

## JOURNAL OF THE HOUSE

## Fifty-third Legislative Assembly

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Bismarck, March 19, 1993

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

The prayer was offered by Pastor Carell Foss, Trinity Lutheran Church, Cooperstown.

The roll was called and all members were present except Representatives Byerly, Dalrymple, DeWitz, Payne, Pyle, St. Aubyn, Wentz, and Wilkie.

A quorum was declared by the Speaker.

## MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed: HB 1046, HB 1072, HB 1080, HB 1094, HB 1105, HB 1109, HB 1112, HB 1127, HB 1129, HB 1131, HB 1133, HB 1144, HB 1147, HB 1157, HB 1200, HB 1214, HB 1257, HB 1258, HB 1263, HB 1268, HB 1271, HB 1276, HB 1277, HB 1279, HB 1295, HB 1308, HB 1324, HB 1343, HB 1355, HB 1359, HB 1388.

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

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

SB 2088: Reps. Rennerfeldt; Johnson; Kerzman

SB 2131: Reps. Boehm; Bernstein; Allmaras

SB 2174: Reps. Dorso; Skarphol; Hokana

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to SB 2022, SB 2027, SB 2028, SB 2048, SB 2082, SB 2083, and SB 2095 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2022: Reps. Hausauer; Kunkel; Huether

SB 2027: Reps. Rydell; Stenehjelm; Cleary

SB 2028: Reps. Rydell; Christopherson; Bodine

SB 2048: Reps. Austin; Gorder; Brodshaug

SB 2082: Reps. Keiser; Jacobs; Stenson

SB 2083: Reps. Tollefson; Keiser; Mahoney

SB 2095: Reps. Bernstein; Froseth; Stenson

## MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2171, SB 2213, SB 2230, SB 2266, SB 2286, SB 2317, SCR 4005, SCR 4013, SCR 4015, SCR 4018, SCR 4025, SCR 4027, SCR 4037, SCR 4039, SCR 4046, SCR 4047, SCR 4050, SCR 4051, SCR 4053, SCR 4055, SCR 4056, SCR 4058, SCR 4061, SCR 4062, SCR 4063, SCR 4064, SCR 4066, SCR 4071.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to SB 2097, SB 2108, SB 2144, SB 2327, and SB 2379 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2097: Reps. Shide; Keiser; Kilichowski

SB 2108: Reps. Dorso; Jacobs; Mahoney

SB 2144: Reps. DeWitz; Wentz; Wilkie

SB 2327: Reps. Kretschmar; Maragos; Gulleason

SB 2379: Reps. Torgerson; Gates; Goffe

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2222, SB 2223, SB 2225, SB 2231, SB 2285, SB 2440, SB 2453, SCR 4068.

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2040.

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

**MADAM PRESIDENT:** The House has amended and subsequently failed to pass: SB 2149, SB 2207.

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2381, SB 2392.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: SB 2187, SB 2215, SB 2242, SB 2253, SB 2257, SB 2273, SB 2284, SB 2324, SB 2341, SB 2357, SB 2388, SB 2414, SB 2437, SB 2438, SB 2446, SB 2461, SB 2464, SB 2469.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on SB 2088: Reps. Rennerfeldt, Johnson, Kerzman.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on SB 2131: Reps. Boehm, Bernstein, Allmaras.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on SB 2174: Reps. Dorso, Skarphol, Hokana.

**SIXTH ORDER OF BUSINESS**

**REP. FREIER MOVED** that the rules be suspended and that the House consider and adopt all of the amendments on the Sixth order of business in one motion, with the exception of SB 2056, SB 2155, SB 2351, and SB 2487 and the inclusion of SB 2015, SB 2018, SB 2020, SB 2295, SB 2361, and SB 2390, which motion prevailed.

SB 2015, SB 2018, SB 2020, SB 2295, SB 2361, and SB 2390, as amended, were placed on the Fourteenth order of business on the calendar.

**SIXTH ORDER OF BUSINESS**

**SB 2056, as engrossed: REP. KRETSCHMAR (Judiciary Committee) MOVED** that the amendments on HJ pages 1241-1243 be adopted and then be placed on the Fourteenth order with **DO PASS**.

**REQUEST**

**REP. RING REQUESTED** that the question of the adoption of the amendments to Engrossed SB 2056 be divided to have the sections voted on separately in the following manner, which request was granted.

**DIVISION A**

Page 1, line 1, after "reenact" insert "subsections 1 and 2 of section 12.1-28-02,"

Page 1, line 8, after "to" insert "gambling offenses," and after "chance" insert a comma

Page 1, after line 10, insert:

"SECTION 1. AMENDMENT. Subsections 1 and 2 of section 12.1-28-02 of the 1991 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. It is an infraction to engage in gambling ~~on~~:
  - a. On private premises where the total amount wagered by an individual player exceeds twenty-five dollars per individual hand, game, or event; or
  - b. In a licensed liquor establishment where the total amount wagered per individual per week exceeds five dollars on professional sporting events and where there is less than a one hundred percent pay out to the participants.
2. It is a class A misdemeanor to:
  - a. Sell, purchase, receive, or transfer a chance to participate in a lottery;
  - b. Disseminate information about a lottery with intent to encourage participation in it; or
  - c. Engage in gambling on private premises where the total amount wagered by an individual player exceeds five hundred dollars per individual hand, game, or event or where the amount wagered in a licensed liquor establishment by an individual player exceeds twenty-five dollars per professional game or event or where wagers are accepted on other than professional sporting events."

#### DIVISION B

Page 16, after line 23, insert:

- "d. Unless a licensed entity changes its primary purpose or its basic character as set forth in subsection 2, it is entitled to relicensure in the same class as it was previously licensed."

#### DIVISION C

Page 21, line 2, replace "eighty" with "one hundred"

#### DIVISION D

Page 23, line 4, after "commission" insert ", after opportunity for the parties to be heard,"

Page 28, line 12, after the second underscored comma insert "unless otherwise provided by the commission,"

#### DIVISION E

Page 24, line 24, overstrike "two" and insert immediately thereafter "twelve"

Page 24, line 26, overstrike "one dollar" and insert immediately thereafter "three dollars"

Page 24, line 27, overstrike "one dollar" and insert immediately thereafter "three dollars"

#### DIVISION F

Page 7, after line 10, insert:

- "m. To the extent the net proceeds are used toward the primary purpose of a charitable, educational, religious, or public-spirited organization, that has obtained a



final determination from the internal revenue service as qualifying for exemption from federal income tax under section 501(c)(3) of the Internal Revenue Code, the organization may establish a special trust fund as a contingency for funding or maintaining the organization's future program services should the organization discontinue conducting games of chance or dissolve. The commission may adopt rules for the establishment of special trust funds."

Page 18, line 6, remove "and" and after "facilities" insert ", consultants, or attorneys"

Page 18, replace lines 28 and 29 with:

"The monetary fine for each violation by a manufacturer for failing to disclose true ownership on a license application, knowingly selling gaming equipment illegally in this state, or continued violations after notification by the attorney general or commission, may not exceed two hundred fifty thousand dollars. For other violations, monetary fines for each violation by a manufacturer may not exceed five thousand dollars or two percent of the manufacturer's average quarterly gross sales to licensed distributors for resale to organizations licensed to conduct charitable gaming in this state, whichever is greater."

Page 19, line 1, remove "thousand dollars."

Page 27, line 17, after "and" insert "shall"

Page 30, line 28, replace "monitoring" with "controlling"

Page 33, line 8, replace "notes" with "footnotes"

Page 33, line 28, remove "and manufacturer's distributor of"

Page 33, line 29, remove "electronic-mechanical pull tab dispensing devices"

Page 34, line 1, after the underscored period insert "The license fee for a manufacturer's distributor is five hundred dollars."

Page 40, line 2, replace "game" with "games" and after "twenty-one" insert "or bingo"

Renumber accordingly

The question being on the adoption of Division A of the proposed amendments to Engrossed SB 2056.

Division A of the proposed amendments to Engrossed SB 2056 failed on a verification vote.

The question being on the adoption of Division B of the proposed amendments to Engrossed SB 2056.

Division B of the proposed amendments to Engrossed SB 2056 failed on a verification vote.

The question being on the adoption of Division C of the proposed amendments to Engrossed SB 2056.

Division C of the proposed amendments to Engrossed SB 2056 failed on a verification vote.



The question being on the adoption of Division D of the proposed amendments to Engrossed SB 2056.

Division D of the proposed amendments to Engrossed SB 2056 was adopted on a verification vote.

The question being on the adoption of Division E of the proposed amendments to Engrossed SB 2056.

Division E of the proposed amendments to Engrossed SB 2056 was adopted on a verification vote.

The question being on the adoption of Division F of the proposed amendments to Engrossed SB 2056.

Division F of the proposed amendments to Engrossed SB 2056 was adopted on a voice vote.

The question then was on the adoption of the proposed amendments to Engrossed SB 2056, including Divisions D, E, and F, and excluding Divisions A, B, and C, with the title amended appropriately and lines, sections, and pages renumbered accordingly.

The proposed amendments to Engrossed SB 2056, including Divisions D, E, and F, and excluding Divisions A, B, and C were adopted.

Engrossed SB 2056, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### SIXTH ORDER OF BUSINESS

SB 2155: REP. KRETSCHMAR (Judiciary Committee) MOVED that the amendments on HJ pages 1243-1245 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed on a verification vote.

#### MOTION

REP. MARTINSON MOVED that SB 2155 be placed on the Fourteenth order of business for second reading and final passage, which motion prevailed.

#### REQUEST

REP. PAYNE REQUESTED that the record show that the Human Resources section of the Appropriations Committee were meeting and missed the roll call, which request was granted.

