR 3001, HCR 3002, HCR 3017, HCR 3026, HCR 3033, HCR 3036, HCR 3043, HCR 3044, HCR 3050, HCR 3054, HCR 3056, HCR 3058, HCR 3065, HCR 3067, HCR 3068.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1218, HB 1416.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1046.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HCR 3061.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1141, HB 1261, HB 1267, HB 1350, HB 1358, HB 1385, HB 1401, HB 1455.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1276.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1043, HB 1173, HB 1244, HB 1285, HB 1380, HB 1410, HB 1419, HCR 3032, HCR 3049, HCR 3051, HCR 3069.

**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 1102 and HB 1322.

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

**MR. PRESIDENT:** The House has passed, the emergency clause carried, unchanged: SB 2216.

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

**MR. PRESIDENT:** The House has passed unchanged: SB 2081, SB 2163, SB 2290, SB 2383, SCR 4001, SCR 4014, SCR 4022, SCR 4027, SCR 4032, SCR 4033, SCR 4034, SCR 4042.

**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 2276.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2276**

Page 1, line 2, remove "to provide an appropriation;"

Page 1, line 10, replace "four-year" with "five-year"

Page 1, line 11, replace "eighty" with "seventy-five"

Page 1, line 16, remove "that have fewer than ten thousand residents and"

Page 2, line 1, replace "four-year" with "five-year"

Page 2, line 21, replace "assignments" with "patients"

Page 3, line 2, replace "four" with "five"

Page 3, line 3, replace "two" with "three", replace "Each" with "One", and remove "remaining"

Page 3, line 4, replace "four" with "five"

Page 3, line 6, after the period insert "One of the dentists selected annually shall contract to provide full-time dental services for a minimum of five years in one or more selected communities having ten thousand or more residents."

Page 3, line 27, replace "eighty" with "seventy-five"

Page 4, line 26, replace "**APPROPRIATION.** There is appropriated out of any moneys in the" with "**DENTISTS' LOAN REPAYMENT PROGRAM FUNDING.** The funds appropriated in Senate Bill No. 2003 include \$135,000 from the general fund"

Page 4, remove lines 27 and 28

Page 4, line 29, replace "purpose of" with "for" and after "program" insert "as authorized in section 1 of this Act"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently passed: SB 2098, SB 2121, SB 2183, SB 2220, SB 2229, SB 2308, SB 2359, SB 2370, SB 2371, SB 2386, SB 2419, SB 2455.

#### **HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2098**

Page 1, replace lines 7 through 22 with:

##### **"23-09.3-01.1. Moratorium on expansion of basic care bed capacity.**

1. Except when existing beds are converted for use by a nursing facility that converts licensed nursing facility bed capacity to basic care bed capacity or the alzheimer's and related dementia population under the pilot projects provided for in established under section 50-06-14.4 requests licensure of the facility's existing beds as basic care bed capacity, or unless the applicant demonstrates to the department and to the department of human services that a need for additional basic care bed capacity exists, the department may not issue a license under this chapter for any additional bed capacity above the state's gross licensed capacity of one thousand four hundred seventy-one beds, adjusted by any reduction in beds before July 31, 19992001, during the period between August 1, 19992001, and July 31, 2004 2003.
2. Transfers of existing beds from one municipality to another municipality must be approved if the licensing requirements are met, during the period August 1, 19992001, to July 31, 2004 2003, only to the extent that for each bed transfer approved the total number of licensed beds in the state is reduced by the same number transferred. Existing licensed beds released by a facility which are not immediately and transferred to another facility may not be banked for future transfer to another facility must become licensed within twenty-four months of transfer.
3. Transfer of existing beds from one municipality to a tribal reservation during the period August 1, 2001, to July 31, 2003, may occur, only to the extent that the facility transferring beds reduces the facility's licensed capacity by an amount equal to twice the number of beds transferred. A tribal facility may seek to participate, within twenty-four months of any transfer of beds, in the basic care assistance program. Basic care assistance payments may only be made to a tribal facility that agrees to participate and adhere to all federal and state requirements of the basic care assistance program including participation, screening, ratesetting, and licensing requirements.
4. Not more than once in a twelve-month period, a nursing facility may convert licensed nursing facility bed capacity to basic care bed capacity or may convert basic care bed capacity licensed after July 1, 2001, as nursing facility capacity to licensed nursing facility bed capacity. At least ninety days before the conversion, the facility shall notify the state department of

the facility's intent to convert bed capacity. The converted beds must be located in the same block of rooms within the facility."

Page 2, replace lines 1 through 14 with:

**"23-16-01.1. Moratorium on expansion of long-term care bed capacity.**

1. Notwithstanding sections 23-16-06 and 23-16-10, except when existing beds are converted for use by the alzheimer's and related dementia population under the projects provided for in section 50-06-14.4 or when a nursing facility converts basic care bed capacity licensed after July 1, 2001, as nursing facility capacity to nursing facility bed capacity, the state department of health may not issue a license for any additional bed capacity above the state's gross licensed capacity of seven thousand one hundred forty beds, adjusted by any reduction in beds before July 31, ~~1999~~ 2001, during the period between August 1, ~~1999~~ 2001, and July 31, ~~2001~~ 2003.
2. Transfers of existing beds from one municipality to another municipality must be approved if the department of health licensing requirements are met, during the period August 1, ~~1999~~ 2001, to July 31, ~~2001~~ 2003, only to the extent that for each bed transfer approved the total number of licensed beds in the state is reduced by the same number transferred. Existing licensed beds released by a facility ~~which are not immediately~~ and transferred to another facility ~~may not be banked for future transfer to another facility~~ must become licensed within twenty-four months of transfer.
3. Transfer of existing beds from one municipality to a tribal reservation during the period August 1, 2001, to July 31, 2003, may occur, only to the extent that the facility transferring beds reduces the facility's licensed capacity by an amount equal to twice the number of beds transferred. A tribal facility may seek to participate, within twenty-four months of any transfer of beds, in the medical assistance program. Medical assistance payments may only be made to a medicaid-certified tribal facility that agrees to participate and adhere to all federal and state requirements of the medical assistance program including participation, screening, ratesetting, and licensing requirements.
4. Not more than once in a twelve-month period, a nursing facility may convert licensed nursing facility bed capacity to basic care bed capacity or may convert basic care bed capacity licensed after July 1, 2001, as nursing facility capacity to licensed nursing facility bed capacity. At least ninety days before the conversion, the facility shall notify the state department of the facility's intent to convert bed capacity. The converted beds must be located in the same block of rooms within the facility."

Re-number accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2121**

Page 2, line 1, overstrike "is guilty of a class A misdemeanor if that person is claiming" and insert immediately thereafter "who claims"

Page 2, line 2, overstrike the comma and remove "or is an employer of a person claiming"

Page 2, line 3, remove "benefits,", overstrike "and that" and insert immediately thereafter "or the employer of a person who claims benefits or payments for services is guilty of a class A misdemeanor if the," and after "person" insert "or employer does any one or more of the following"

Re-number accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2183**

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15.1-09 of the North Dakota Century Code, relating to the payment of signing bonuses by school boards."



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

**SECTION 1.** A new section to chapter 15.1-09 of the North Dakota Century Code is created and enacted as follows:

**School board authority - Payment of signing bonuses.**

1. To fill a teaching position for which the school district received no more than two applications or resumes, the board of a school district may offer and, upon the signing of the contract by both parties, pay a signing bonus in an amount up to ten thousand dollars to an individual:
  - a. Who is licensed to teach by the education standards and practices board or approved to teach by the education standards and practices board;
  - b. Who has signed a contract of employment to serve as a full-time classroom teacher in the district; and
  - c. Who has not previously been employed by the board of the district as a classroom teacher or as an administrator.
2. The board may pay to the individual the signing bonus authorized by subsection 1:
  - a. In one lump sum at the time the individual signs a contract of employment; or
  - b. In two or three installments over a period of time not exceeding three years from the date the individual signs a contract of employment.
3. A signing bonus paid under this section does not affect the provisions of any negotiated salary schedule agreed to by the teachers of a school district and the board of the school district."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2220**

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

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

HOUSE - This amendment changes the additional reimbursement to counties for the transportation of juveniles for medical care and treatments from 50 cents per mile to 25 cents per mile.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2229**

Page 1, line 6, replace "\$123,750" with "\$247,500"

Page 1, line 8, remove "The funding may be used only if"

Page 1, remove line 9

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2229 - Adjutant General - Veterans Cemetery**

This amendment changes the appropriation from \$123,750 to \$247,500 from the general fund, the amount reflected in the bill as introduced. The amendment also removes the matching funds requirement.

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2308**

Page 2, line 5, remove "Of the amount"

Page 2, remove line 6

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2359**

Page 1, line 1, replace "counseling services and leave for railroad crew members following" with "for a critical incident stress debriefing policy; and to provide an expiration date."