#### MOTION

REP. DORSO MOVED that SB 2367 and SB 2471, which are on the Fourteenth order, be rereferred to the Industry, Business and Labor Committee, which motion prevailed.

#### MOTION

REP. GATES MOVED that SB 2216, which is on the Fourteenth order, be rereferred to the Education Committee, which motion prevailed. Pursuant to Rep. Gates' motion, SB 2216 was rereferred.

#### SECOND READING OF SENATE BILL

SB 2155: A BILL for an Act to create and enact a new subsection to section 53-06.2-05 and a new subsection to section 53-06.2-08 of the North Dakota Century Code, relating to receipt of moneys from the North Dakota horse racing foundation and establishing the period for which licenses are valid; to amend and reenact subsections 1 and 11 of section 53-06.2-01, subsection 2 of section 53-06.2-02, subsections 1 and 4 of section 53-06.2-08, sections 53-06.2-09, 53-06.2-10, and subsections 3 and 6 of section 53-06.2-11 of the North Dakota Century Code, relating to definition of "breeders' fund" and "racing", racing commission membership, license authorization and fees, allotment of racing days, definition of parimutuel racing, powers of the racing

commission, and deposits of moneys in purse, breeders', and racing funds; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 67 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Allmaras; Austin; Bateman; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, C.; Christopherson; Clayburgh; Coats; Dobrinski; Drovda; Freier; Froseth; Gates; Glassheim; Goffe; Grumbo; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Johnson; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nicholas; Nichols; Olson, A.; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner

**NAYS:** Aarsvold; Belter; Berg, J.; Bernstein; Carlson, A.; Cleary; DeWitz; Dorso; Gerntholz; Gorder; Gorman; Grosz; Guleson; Jacobs; Kaldor; Keiser; Laughlin; Martin; Nelson; Ness; Oban; Olsen, D.; Payne; Rydell; Schindler; Shide; Svedjan; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Dalrymple

SB 2155 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SIXTH ORDER OF BUSINESS

SB 2487, as engrossed: **REP. DALRYMPLE (Appropriations Committee) MOVED** that the amendments on HJ pages 1252-1253 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### MOTION

**REP. MARTINSON MOVED** that SB 2487 be placed on the Fourteenth order for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2487:** A BILL for an Act to amend and reenact subsection 1 of section 54-35.2-02.1 of the North Dakota Century Code, relating to local government efficiency planning grants; to provide an appropriation; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Allmaras; Austin; Bateman; Belter; Berg J.; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson, A.; Carlson C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Aarsvold; Bodine; Brodshaug; Gulleason

**ABSENT AND NOT VOTING:** Dalrymple; Rydell

Engrossed SB 2487 passed, and the title was agreed to, and the emergency clause was declared carried.

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#### MOTION

**REP. FREIER MOVED** that the House waive the reading of the titles to SB 2092, SB 2260, SB 2351, SB 2056, SB 2155, and SB 2361, which motion prevailed.

#### MOTION

**REP. MARTINSON MOVED** that all bills acted upon on the Sixth order with the exception of SB 2056 and SB 2390 be placed on the bottom of the Fourteenth order for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2092:** A BILL for an Act to amend and reenact sections 37-15-02, 37-15-14, 37-15-14.1, and 37-15-21 of the North Dakota Century Code, relating to the operation of the veterans' home; and to repeal section 37-15-00.1 of the North Dakota Century Code, relating to the definition of domiciliary care.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 82 YEAS, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brodshaug; Byerly; Carlisle; Carlson, A.; Carlson C.; Christopherson; Clayburgh; Dobrinski; Dorso; Drowdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorman; Grosz; Grumbo; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Shide; Sitz; Skarphol; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Allmaras; Berg, J.; Bodine; Brown; Cleary; Coats; Gorder; Gulleason; Jacobs; Kerzman; Kilichowski; Schindler; Soukup

**ABSENT AND NOT VOTING:** Dalrymple; DeWitz; Rydell

Engrossed SB 2092 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2110:** A BILL for an Act to authorize the state of North Dakota acting through job service North Dakota to sell certain property; to amend and reenact section 52-04-22 of the North Dakota Century Code, relating to use of the job service North Dakota federal advance interest repayment fund; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle;



Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzen; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dalrymple

SB 2110 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

SB 2431: A BILL for an Act to provide political subdivision mill levy authority for costs of improvements to public buildings or facilities required by the Americans with Disabilities Act; to create and enact a new subsection to section 57-15-28.1 of the North Dakota Century Code, relating to exceptions to mill levy limitations of political subdivisions; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 34 YEAS, 63 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Coats; Dobrinski; Froseth; Glassheim; Gulleeson; Hagle; Hausauer; Hokana; Huether; Kaldor; Kerzman; Klein; Kunkel; Maragos; Monson; Mutzenberger; Nicholas; Nichols; Oban; Porter; Price; Pyle; Ring; Sitz; Stenehjem; Stenson; Sveen; Thorpe; Timm; Tollefson; Wentz

NAYS: Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; DeWitz; Dorso; Drovda; Freier; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Martin; Martinson; Nelson; Ness; Olsen, D.; Olson, A.; Payne; Poolman; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Svedjan; Torgerson; Wald; Wanzen; Wardner; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dalrymple

Engrossed SB 2431 was declared lost.

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#### MOTION

REP. FREIER MOVED that SB 2505, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed on a verification vote.

#### SECOND READING OF SENATE BILL

SB 2529: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 27-08.1-01 and a new section to chapter 47-16 of the North Dakota Century Code, relating to venue of small claims courts and liability of tenants.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and

has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Dalrymple

SB 2529 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2530:** A BILL for an Act to amend and reenact subsection 1 of section 13-03-14, section 13-03.1-03, and subsection 1 of section 13-03.1-15 of the North Dakota Century Code, relating to the maximum amount of loans issued by the consumer finance agency and establishing a usury limitation for small loans and consumer finance loans.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 32 YEAS, 64 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Glassheim; Goffe; Grumbo; Gulleson; Hanson; Hokana; Huether; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Sitz; Stenson; Thorpe; Wilkie

**NAYS:** Austin; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Hagle; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kunkel; Maragos; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

**ABSENT AND NOT VOTING:** Bateman; Dalrymple

SB 2530 was declared lost.

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#### MOTION

**REP. MARTINSON MOVED** that the House stand in recess until 10:45 a.m., which motion prevailed.

**THE HOUSE RECONVENED** pursuant to recess taken, with Speaker R. Berg presiding.

#### SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: SB 2030,

SB 2115, SB 2154, SB 2185, SB 2186, SB 2345, SB 2411, SCR 4001, SCR 4010, SCR 4012, SCR 4021, SCR 4028, SCR 4030, SCR 4032, SCR 4035.

**MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

MR. SPEAKER: The Senate has passed unchanged: HCR 3003, HCR 3015, HCR 3030, HCR 3031, HCR 3034, HCR 3036, HCR 3045, HCR 3046, HCR 3052, HCR 3053, HCR 3056, HCR 3057, HCR 3058, HCR 3059, HCR 3061, HCR 3066, HCR 3069.

**MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1075, HB 1079, HB 1097, HB 1139, HB 1142, HB 1158, HB 1178, HB 1184, HB 1187, HB 1203, HB 1347, HCR 3026.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1075**

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

Page 1, line 3, after "reenact" insert "subdivision a of subsection 3 and"

Page 1, line 5, after "to" insert "normal retirement date for participating members of the public employees retirement system and"

Page 1, line 6, replace "for application of this Act" with "an effective date"

Page 1, after line 7, insert:

**"SECTION 1. AMENDMENT.** Subdivision a of subsection 3 of section 54-52-17 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

a. Normal retirement date, except for a national guard security officer or firefighter, is:

(1) The first day of the month next following the month in which the member attains the age of sixty-five years; or

(2) When the member has a combined total of years of service credit and years of age equal to ninety eighty-eight and has not received a retirement benefit under this chapter."

Page 1, line 17, remove "seventy-four"

Page 1, line 18, overstrike "hundredths" and insert immediately thereafter "seven hundred twenty-five thousandths"

Page 1, line 21, remove "seventy-four" and overstrike "hundredths" and insert immediately thereafter "seven hundred twenty-five thousandths"

Page 2, line 3, overstrike "July 1," and after "1991" insert "August 1,"

Page 2, line 5, remove "seventy-four" and overstrike "hundredths" and insert immediately thereafter "seven hundred twenty-five thousandths"

Page 2, line 7, overstrike "July 1," and after "1991" insert "August 1,"

Page 2, after line 8, insert:

**"SECTION 3. AMENDMENT.** Subdivision a of subsection 4 of section 54-52-17 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

a. Normal retirement benefits for all retirees, except supreme and district court judges and national guard



security officers or firefighters, reaching normal retirement date equal an annual amount, payable monthly, comprised of a service benefit and a prior service benefit, as defined in this chapter, which is determined as follows:

- (1) Service benefit equals one and ~~sixty-nine~~ seventy-four hundredths percent of final average salary multiplied by the number of years of service employment.
- (2) Prior service benefit equals one and ~~sixty-nine~~ seventy-four hundredths percent of final average salary multiplied by the number of years of prior service employment.
- (3) All participants who retired before ~~July 1, 1991~~ January 1, 1994, are entitled to benefits calculated at one and ~~sixty-nine~~ seventy-four hundredths percent of final average salary, multiplied by the number of years of service employment, with the increased benefits payable beginning ~~July 1, 1991~~ January 1, 1994."

Page 2, line 12, replace "June 30" with "July 31"

Page 2, line 13, replace "three" with "two"

Page 2, line 14, replace "July" with "August"

Page 2, after line 17, insert:

"SECTION 5. A new section to chapter 54-52 of the North Dakota Century Code is created and enacted as follows:

Prior service retiree adjustment. Prior service retirees who are receiving benefits under this chapter on December 31, 1993, are entitled to receive an increase in benefits equal to one percent of the individual's present benefit, with the increased benefits payable beginning January 1, 1994. A prior service retiree is a former participating employee who receives a supplemental monthly payment from the retirement system based upon the original prior service credit system."

Page 2, line 18, replace "APPLICATION OF ACT. This Act applies to benefits payable" with "EFFECTIVE DATE. Sections 3 and 5 of this Act are effective for benefit payments on and after January 1, 1994. However, sections 3 and 5 of this Act do not become effective unless the public employees retirement board determines before January 1, 1994, with the advice of its actuary, that sections 3 and 5 of this Act can be implemented on an actuarially sound basis."

Page 2, remove line 19

Renumber accordingly

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1079

Page 1, line 2, remove "subsections 1 and 2 of section"

Page 1, line 3, remove "28-32-06, subsection 2 of section 28-32-08,"

Page 1, line 4, after "subsections" insert "2," and after "4" insert a comma

Page 4, remove lines 15 through 29

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 5

Page 6, line 25, after the period insert "A bond or other undertaking is not required when filing fees have been waived by a district court pursuant to section 27-01-07 or when the costs of preparation and filing of the record of administrative agency proceedings have been waived by a district court pursuant to subsection 3 of section 28-32-17."

Page 6, line 26, after "Subsections" insert "2," and after "4" insert a comma

Page 6, after line 27, insert:

- "2. Within thirty days, or a longer time as the court by order may direct, after an appeal has been taken to the district court as provided in this chapter, and after payment by the appellant of the estimated cost of preparation and filing of the entire record of the proceedings before the agency, the administrative agency concerned shall prepare and file in the office of the clerk of the district court in which the appeal is pending the original or a certified copy of the entire record of proceedings before the agency, or an abstract of the record as may be agreed upon and stipulated by the parties. Upon receiving a copy of the notice of appeal and specifications of error pursuant to subsection 4 of section 28-32-15, the administrative agency shall notify the party appealing of the estimated costs of preparation and filing of the record. Thereafter, the party appealing shall pay the administrative agency the estimated costs required by this subsection. If the actual costs of preparation and filing of the entire record of the proceedings is greater than the estimated costs, the party appealing shall pay to the agency the difference. If the actual costs are less than the estimated costs, the agency shall pay to the party appealing the difference. Any payment for the costs of preparation and filing of the record must be paid into the general insurance recovery fund and is hereby appropriated as a refund to the agency for the purposes of defraying the costs of preparing and filing the record. An agency may contract with any person or another agency to prepare and file the record of any proceeding before the agency."

Renumber accordingly

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1097

Page 1, line 10, remove "under"

Page 1, line 21, remove the overstrike over "~~suspension~~" and after the first overstruck comma insert "for a violation requiring a license or privilege to drive suspension of at least ninety-one days or"

Page 2, line 1, remove the overstrike over the overstruck comma

Page 2, line 2, remove the overstrike over "~~suspended~~" and after the first overstruck comma insert "or"

Renumber accordingly

#### SENATE AMENDMENTS TO HOUSE BILL NO. 1139

Page 1, line 10, remove the overstrike over "~~on~~"

Page 1, line 11, after "~~annual~~" insert "a biennial" and remove the overstrike over "~~basis~~"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1142**

Page 7, line 19, replace "is" with "becomes", replace "on July 1, 1995, or" with "on the date the state engineer certifies to the governor and the secretary of state that the state has received approval from the United States environmental protection agency to assume the program under section 404 of the Clean Water Act and that"

Page 7, line 20, remove "on an earlier date if" and replace "are" with "have been"

Page 7, line 23, after the period insert "The secretary of state shall forward a copy of the state engineer's certification to the legislative council, with a notation indicating the effective date of this Act."

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1158**

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

Page 1, line 2, after "15-40.2-09" insert ", and 15-40.2-10"

Page 7, line 23, overstrike "for that"

Page 7, line 24, overstrike "elementary school", overstrike "determined" and insert immediately thereafter "provided", overstrike "this", and after "section" insert "15-40.1-06"

Page 9, line 15, after the period insert "However, the district of the pupil's residence is entitled to reduce the tuition payment to an out-of-state school by an amount commensurate to the tuition cost the district would be entitled as compensation for a student from the out-of-state district enrolled in its school."

Page 9, after line 20, insert:

"**SECTION 4. AMENDMENT.** Section 15-40.2-10 of the North Dakota Century Code is amended and reenacted as follows:

**15-40.2-10. Reciprocal master agreements for pupil attendance in other states.** The superintendent of public instruction shall enter into reciprocal master agreements with the appropriate state educational agencies or officers of bordering states in regard to the cost of educating elementary and high school pupils in the public schools or institutions in such bordering states. ~~Such reciprocal agreements shall provide for payment on a per pupil basis from the state foundation aid program for pupils from this state attending schools in bordering states in a sum equal to payments received by the district of the pupil's residence from the state foundation aid program. The superintendent of public instruction, by certificate to the office of management and budget shall authorize payments from the appropriation for state payments to school districts pursuant to chapter 15-40.1 for the attendance of pupils in bordering states, and the office of management and budget, within the limits of legislative appropriations, shall make such payments. The balance of the tuition payment by the pupil's district of residence shall not exceed the amount established by reciprocal agreement less the amount paid from the state foundation aid program to the school district or institution in the bordering state. A school district may, upon approval of the superintendent of public instruction, enter into an agreement with a school district of a bordering state for the education of elementary and high school students. The agreement must provide for the payment of tuition at an amount agreed upon by the school district of residence and the school district of the bordering state. However, the tuition~~



may not exceed the amount established under the reciprocal master agreement. For the purposes of foundation aid, a student attending school in a bordering state under such an agreement is deemed to be in attendance in the student's school district of residence. The student's school district of residence is liable to the school district of the bordering state for payments as provided in the agreement."

Renumber accordingly

#### SENATE AMENDMENTS TO HOUSE BILL NO. 1178

Page 2, line 20, replace ", but no such withdrawal takes effect" with a period

Page 2, remove lines 21 through 23

Page 3, line 7, remove "include, but" and replace "not limited" with "restricted"

Page 4, line 13, after the second comma insert "or" and remove ", or"

Page 4, line 14, remove "other"

Page 4, line 17, remove "or incarceration"

Page 7, line 14, replace "general" with "state" and after "agreements" insert "except an agreement with a tribal government"

Page 8, line 6, after the third comma insert "section 37-01-12 applies."

Page 8, remove lines 7 and 8

Page 11, remove lines 5 through 16

Renumber accordingly

#### SENATE AMENDMENTS TO HOUSE BILL NO. 1184

Page 1, line 2, after the second comma insert "15-40.1-16.1,"

Page 4, line 26, replace "twenty" with "forty"

Page 4, line 27, remove "one-half" and replace ".80 kilometer" with "1.61 kilometers"

Page 5, after line 6, insert:

"SECTION 5. AMENDMENT. Section 15-40.1-16.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-40.1-16.1. Transportation aid for certain vocational education and special education programs. There must be paid from state funds to each school district an amount for transporting pupils to and from schools in other districts and to and from schools within school districts for vocational education courses offered through cooperative arrangements approved by the state board of vocational education. ~~Such That~~ amount must be the same amount for mileage and per day as is provided in subdivision a of subsection 1 of section 15-40.1-16. Payments must be made to school districts transporting pupils for special education programs approved by the superintendent of public instruction as follows:

1. School districts transporting nine or fewer pupils per vehicle are entitled to the payment provided in section 15-40.1-16 for vehicles having a capacity of nine or fewer pupils.

2. School districts transporting ten or more pupils per vehicle are entitled to the payment provided for in section 15-40.1-16 for schoolbuses having a capacity of ten or more pupils.

School districts entitled to transportation aid pursuant to this section ~~shall~~ must receive ~~such~~ aid for all miles [kilometers] traveled and for all pupils transported, regardless of whether ~~or not~~ ~~such~~ the pupils live within the incorporated limits of cities in which the schools in which they are enrolled are located. ~~Provided, however, that~~ However, no school district may receive more than one per-pupil payment for transportation regardless of the number of times any pupil is transported in any one day. Notwithstanding any other provisions of this section, the superintendent of public instruction shall, upon request, make the payments under this section ~~which that~~ are due to school districts participating in area vocational and technology centers or multidistrict special education programs, for the transportation of pupils in those centers and programs, directly to the respective area vocational and technology centers or multidistrict special education programs."

Renumber accordingly

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1187

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

Page 1, line 5, replace "Two" with "A" and replace "sections" with "section"

Page 1, line 6, replace "are" with "is"

Page 1, line 7, replace "liability" with "or emergency instructions - Liability" and after the period insert "1."

Page 1, line 14, replace "Emergency instructions liability." with "2."

Page 1, line 16, replace "persons" with "person"

Page 1, after line 20, insert:

- "3. This section does not waive, limit, or modify any existing immunity or other defense of the state or any political subdivision, or any of its agencies, departments, commissions, boards, officers, or employees, nor does it create any claim for relief against any of these entities."