Page 1, remove line 2

Page 1, line 4, replace "**Railroad accident - Counseling**" with "**Critical incident stress debriefing policy**"

Page 1, line 5, replace "1. A" with "Each" and replace "provide counseling services or other" with "develop a written"

Page 1, line 6, replace "services to every member of an operating crew involved in an" with "policy and shall provide a copy of the policy to each employee."

**SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 2003, and after that date is ineffective."

Page 1, remove lines 7 through 22

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2370**

Page 1, line 13, replace "ten" with "five"

Page 1, line 14, after the first "check" insert ", payroll check" and after the semicolon insert "and"

Page 1, remove lines 15 through 18

Page 1, line 19, replace "(4)" with "(2)"

Page 1, line 21, remove "and"

Page 1, remove lines 22 through 24

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2371**

Page 1, line 1, replace "subsection 12 of section" with "sections" and remove the second "section"

Page 1, line 5, replace "Subsection 12 of section" with "Section"

Page 1, replace lines 7 through 20 with:

**"43-11-01. Definitions.** In this chapter, unless the context or subject matter ~~thereof~~ otherwise requires:

1. "Board" means the state board of cosmetology.
2. "Cosmetology" means any one or combination of practices generally and usually ~~heretofore and hereafter~~ performed by and known as the occupation of beauty culturists or cosmeticians or cosmetologists or hairdressers, or of any other person holding ~~him or herself~~ ~~oneself~~ out as practicing cosmetology by whatever designation and within the meaning of this chapter and in and upon whatever place or premises; and in particular cosmetology is defined and includes, ~~but otherwise is not limited thereby,~~ the following or any one or a combination of practices: arranging, dressing, curling, waving, cleansing, cutting, singeing, bleaching, coloring, or similar work, upon the hair of any person by any means or with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, exercising, beautifying or similar work on the scalp, face, neck, arms, hands, bust or upper part of the body, or manicuring the nails of any person.

3. "Cosmetology salon" includes that part of any building ~~wherein~~ in which the occupation of a cosmetologist is practiced.
4. "Esthetician" means a person who is licensed by the board to engage in the practice of skin care. An esthetician does not include a professional make-up artist trained in facial make-up application by a cosmetics company.
5. "Homebound" means any person who is ill, disabled, or otherwise unable to travel to a salon.
6. "Instructor" means any person of the age of eighteen years or more, who is a licensed cosmetologist, who teaches cosmetology or any practices taught in a duly registered school of cosmetology, and who has met the requirements of section 43-11-27 and has applied for and received an instructor's license.
7. "Invasive care" means any procedure that invades the live tissue of the dermis, including:
  - a. Laser use, except the use of cold laser technology using nonlinear, pulsed light application for the purpose of biostimulation without the generation of heat; and
  - b. Chemical peels, except for chemical peels using:
    - (1) Thirty percent alpha hydroxy acid, which includes glycolic acid with a pH of 3.0 or higher;
    - (2) Twenty percent beta hydroxy acid, which includes salicylic acid with a pH of 3.0 or higher; or
    - (3) Two percent resorcinol with a pH of 3.0 or higher.
- ~~8.~~ 9. "Manager-operator" means any person who has met the requirements of section 43-11-26 and has applied for and received a managing cosmetologist license.
- ~~9.~~ 10. "Manicuring" means the cleansing, cutting, shaping, beautifying, or massaging of the hands, feet, or nails of any person.
- ~~10.~~ 11. "Manicurist" means a person who is licensed by the board to engage in the practice of manicuring.
- ~~11.~~ 12. "Operator" means a person, not a student, who is licensed under the provisions of this chapter to engage in and follow any of the practices of a hairdresser or cosmetologist.
- ~~12.~~ 13. "School of cosmetology" means an establishment operated for the purpose of teaching cosmetology.
- ~~13.~~ 14. "Skin care" means the use of cosmetic preparations, antiseptics, tonics, lotions, creams, or otherwise, massaging, cleansing, stimulating, manipulating, beautifying, or similar work on the scalp, face, neck, arms, hands, bust, or upper part of the body of any person. The term does not include invasive care.
- ~~14.~~ 15. "Student" means any person who is engaged in the learning or acquiring of any or all the practices of cosmetology and while so learning, performs or assists in any of the practices of cosmetology in any school registered or licensed and under the immediate supervision of an instructor licensed as such under this chapter.
- ~~15.~~ 16. "Student instructor" means a cosmetologist who is receiving instruction in teacher's training in a duly registered school of cosmetology.
- ~~16.~~ 17. "Tuition" means the total cost of a person's cosmetology studies, and does not include books or demonstration kits."