Renumber accordingly

#### SENATE FLOOR AMENDMENTS TO HOUSE BILL NO. 1187

In addition to the amendments to Engrossed House Bill No. 1187 adopted by the Senate as printed on page 964 of the Senate Journal, Engrossed House Bill No. 1187 is amended as follows:

Page 1, line 7, replace the comma with "or"

Page 1, line 8, remove "or local exchange telecommunications company,"

Page 1, line 9, remove "or local exchange"

Page 1, line 10, remove "telecommunications company"

Renumber accordingly

## SENATE AMENDMENTS TO HOUSE BILL NO. 1203

Page 8, line 26, replace "third" with "tenth"

Page 9, line 4, replace "with" with "at a public hearing before"

Page 9, line 5, remove "chairman of the"

Renumber accordingly

## SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1347

Page 5, line 29, replace "in" with "for governor at the most recent gubernatorial"

Page 6, line 1, remove "the last preceding general"

Page 7, line 2, after the second "committee" insert ", with the approval of the governing body,"

Page 8, line 5, replace "in the last preceding general" with "for governor at the most recent gubernatorial"

Page 8, line 21, after the second "committee" insert ", with the approval of the governing body,"

Page 19, line 4, after "electors" insert "of the county"

Page 19, line 5, replace "in the county at the last preceding general" with "for governor at the most recent gubernatorial"

Page 19, line 29, after "electors" insert "of the county" and replace "in the" with "for governor at the most recent gubernatorial"

Page 20, line 1, remove "county at the last preceding general"

Page 23, line 29, replace "in the last preceding" with "for governor at the most recent gubernatorial"

Page 24, line 1, remove "general"

Page 24, line 10, after "electors" insert "of the county" and replace "in the county at the" with "for governor at the most recent gubernatorial"

Page 24, line 11, remove "last preceding general"

Page 32, line 29, replace "in the last preceding general" with "for governor at the most recent gubernatorial"

Page 40, line 26, after "electors" insert "of each county" and replace "in each county in the last" with "for governor at the most recent gubernatorial"

Page 40, line 27, remove "preceding general"

Page 45, line 10, remove ". A home rule charter"

Page 45, remove lines 11 through 19

Page 45, line 20, remove "the county is located"

Page 46, line 10, remove ". A home rule charter"

Page 46, remove lines 11 through 22



Page 46, line 23, remove "the office or jurisdiction of the county court or county judge"

Page 50, line 16, replace "in the last preceding" with "for governor at the most recent gubernatorial"

Page 50, line 17, remove "general"

Page 55, line 12, after "electors" insert "of the city" and replace "in the city in the last preceding" with "for governor at the most recent gubernatorial"

Page 55, line 13, remove "general"

Page 62, line 9, replace "in the" with "for governor at the most recent gubernatorial"

Page 62, line 10, remove "last preceding general"

Page 65, line 5, after "county" insert "voting for governor at the most recent gubernatorial election"

Page 73, line 4, replace "in the last preceding" with "for governor at the most recent gubernatorial"

Page 73, line 5, remove "general"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3026**

Page 1, line 2, remove "the cooperative"

Page 1, line 3, replace "education enhancement program and other" with "school district"

Page 1, line 4, after "programs" insert ", including the possibility of changes in retirement benefits for those teachers and administrators"

Page 1, line 5, remove "the cooperative"

Page 1, line 6, replace "education enhancement program and other" with "school district"

Page 1, line 19, remove "the cooperative"

Page 1, line 20, replace "education enhancement program and other" with "school district"

Page 1, after line 21, insert:

"BE IT FURTHER RESOLVED, that the Legislative Council study whether teachers and administrators who have lost their jobs as a result of school district annexations, reorganizations, dissolutions, and other restructuring and who have a combined total of years of service credit and years of age which equals 80 should be eligible to receive full retirement benefits, under the Teachers' Fund for Retirement; and"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1275, HB 1315.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4011:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to deposit of certain oil extraction tax revenues in the common schools trust fund and the foundation aid stabilization fund and providing for use of the principal and income of the foundation aid stabilization fund; and to provide an effective date.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olson, A.; Payne; Poolman; Porter; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Dalrymple; Olsen, D.; Price

Engrossed SCR 4011 was declared adopted and the title was agreed to on a roll call vote.

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**REQUEST**

**REP. MARTINSON REQUESTED** that the record show that the members of the Appropriations Committee are excused, which request was granted.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. RYDELL MOVED** that the House do not concur in the Senate amendments to HB 1267 as printed on HJ page 1161 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 1267: Reps. Stenehjem, Henegar, Boucher.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DORSO MOVED** that the House do concur in the Senate amendments to Engrossed HB 1217 as printed on HJ page 1185, which motion prevailed.

Engrossed HB 1217, as amended, was placed on the Eleventh order of business on the calendar.

**MOTION**

**REP. MARTINSON MOVED** that the clincher motion be applied to all action taken on House and Senate bills acted upon this morning, which motion prevailed.

**REP. MARTINSON MOVED** that the rules be suspended and that the House message immediately all action taken on House and Senate bills, which motion prevailed.

**REP. MARTINSON MOVED** that the House stand in recess until 12:30 p.m., which motion prevailed.

The House reconvened, pursuant to recess taken, with Speaker R. Berg presiding.

### SECOND READING OF HOUSE BILL

HB 1217: A BILL for an Act to create and enact a new section to chapter 9-10 of the North Dakota Century Code or, in the alternative, a new section to chapter 32-03.2 of the North Dakota Century Code, relating to liability for damages in automobile accidents.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 76 YEAS, 0 NAYS, 22 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Engrossed HB 1217 passed and the title was agreed to.

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### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DORSO MOVED that the House do concur in the Senate amendments to Engrossed HB 1262 as printed on HJ page 1193, which motion prevailed.

Engrossed HB 1262, as amended, was placed on the Eleventh order of business on the calendar.

### SECOND READING OF HOUSE BILL

HB 1262: A BILL for an Act to amend and reenact subsection 29 of section 65-01-02 of the North Dakota Century Code, relating to the definition of wages for workers' compensation purposes.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 76 YEAS, 0 NAYS, 22 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg



**EXCUSED:** Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Engrossed HB 1262 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. TIMM MOVED** that the House do concur in the Senate amendments to HB 1323 as printed on HJ page 1193, which motion prevailed.

HB 1323, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1323:** A BILL for an Act to create and enact section 54-27-19.2 of the North Dakota Century Code, relating to the reporting of the number of motor vehicles registered under tribal authority on an Indian reservation for the purpose of calculating each county's share of highway tax distribution fund; 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 76 YEAS, 0 NAYS, 22 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Gulleon; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Sween; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

**EXCUSED:** Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

HB 1323 passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DORSO MOVED** that the House do concur in the Senate amendments to Engrossed HB 1377 as printed on HJ page 1190, which motion prevailed.

Engrossed HB 1377, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1377:** A BILL for an Act to limit a lender's liability to third parties for environmental damage.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 74 YEAS, 1 NAY, 23 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gordier; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

NAYS: Ring

EXCUSED: Bateman; Byerly; Carlisle; Carlson, C.; Clayburgh; Dalrymple; Dewitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Engrossed HB 1377 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to Engrossed HB 1424 as printed on HJ page 1190, which motion prevailed.

Engrossed HB 1424, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1424: A BILL for an Act to amend and reenact subsection 3 of section 57-15-14.2 of the North Dakota Century Code, relating to the transfer of school district general funds and state school aid funds.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 68 YEAS, 8 NAYS, 22 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dorso; Freier; Froseth; Gates; Glassheim; Goffe; Gordier; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

NAYS: Brown; Dobrinski; Drovdal; Grosz; Kempenich; Martin; Olsen, D.; Shide

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; Dewitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Engrossed HB 1424 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. GATES MOVED that the House do concur in the Senate amendments to HCR 3013 as printed on HJ pages 1192-1193, which motion prevailed.

HCR 3013, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3013:** A concurrent resolution directing the Legislative Council to study accreditation standards utilized by the Department of Public Instruction, including those set forth in the constitution or statutes of this state.

The question being on the final adoption of the amended resolution, which has been read.

HCR 3013 was declared adopted on a voice vote.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. GATES MOVED** that the House do concur in the Senate amendments to HCR 3044 as printed on HJ page 1193, which motion prevailed.

HCR 3044, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3044:** A concurrent resolution directing the Legislative Council to study the feasibility of the legislative assembly establishing teacher salaries and benefits.

The question being on the final adoption of the amended resolution, which has been read.

HCR 3044 was declared adopted on a voice vote.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NICHOLAS MOVED** that the House do concur in the Senate amendments to HB 1110 as printed on HJ pages 951-952, which motion prevailed.

HB 1110, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1110:** A BILL for an Act to amend and reenact sections 61-31-01, 61-31-02, 61-31-03, 61-31-04, 61-31-05, and 61-31-07 of the North Dakota Century Code, relating to the state waterbank program; and to repeal section 61-31-09 of the North Dakota Century Code, relating to notification of denied drainage permits.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 76 YEAS, 0 NAYS, 22 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjøm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg



EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

HB 1110 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to Engrossed HB 1182 as printed on HJ page 935, which motion prevailed.

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

#### SECOND READING OF HOUSE BILL

HB 1182: A BILL for an Act to create and enact four new sections to chapter 4-30 of the North Dakota Century Code, relating to complaint investigation under dairy products laws, inspections, the grade A pasteurized milk ordinance, and labeling standards; to amend and reenact sections 4-30-01, 4-30-02, 4-30-03.9, 4-30-05, 4-30-06, 4-30-09, 4-30-10, 4-30-11, 4-30-12, 4-30-15, 4-30-23, 4-30-24, 4-30-27, 4-30-28, 4-30-29, 4-30-30, 4-30-31, 4-30-32, 4-30-33, 4-30-34, 4-30-35, 4-30-36, 4-30-37, 4-30-38, 4-30-39, 4-30-42, 4-30-48, 4-30-49, 4-30-52, and 4-30-53 of the North Dakota Century Code, relating to dairy products laws; to repeal chapter 4-29, sections 4-30-06.1, 4-30-13, 4-30-14, 4-30-16, 4-30-17, 4-30-41.1, 4-30-45, and 4-30-51 of the North Dakota Century Code, relating to the dairy department, personal notice to file claims, complaints upon violation, place of hearing, witness subpoenas, court review, prohibitions against sales of imitation milk and filled dairy products, labeling of milk and milk products for retail sale and complaint investigation; to provide penalties; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 0 NAYS, 22 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Cleary; Coats; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Guleson; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzenek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Christopherson

Engrossed HB 1182 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to Engrossed HB 1297 as printed on HJ page 972, which motion prevailed.

Engrossed HB 1297, as amended, was placed on the Eleventh order of business on the calendar.

### SECOND READING OF HOUSE BILL

**HB 1297:** A BILL for an Act to amend and reenact sections 36-01-00.1, 36-01-08, 36-01-12, 36-01-13, 36-01-14, 36-01-17, and 36-01-19 of the North Dakota Century Code, relating to nontraditional livestock.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 1 NAY, 22 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Gulleon; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

**NAYS:** Ring

**EXCUSED:** Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Engrossed HB 1297 passed and the title was agreed to.

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### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. RYDELL MOVED** that the House do concur in the Senate amendments to Engrossed HB 1332 as printed on HJ pages 1121-1122, which motion prevailed.

Engrossed HB 1332, as amended, was placed on the Eleventh order of business on the calendar.

### SECOND READING OF HOUSE BILL

**HB 1332:** A BILL for an Act to create and enact a new section to chapter 26.1-26.4 of the North Dakota Century Code, relating to health care utilization review; and to amend and reenact subsection 5 of section 26.1-26.4-02 and sections 26.1-26.4-03 and 26.1-26.4-04 of the North Dakota Century Code, relating to health care service utilization review.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 76 YEAS, 0 NAYS, 22 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Gulleon; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Stenson;

Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner;  
Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz;  
Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin;  
Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Engrossed HB 1332 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to  
Engrossed HB 1345 as printed on HJ page 1122, which motion prevailed.

Engrossed HB 1345, as amended, was placed on the Eleventh order of business  
on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1345: A BILL for an Act to amend and reenact subdivision a of  
subsection 2 of section 12.1-23-10 of the North Dakota Century Code,  
relating to the definition of deception.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been  
read, the roll was called and there were 76 YEAS, 0 NAYS, 22 EXCUSED,  
0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine;  
Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.;  
Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovda; Freier;  
Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Gulleon;  
Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch;  
Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos;  
Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban;  
Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring;  
Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson;  
Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner;  
Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz;  
Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin;  
Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Engrossed HB 1345 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to  
Engrossed HB 1356 as printed on HJ page 1122, which motion prevailed.

Engrossed HB 1356, as amended, was placed on the Eleventh order of business  
on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1356: A BILL for an Act to amend and reenact sections 28-32-02,  
28-32-02.2, subsection 5 of section 28-32-03, and section 28-32-21.1 of  
the North Dakota Century Code, relating to administrative agency  
rulemaking procedures.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been  
read, the roll was called and there were 75 YEAS, 0 NAYS, 22 EXCUSED,  
1 ABSENT AND NOT VOTING.



**YEAS:** Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

**EXCUSED:** Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Gulleeson

Engrossed HB 1356 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. TIMM MOVED** that the House do concur in the Senate amendments to Engrossed HB 1380 as printed on HJ page 936, which motion prevailed.

Engrossed HB 1380, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1380:** A BILL for an Act to amend and reenact subsection 1 of section 57-55-10 of the North Dakota Century Code, relating to exemption from mobile home taxation for a permanently and totally disabled person.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 68 YEAS, 8 NAYS, 22 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Carlson, C.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Goffe; Grosz; Grumbo; Gulleeson; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Ness; Nicholas; Oban; Olsen, D.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

**NAYS:** Allmaras; Brown; Carlson, A.; Glassheim; Gorder; Kilichowski; Nelson; Olson, A.

**EXCUSED:** Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Engrossed HB 1380 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. RYDELL MOVED** that the House do concur in the Senate amendments to HB 1401 as printed on HJ page 1016, which motion prevailed.

HB 1401, as amended, was placed on the Eleventh order of business on the calendar.

### SECOND READING OF HOUSE BILL

HB 1401: A BILL for an Act to amend and reenact subsection 4 of section 19-02.1-14.1 of the North Dakota Century Code, relating to the prescription of generic name drug products.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 74 YEAS, 0 NAYS, 22 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Hagle; Hanson; Henegar; Hokana; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Gulleason, Holm

HB 1401 passed and the title was agreed to.

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### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do concur in the Senate amendments to Engrossed HB 1419 as printed on HJ page 994, which motion prevailed.

Engrossed HB 1419, as amended, was placed on the Eleventh order of business on the calendar.

### SECOND READING OF HOUSE BILL

HB 1419: A BILL for an Act to create and enact two new subsections to section 51-18-08 of the North Dakota Century Code, relating to exceptions to home solicitation sales regulations; 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 75 YEAS, 0 NAYS, 22 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

**EXCUSED:** Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Gulleson

Engrossed HB 1419 passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. TIMM MOVED** that the House do concur in the Senate amendments to Engrossed HB 1216 as printed on HJ page 1161, which motion prevailed.

Engrossed HB 1216, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1216:** A BILL for an Act to amend and reenact section 57-40.4-01 of the North Dakota Century Code, relating to extension of the statute of limitations regarding a refund of motor vehicle excise tax to a purchaser who is permanently physically disabled or a disabled veteran; to provide an effective date; and to provide an expiration date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 50 YEAS, 26 NAYS, 22 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bernstein; Boehm; Boucher; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dorso; Freier; Froeth; Goffe; Grosz; Grumbo; Hagle; Henegar; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Kretschmar; Mahoney; Maragos; Martin; Martinson; Mutzenberger; Ness; Nicholas; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Skarphol; Soukup; Stenehjem; Stenson; Sveen; Torgerson; Wanzek; Speaker R. Berg

**NAYS:** Belter; Berg, J.; Bodine; Brodshaug; Dobrinski; Drovdal; Gates; Glassheim; Gorder; Gulleson; Hanson; Hokana; Kerzman; Klein; Monson; Nelson; Oban; Olsen, D.; Olson, A.; Shide; Sitz; Svedjan; Thorpe; Timm; Tollefson; Wardner

**EXCUSED:** Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Engrossed HB 1216 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DORSO MOVED** that the House do concur in the Senate amendments to Engrossed HB 1336 as printed on HJ page 1162, which motion prevailed.

Engrossed HB 1336, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1336:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 28-32-01, sections 54-21.2-03, and 54-21.2-04 of the North Dakota Century Code, relating to exclusions from the definition of administrative agency and the state energy code for new building construction.



## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 0 NAYS, 22 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

ABSENT AND NOT VOTING: Oban

Engrossed HB 1336 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTIN MOVED that the House do concur in the Senate amendments to Engrossed HB 1360 as printed on HJ page 1162, which motion prevailed.

Engrossed HB 1360, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1360: A BILL for an Act to amend and reenact sections 54-40.1-01, 54-40.1-02, 54-40.1-03, 54-40.1-04, 54-40.1-05, and 54-40.1-06 of the North Dakota Century Code, relating to regional councils.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 76 YEAS, 0 NAYS, 22 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Engrossed HB 1360 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

REP. RYDELL MOVED that the House do concur in the Senate amendments to Reengrossed HB 1373 as printed on HJ pages 1163-1164, which motion prevailed.

Reengrossed HB 1373, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1373: A BILL for an Act to amend and reenact section 23-01-05 of the North Dakota Century Code, relating to the qualifications of the state health officer and the appointment of an advisory committee to the state health officer; 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 76 YEAS, 0 NAYS, 22 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Glassheim; Goffe; Gorder; Grosz; Grumbo; Guleson; Hagle; Hanson; Henegar; Hokana; Holm; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Speaker R. Berg

EXCUSED: Bateman; Byerly; Carlisle; Clayburgh; Dalrymple; DeWitz; Gerntholz; Gorman; Hausauer; Howard; Huether; Kaldor; Kroeber; Kunkel; Laughlin; Nichols; Payne; Pyle; St. Aubyn; Wald; Wentz; Wilkie

Reengrossed HB 1373 passed, the title was agreed to, and the emergency clause was declared carried.

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## THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Kelly Shockman.

## APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2359: Reps. Wardner, Goffe, Klein.

## SIXTH ORDER OF BUSINESS

SB 2351, as reengrossed: REP. KRETCHMAR (Judiciary Committee) MOVED that the amendments of the Minority Report on HJ pages 1249-1250 be adopted and then be placed on the Fourteenth order with DO PASS.

## REQUEST

REP. RING REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed SB 2351, which request was granted.

## ROLL CALL

The question being on the motion to adopt the Minority Report amendments to Reengrossed SB 2351, the roll was called and there were 30 YEAS, 67 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Coats; Dobrinski; Goffe; Guleson; Hanson; Kaldor; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Maragos; Mutzenberger; Nelson; Ness; Nichols; Oban; Poolman; Ring; Sitz; Stenson; Thorpe; Wentz; Wilkie

**NAYS:** Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Hagle; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

**ABSENT AND NOT VOTING:** Dalrymple

The motion to adopt the Minority Report amendments to Reengrossed SB 2351 failed to pass.

#### RULING BY THE SPEAKER

**SPEAKER R. BERG RULED** that since the Minority Report amendments were not adopted, the Majority Report recommending Do Pass would place SB 2351, without amendments on the Fourteenth order for second reading and final passage.