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2386**

Page 1, line 2, remove "ethanol production"

Page 1, line 3, remove "or limited liability company"

Page 1, line 14, remove "produces ethanol"

Page 1, line 21, replace "establishing and operating an ethanol production facility" with "processing and marketing agricultural commodities capable of being raised"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2419**

Page 1, line 1, remove "to provide for a legislative council study; and" and replace "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 responsibility on demand to the commissioner of agriculture 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

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2455**

Page 1, line 20, replace "up" with "the tax commissioner or designee and two members of the house of representatives and one member of the senate"

Page 1, line 21, remove "to four members of the legislative assembly"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has failed to pass: SB 2394.

**MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)**  
**MR. PRESIDENT:** The House has amended and subsequently failed to pass: SB 2249, SB 2294.

**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 1066 and HB 1283 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1066:** Reps. Grande; Kingsbury; Eckre  
**HB 1283:** Reps. Brusegaard; Meier; Hanson

**MOTION**

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, March 27, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1115, as reengrossed and amended: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Reengrossed HB 1115, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1273, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1273 was placed on the Sixth order on the calendar.

Page 6, line 1, replace "five" with "three business"

Page 6, line 21, after "licensee" insert "; however, the maker may rescind the transaction by the close of the following business day at no cost"

Page 7, line 2, after the period insert "At the time of entering a transaction, a licensee shall verify that the account on which the check is written is open."

Page 7, line 10, after "may" insert "not" and after "transaction" insert "more than once"

Page 7, line 12, replace "any renewals" with "one renewal"

Page 7, line 20, replace "five" with "three business"

Page 9, line 4, after "who" insert "willfully"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1282, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1282 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1341: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1341 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1462, as engrossed: Human Services Committee (Sen. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1462 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3015: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3015 was placed on the Sixth order on the calendar.

Page 1, line 2, after "legislative" insert ", executive,"

Page 1, line 7, after "Assembly" insert ", the judicial power of the state is vested in the courts, and the the administrative power of the state is vested in the executive branch"

Page 1, line 8, remove "due to judicial activism and the apparent desire of the courts throughout" and after the second "the" insert "thoughtful and prudent exercise of these powers by each of these separate and coequal branches, with due respect and consideration for authority and responsibility of the other, is in the best interest of the people;"

Page 1, remove lines 9 and 10

Page 1, line 13, after "legislative" insert ", executive,"

Page 1, line 14, after the semicolon insert "and"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3027: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3027 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3039: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3039 was placed on the Sixth order on the calendar.

Page 1, after line 17, insert:

**"BE IT FURTHER RESOLVED**, that if the Secretary of State appoints such a committee, the Legislative Council be authorized to appoint up to four members of the Legislative Assembly to the committee, with members from the majority and minority parties and from the House of Representatives and the Senate; and"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3048: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3048 was placed on the Tenth order on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2102:** Your conference committee (Sens. Lyson, Flakoll, Christenson and Reps. Severson, Delmore, Herbel) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 805 and place SB 2102 on the Seventh order.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2197:** Your conference committee (Sens. Lee, Watne, D. Mathern and Reps. Severson, Grosz, Eckre) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 739-740, adopt amendments as follows, and place SB 2197 on the Seventh order:

That the House recede from its amendments as printed on pages 739 and 740 of the Senate Journal and pages 814 and 815 of the House Journal and that Senate Bill No. 2197 be amended as follows:

Page 1, line 1, after "11-07-04" insert "and section 44-02-05"

Page 1, line 2, after "commissioners" insert "and vacancies in boards of county commissioners"

Page 1, after line 20, insert:

**"SECTION 2. AMENDMENT.** Section 44-02-05 of the North Dakota Century Code is amended and reenacted as follows:

**44-02-05. Vacancy in board of county commissioners - How filled.** When a vacancy occurs in the board of county commissioners, the remaining members of the board, with the district judge ~~being~~ selected by the remaining county and auditor commissioners, immediately shall appoint some suitable person to fill the vacancy from the district in which the vacancy occurred. If a majority of the officers fails to agree upon a person to fill the vacancy, the county treasurer ~~shall~~ or, if the county does not have an elected treasurer, another elective county officer must be called in and shall act as an additional member of the board to fill the vacancy. The appointee holds office until the appointee's successor is elected at the next general election and qualified."

Renumber accordingly

SB 2197 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**