#### SECOND READING OF SENATE BILL

**SB 2351:** A BILL for an Act to create and enact chapter 28-01.3 of the North Dakota Century Code, relating to products liability; to amend and reenact section 13 of chapter 404 of the 1987 Session Laws, sections 32-03.2-02 and 32-03.2-11 of the North Dakota Century Code, relating to comparative fault and punitive damages; and to repeal section 15 of chapter 404 of the 1987 Session Laws, and chapter 28-01.1 and section 32-03.2-03 of the North Dakota Century Code, relating to the expiration date of legislation concerning tort liability, products liability, and comparative fault.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Martin; Martinson; Monson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wilkie; Speaker R. Berg

**NAYS:** Berg, J.; Coats; Mahoney; Maragos; Mutzenberger; Nelson; Oban; Poolman; Ring; Stenehjem; Stenson; Wentz

**ABSENT AND NOT VOTING:** Dalrymple

SB 2351 passed and the title was agreed to.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2187, SB 2215, SB 2242, SB 2253, SB 2257, SB 2273, SB 2284, SB 2324, SB 2341, SB 2357, SB 2388, SB 2414, SB 2437, SB 2438, SB 2446, SB 2461, SB 2464, SB 2469.



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

**MADAM PRESIDENT:** The Speaker has signed: SB 2030, SB 2115, SB 2154, SB 2185, SB 2186, SB 2345, SB 2411, SCR 4001, SCR 4010, SCR 4012, SCR 4021, SCR 4028, SCR 4030, SCR 4032, SCR 4035.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1267 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1267:** Reps. Stenehjem; Henegar; Boucher

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2092, SB 2110, SB 2529.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2155.

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2487.

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2431, SB 2530.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1110, HB 1182, HB 1217, HB 1262, HB 1297, HB 1323, HB 1332, HB 1345, HB 1356, HB 1377, HB 1380, HB 1424, HCR 3013, HCR 3044.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1401, HB 1419, HB 1216, HB 1336, HB 1360, HB 1373.

**SPECIAL ORDER OF BUSINESS**

**SPEAKER R. BERG ANNOUNCED** that the House would be on a Special Order of Business and appointed Reps. Wanzek and Gulleson to the Escort Committee and Gena West, American Honey Queen from Beth Page, Tennessee, North Dakota Honey Queen, Carrie Danuser, and North Dakota Honey Princess, Wendy Mallard were escorted to the rostrum.

Mr. Speaker, Members of the House, and guests:

It gives me great pleasure to address this body of the North Dakota Legislature. Agriculture Day is an important occasion and I am proud to represent an industry so vital to this state and the nation.

My home state, Tennessee, hosts large numbers of hobbyist beekeepers and it is interesting to learn that so many commercial beekeepers make their living keeping bees here in the Flickertail State. It is a wonderful opportunity for me to be able to travel throughout this great land, from our beautiful Smoky Mountains to your tremendous plains. I hope I will be invited to return in the fall and see fields of golden grain and sunflowers. If I do return when the sunflowers are blooming, I am sure there will be beeyards in these same areas, as both the beekeeper and the grower benefit from our essential pollinators.

Nationally the honey bee is responsible for 11 billion dollars worth of agricultural pollination annually and the basket you see in front of me represents the fruits, nuts, and vegetables that help feed the world's population.

Please join the North Dakota Honey Queen, Princess, and myself in the Great Hall where the North Dakota beekeepers will treat you to some of the

delicious produce made possible because of a small and important insect, the honeybee.

REP. FREIER MOVED that the remarks of Gena West, American Honey Queen, be printed in the Journal, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4016: A concurrent resolution directing the Legislative Council to study the methods of distributing highway taxes and the effect the present highway tax distribution formula has on counties and cities.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

SCR 4016 was declared adopted on a verification vote.

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#### MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

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

HB 1168: Sens. Krauter; Schoenwald; Mutch

HB 1222: Sens. Schoenwald; Krauter; Krebsbach

#### MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2362 and SCR 4031 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2362: Sens. Keller; Schoenwald; Krebsbach

SCR 4031: Sens. Kelsh; Kinnoin; Bowman

#### MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2289 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2289: Sens. Keller; Krauter; Nalewaja

#### SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dalrymple

Engrossed SB 2015 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2018:** A BILL for an Act making an appropriation for defraying the expenses of the department of corrections and rehabilitation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Dalrymple

Engrossed SB 2018 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2020:** A BILL for an Act making an appropriation for defraying the expenses of the office of administrative hearings.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Dalrymple

Engrossed SB 2020 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2295:** A BILL for an Act relating to cooperative agreements between health care providers; and to provide an expiration date.



## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Ring

ABSENT AND NOT VOTING: Dalrymple

Engrossed SB 2295 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

SB 2361: A BILL for an Act to amend and reenact sections 15-47-06, 16.1-05-01, 16.1-05-02, 16.1-05-03, 16.1-05-04, 16.1-05-05, 16.1-06-04, 16.1-06-16, 16.1-06-18, 16.1-06-21, 16.1-07-06, 16.1-07-08, 16.1-07-09, 16.1-07-10, 16.1-11-22, 16.1-11-24, 16.1-11-31, 16.1-13-22, 16.1-15-02.1, and 16.1-15-08 of the North Dakota Century Code, relating to election officers and election ballots; to provide an effective date; and to provide an expiration date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dalrymple

Engrossed SB 2361 passed and the title was agreed to.

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## MOTION

REP. MARTINSON MOVED that the rules be suspended and that all bills on which action was taken on this afternoon, with the exception of SCR 4016 be messaged to the Senate immediately, which motion prevailed.

## MOTION

REP. MARTINSON MOVED that the rules be suspended and that the Delayed Bill that will be numbered HB 1512 be referred to the Select Educational Equity Review Committee, which motion prevailed.

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

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

SB 2359: Reps. Wardner; Klein; Goffe

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

MADAM PRESIDENT: The House has passed unchanged: SB 2086, SB 2199, SB 2226, SB 2351, SB 2396, SB 2475, SB 2482, SB 2492, SB 2498, SB 2528, SB 2536, SB 2537, SB 2538, SCR 4011, SCR 4014.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2421, SB 2522.

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

MADAM PRESIDENT: The House has failed to pass: SB 2106, SB 2109, SCR 4034.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2015, SB 2018, SB 2020, SB 2116, SB 2245, SB 2295, SB 2361, SB 2418, SB 2441, SB 2448, SB 2490.

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

MADAM PRESIDENT: The House has failed to pass: SB 2426.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 3:40 p.m., March 19, 1993: HB 1046, HB 1072, HB 1080, HB 1082, HB 1094, HB 1105, HB 1109, HB 1112, HB 1127, HB 1129, HB 1131, HB 1133, HB 1144, HB 1147, HB 1157, HB 1200, HB 1214, HB 1257, HB 1258, HB 1263, HB 1268, HB 1271, HB 1276, HB 1277, HB 1279, HB 1295, HB 1308, HB 1324, HB 1343, HB 1355, HB 1359, HB 1388.

## MOTION

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

## MOTION

REP. FREIER MOVED that the House be on the Fifth, Seventh, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Monday, March 22, 1993, which motion prevailed.

## REPORT OF STANDING COMMITTEE

SB 2002, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2002 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to amend and reenact sections 27-02-02 and 27-05-03"

Page 1, remove line 3

Page 1, line 4, remove "the supreme and district courts"

Page 1, line 15, replace "4,361,294" with "4,246,645"

Page 1, line 16, replace "174,000" with "156,600"

Page 1, line 17, replace "1,345,900" with "1,229,310"

Page 1, line 18, replace "117,000" with "24,000"

Page 1, line 19, replace "392,289" with "375,233"

Page 1, remove line 20

Page 1, line 21, replace "6,412,483" with "6,031,788"

Page 2, line 1, replace "46,779" with "46,379"

Page 2, line 2, replace "6,365,704" with "5,985,409"

Page 2, line 5, replace "14,942,688" with "14,494,139"

Page 2, line 6, replace "50,974" with "45,877"

Page 2, line 7, replace "4,717,805" with "4,317,805"

Page 2, line 9, replace "898,001" with "858,960"

Page 2, line 10, replace "20,947,740" with "20,055,053"

Page 2, line 12, replace "20,762,482" with "19,869,795"

Page 2, line 16, replace "329,261" with "321,852"

Page 2, line 17, replace "10,000" with "9,000"

Page 2, line 20, replace "474,511" with "466,102"

Page 2, line 22, replace "402,511" with "394,102"

Page 2, line 23, replace "27,530,697" with "26,249,306"

Page 2, line 24, replace "304,037" with "303,637"

Page 2, line 25, replace "27,834,734" with "26,552,943"

Page 3, remove lines 9 through 29

Page 4, remove lines 1 through 4

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 180 - SUPREME COURT

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by \$97,232 from the general fund to reflect Governor Schafer's salary increase recommendation.
- The judges' retirement line item is decreased by \$9,551 from the general fund to reflect Governor Schafer's salary increase recommendation.

In addition to the changes made to reflect Governor Schafer's recommended appropriations, this amendment makes the following changes:



- The salaries and wages line item is decreased by \$17,417 from the general fund to remove the two percent salary increase for the Supreme Court judges, in accordance with the House plan of not providing salary increases to elected officials.
- The information services line item is decreased by \$17,400, of which \$17,000 is from the general fund and \$400 is from other funds, to reflect a 10 percent reduction.
- The operating expenses line item is decreased by \$30,000 from the general fund to reflect a reduction in the law library funding, increased by \$25,000 from the general fund for lease payments on a new copy machine, and decreased by \$111,590 from the general fund to reflect a 10 percent reduction for a net decrease of \$116,590 from the general fund.
- The equipment line item is decreased by \$93,000 from the general fund, of which \$80,000 is for the elimination of the purchase of a new copy machine and \$13,000 for reduced miscellaneous equipment purchases.
- The judges' retirement line item is decreased by \$7,505 from the general fund to remove the two percent salary increase.
- The Court of Appeals line item of \$22,000 from the general fund is eliminated.

In total, this amendment decreases the appropriation to the Supreme Court by \$380,695, of which \$380,295 is from the general fund and \$400 is from other funds.

#### DEPARTMENT 183 - JUDICIAL CONDUCT COMMISSION

HOUSE - This amendment reduces the salaries and wages line item by \$7,409 from the general fund to reflect Governor Schafer's salary increase recommendation.

In addition to the change made to reflect Governor Schafer's recommended appropriations, this amendment decreases the information services line item by \$1,000 from the general fund to reflect a 10 percent reduction.

In total, this amendment decreases the appropriation to the Judicial Conduct Commission by \$8,409 from the general fund.

#### DEPARTMENT 185 - TRIAL COURTS

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations.

- The salaries and wages line item is decreased by \$347,433 from the general fund to reflect Governor Schafer's salary increase recommendation.
- The judges' retirement line item is decreased by \$21,861 from the general fund to reflect Governor Schafer's salary increase recommendation.

In addition to the changes made to reflect Governor Schafer's recommended appropriations, this amendment makes the following changes:

- The salaries and wages line item is decreased by \$101,116 from the general fund to remove the two percent salary increase for the district court judges, in accordance with the House plan of not providing salary increases to elected officials.

- The information services line item is decreased \$5,097 from the general fund to reflect a 10 percent reduction.
- The operating expenses line item is decreased by \$400,000 from the general fund to reflect an approximate 10 percent reduction.
- The judges' retirement line item is decreased by \$17,180 from the general fund to remove the two percent salary increase.

In total, this amendment decreases the appropriation to the trial courts by \$892,687 from the general fund.

In total, funding provided in Senate Bill No. 2002 is decreased by \$1,281,791, of which \$1,281,391 is from the general fund and \$400 is from other funds.

#### REPORT OF STANDING COMMITTEE

SB 2008: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2008 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "479,194" with "466,657"

Page 1, line 16, replace "3,311,515" with "3,298,978"

Page 1, line 17, replace "3,053,680" with "3,042,396"

Page 1, line 18, replace "257,835" with "256,582"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### DEPARTMENT 412 - AERONAUTICS COMMISSION

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by \$12,537, of which \$1,253 is from the general fund and \$11,284 is from other funds. Of this reduction, \$2,304, \$230 of which is from the general fund, relates to reduced employee health insurance costs and \$10,233, \$1,023 of which is from the general fund, relates to Governor Schafer's salary increase recommendation.

In total, this amendment decreases the appropriation to the Aeronautics Commission by \$12,537, of which \$1,253 is from the general fund and \$11,284 is from other funds.

#### REPORT OF STANDING COMMITTEE

SB 2010: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). SB 2010 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "amend and reenact subsection 4 of section 6-01-04.3, sections 6-01-17, 6-01-17.1, 6-01-17.2, 6-03-11, 6-03-13.5, 6-03-70, 6-05-28, subsection 4 of section 6-06-08, subdivision a of subsection 2 of section 6-06-35, sections 6-06-36, 6-06.1-05, subsection 3 of section 6-08.3-02, sections 6-10-06, 7-05-01, 13-03-04, subsection 1 of section 13-03-09, section 13-03.1-05, subsection 1 of section 13-03.1-11, section 13-04.1-04, subdivision a of subsection 1 of section 13-04.1-11, section 13-05-04, subsection 2 of section

13-05-06, subsection 1 of section 51-17-07, and section 51-17-10 of the North Dakota Century Code, relating to the financial institutions regulatory fund; to"

Page 1, line 2, after "institutions" insert "; to provide a transfer; and to repeal section 6-01-01.1 of the North Dakota Century Code, relating to the financial institutions regulatory fund"

Page 1, line 6, replace "financial institutions regulatory" with "general"

Page 1, line 10, replace "2,087,726" with "2,031,809"

Page 1, line 11, replace "20,286" with "18,257"

Page 1, line 12, replace "400,582" with "363,082"

Page 1, line 13, replace "24,900" with "24,900"

Page 1, remove lines 14 and 15

Page 1, line 16, after "Total" insert "general fund", remove "from the financial institutions", and replace "2,652,367" with "2,438,048"

Page 1, replace line 17 with:

**"SECTION 2. TRANSFER.** On July 1, 1993, the state treasurer shall transfer the unobligated balance of the financial institutions regulatory fund to the general fund in the state treasury. After payment of all obligations of the financial institutions regulatory fund, the state treasurer shall transfer the balance to the general fund in the state treasury.

**SECTION 3. AMENDMENT.** Subsection 4 of section 6-01-04.3 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. In determining the amount of civil penalty imposed, the board shall consider the good faith of the financial institution or the person being assessed, the gravity of the violation and any previous violations. The board may not impose a civil money penalty in excess of five thousand dollars for each occurrence and one hundred dollars per day for each day that the violation continues after service of an order. Any civil money penalties collected under this section must be paid to the state treasurer and deposited in the financial institutions regulatory general fund, if the fund is established by the legislative assembly in the state treasury.

**SECTION 4. AMENDMENT.** Section 6-01-17 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-01-17. Yearly assessment of banks.** Every state banking association and banking institution placed under the jurisdiction and control of the commissioner and the commissioner's deputy examiners by the provisions of this title, including the Bank of North Dakota, shall pay a yearly assessment. This assessment is to be determined by the state banking board as necessary to fund that portion of the department's budget relating to the regulation of state-chartered banks. Assessment fees may not be computed on the combined assets of the bank and its trust department for those banks exercising trust powers. Fees for the examination of the trust department must be computed in accordance with section 6-05-28. The assessment must be paid to the state treasurer within thirty days of each June thirtieth. Institutions that have not been examined by the commissioner or the



state banking board for three years prior to any assessment date shall not be required to pay the assessment. The state treasurer shall report such payments of fees to the commissioner, and if any such corporation or institution shall be delinquent more than twenty days in making such payment, the board may make an order suspending the functions of such delinquent corporation or institution until payment of the amount due. The commissioner may assess a penalty of five dollars for each day that the assessment fee is delinquent. All fees and penalties under this section must be paid to the state treasurer and deposited in the financial institutions regulatory general fund in the state treasury.

**SECTION 5. AMENDMENT.** Section 6-01-17.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-01-17.1. Application fees - Cost of transcript.** The following fees must accompany an application presented to the state banking board, state credit union board, or commissioner and must be paid deposited by the commissioner into in the financial institutions regulatory general fund in the state treasury:

1. For a certificate of authority to organize a banking association, a fee of five thousand dollars, paid by the applicants.
2. A banking association's application for authority to remove its business to some place within the state other than the town in which it is presently located and to change its name, a fee of two thousand five hundred dollars.
3. National bank conversion to a state bank, a fee of two thousand five hundred dollars.
4. Application by two or more banks to merge or consolidate, a fee of one thousand five hundred dollars for each merging bank.
5. Application by a person to sell, dispose, or purchase an association, banking institution, or holding company, a fee of five hundred dollars unless a hearing is held before the board in which case the fee is two thousand dollars.
6. A banking association's application to establish and operate a separate facility for drive-in and walkup service, a fee of one thousand five hundred dollars.
7. A banking association's application to establish and operate a paying and receiving station, a fee of one thousand five hundred dollars.
8. A banking association's application to establish customer electronic funds transfer centers, a fee not to exceed five hundred dollars.
9. For a certificate of authority to organize an annuity, safe deposit, surety or trust company, a fee of five thousand dollars.
10. A banking association's application for authority to exercise trust powers, a fee of one thousand five hundred dollars.
11. Application to organize a credit union, a fee of three hundred dollars, paid by the applicants.

12. Application for a credit union to establish a branch, a fee of three hundred dollars.
13. Application by a credit union to expand its field of membership, a fee of one hundred fifty dollars.
14. Application by a federal credit union to convert to a state credit union, a fee of three hundred dollars.
15. For a certificate of authority to organize a savings and loan association, a fee of five thousand dollars.
16. A savings and loan association's application to establish and operate a branch office, a fee of one thousand five hundred dollars.

The commissioner may cause a certified transcript to be prepared for any hearing conducted on an application. The costs for the original and up to six copies of the transcript must be paid by the applicant.

**SECTION 6. AMENDMENT.** Section 6-01-17.2 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-01-17.2. Additional assessment of banks.** Where the commissioner determines that more than one visit, inspection, or examination is necessary to promote the safety and soundness of a state banking association during a twelve-month period, such state banking association shall pay to the state treasurer a fee for the time used by the commissioner or other person designated by the commissioner in supervising, filing, and corresponding in connection with each additional visit, inspection, or examination and report of examination and for time used by each deputy examiner, or other person or persons in making and otherwise preparing and typing the reports of examination herein provided for. Fees for such visit, inspection, or examination must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the visit, inspection, or examination provided for by this section. A state banking association shall pay such assessment or fee within ten days of receiving a billing from the commissioner. Fees must be deposited in the financial institutions regulatory general fund in the state treasury. The state treasurer shall report such payments of fees to the commissioner, and if any such corporation or institution is delinquent more than twenty days in making such payment, the board may make an order suspending the functions of such delinquent corporation or institution until payment of the amount due. The commissioner may assess a penalty of five dollars a day additional for the delay. The state banking board may waive or postpone the collection of this special assessment if such assessment would place an undue burden on the state banking association.

**SECTION 7. AMENDMENT.** Section 6-03-11 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-03-11. Conversion, consolidation, or merger.** Any two or more banking institutions as defined in section 6-01-02 upon making application to the state banking board may consolidate or merge if authorized by the board into one banking institution under the charter of either existing banking institution on such terms and conditions as lawfully may be agreed upon by a majority of the board of directors of each banking institution proposing to consolidate or merge subject to rules adopted by the state banking board. Before becoming final, such consolidation or merger must be ratified and confirmed by the vote of the shareholders of each such banking institution owning at least two-thirds of its capital stock outstanding, at a meeting to be held on



the call of the directors. Notice of such meeting and of the purpose thereof must be given to each shareholder of record by registered or certified mail at least ten days prior to the meeting. The shareholders may unanimously waive such notice and may consent to such meeting and consolidation or merger in writing. The capital stock and surplus of such consolidated banking institution must not be less than that required under this title for the organization of a banking institution of the class of the largest consolidating banking institution. Immediately after the consolidation or merger a full report thereof including a statement of the assets and liabilities of the consolidated banking institution must be made to the commissioner by the surviving banking institution. Any banking institution may without approval by any state authority convert into or merge or consolidate with a national banking association as provided by federal law. A national bank proposing to merge into a state-chartered bank shall grant the commissioner discretionary authority to conduct an examination. The commissioner shall set fees for such examination at an hourly rate sufficient to cover all reasonable expenses of the department of banking and financial institutions associated with the examination. Fees must be collected by the commissioner, transferred to the state treasurer, and deposited in the ~~financial institutions'~~ regulatory general fund in the state treasury.

**SECTION 8. AMENDMENT.** Section 6-03-13.5 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-03-13.5. National bank conversion to state bank.** A national bank located in this state which follows the procedure prescribed by federal law to convert into a state bank, must be granted a state charter if it meets the provisions of the North Dakota Century Code for the incorporation and chartering of a new state bank. Any requirement that shares must be paid in cash may be satisfied by the exchange of shares of the converted state bank for those of the converting national bank, which may be valued at no more than their fair cash market value. The procedure for incorporation of a state bank may be modified by the state banking board to the extent made necessary by the difference between an ordinary incorporation and a conversion and no public hearing need be held on a conversion application. A national bank proposing to convert into a state-chartered bank shall grant the commissioner discretionary authority to conduct an examination. The commissioner shall set fees for such examination at an hourly rate sufficient to cover all reasonable expenses of the department of banking and financial institutions associated with the examination. Fees must be collected by the commissioner, transferred to the state treasurer, and deposited in the ~~financial institutions'~~ regulatory general fund in the state treasury.

**SECTION 9. AMENDMENT.** Section 6-03-70 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-03-70. Reports - Regular and special - Publication - Penalty.** Every state banking association shall respond to calls each year, the number to be determined by the commissioner. The commissioner shall prescribe the forms for such reports which must be the same forms as those for similar reports called by the federal deposit insurance corporation. The reports must exhibit in detail, under appropriate headings, the resources and liabilities of the association at the close of business on a past day specified by the commissioner, which must be the same day on which similar reports are required by the federal deposit insurance corporation. Each report must be verified by the oath of the president or the cashier and attested as correct by at least two of the directors, and must be transmitted to the commissioner within thirty days after receipt of the request for the same. Each report, in a form prescribed by the commissioner, must be published within sixty days of the call date, at the expense of the association,



in some newspaper in the city where such bank is located, and in case there is no such newspaper, then in a legal newspaper of the county in which such association is located. The commissioner may request an amended call for reports filed in error and may require republication of the call report containing material errors. At the discretion of the commissioner, a call may be complied with by submission of a photocopy of the call report submitted to the federal deposit insurance corporation or federal reserve bank, or a printout retrieved from computer facilities in the department of banking and financial institutions and connected to those of the federal deposit insurance corporation. The commissioner may call for a special report from any association whenever in the commissioner's judgment the same is necessary to obtain complete knowledge of the condition of the association. Every association ~~which that~~ fails to make and transmit any report required by this section ~~shall forfeit~~ forfeits and must pay to the state treasurer for deposit in the ~~financial institutions regulatory general fund in the state treasury~~ a penalty of two hundred dollars for each delinquency. The commissioner may waive the penalty for reports filed late, not exceeding three business days beyond the due date required by this section.

**SECTION 10. AMENDMENT.** Section 6-05-28 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-05-28. Examination by commissioner - Fees - Power over business, officers, and employees.** The commissioner shall make a full, true, complete, and accurate examination and investigation of the affairs of each corporation doing business under this chapter as often as the commissioner deems necessary. Such examination must be made without previous notice to the corporation to be examined. Fees for such examinations must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the examinations provided for by this section. Fees must be paid to the state treasurer and deposited in the ~~financial institutions regulatory general fund in the state treasury~~. The commissioner, in the commissioner's discretion, may accept, in lieu of any examination authorized or required by this title to be conducted by the department of banking and financial institutions, the examination that may have been made of such institution within a reasonable period by the federal reserve bank or federal deposit insurance corporation, if a copy of such examination is furnished to the commissioner. The commissioner shall assume and exercise over each such corporation and its business, officers, directors, and employees all the power and authority conferred upon the commissioner over banking and other financial or moneyed corporations or associations.

**SECTION 11. AMENDMENT.** Subsection 4 of section 6-06-08 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. Every state credit union, including North Dakota central credit union, placed under the jurisdiction and control of the state credit union board and the commissioner by the provisions of this title shall pay a yearly assessment. This assessment is to be determined by the state credit union board as necessary to fund that portion of the department's budget relating to the regulation of state-chartered credit unions. The assessment must be paid to the state treasurer within thirty days of each June thirtieth. Credit unions that have not been examined by the commissioner or the state credit union board for three years prior to any assessment date are not required to pay the assessment. The state treasurer shall report the payments of fees to the commissioner, and if any credit union is delinquent more than

twenty days in making payment, the board may make an order suspending the functions of the delinquent credit union until payment of the amount due. The commissioner may assess a penalty of five dollars for each day that the penalty is delinquent. The examination fee for North Dakota central credit union shall be charged by the department at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the examination. All fees and penalties under this section must be paid to the state treasurer and deposited in the financial institutions regulatory general fund in the state treasury.

**SECTION 12. AMENDMENT.** Subdivision a of subsection 2 of section 6-06-35 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- a. A federal credit union, organized under the laws of the United States may be converted into a state credit union by (1) complying with all federal requirements requisite to enabling it to convert to a state credit union or to cease being a federal credit union, (2) filing with the state credit union board proof of such compliance, satisfactory to the commissioner, (3) filing with the commissioner an organization certificate and bylaws, both in triplicate, as required by section 6-06-02, and (4) granting discretionary authority to the commissioner to conduct an examination prior to the conversion date. The commissioner shall set fees for such examination at an hourly rate sufficient to cover all reasonable expenses of the department of banking and financial institutions associated with the examination. Fees must be collected by the commissioner, transferred to the state treasurer, and deposited in the financial institutions regulatory general fund in the state treasury.

**SECTION 13. AMENDMENT.** Section 6-06-36 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-06-36. Merger.** Any credit union chartered under this chapter or under act of Congress may merge under rules and regulations established by the state credit union board. A federal credit union proposing to merge into a state-chartered credit union shall grant the commissioner discretionary authority to conduct an examination. The commissioner shall set fees for such examination at an hourly rate sufficient to cover all reasonable expenses of the department of banking and financial institutions associated with the examination. Fees must be collected by the commissioner, transferred to the state treasurer, and deposited in the financial institutions regulatory general fund in the state treasury.

**SECTION 14. AMENDMENT.** Section 6-06.1-05 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-06.1-05. Examinations in voluntary liquidation.** When deemed advisable by the commissioner, an examination of the books and records of a credit union may be made prior to, during, or following completion of voluntary liquidation. A fee for each examination must be assessed at the rate currently in effect for examinations of operating credit unions. Fees must be collected by the commissioner, transferred to the state treasurer, and deposited in the financial institutions regulatory general fund in the state treasury.



**SECTION 15. AMENDMENT.** Subsection 3 of section 6-08.3-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. The board shall act on the application within thirty days after the end of the public comment period provided in section 6-08.3-10. The board may extend the thirty-day period an additional thirty days if the board determines that any material information submitted is substantially inaccurate or the applicant has not furnished all the information required. All applications must be accompanied by an application fee of five thousand dollars payable to the state treasurer and deposited ~~into~~ in the financial institutions' regulatory general fund in the state treasury. Compliance with sections 6-08.3-02 through 6-08.3-05 satisfies the requirements of section 6-08-08.1. The state banking board may alter the procedures under this chapter in the case of an insolvent institution acquisition by merger, consolidation, or purchase of assets and assumption of liabilities. No notice of application need be given and no public hearing need be held in the case of an acquisition of an insolvent institution.

**SECTION 16. AMENDMENT.** Section 6-10-06 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**6-10-06. Duty of commissioner.** The commissioner may make an examination of the business of such licensee, and such applicant shall pay an examination fee. Fees for such examinations must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the examinations provided for by this section. Fees must be paid to the state treasurer and deposited in the ~~financial institutions regulatory general fund in the~~ state treasury.

**SECTION 17. AMENDMENT.** Section 7-05-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**7-05-01. Examination and fees therefor.** The commissioner of banking and financial institutions, at least once each year or oftener if the commissioner deems it necessary or expedient, shall examine into the affairs of all domestic associations doing business in this state. Whenever persons holding ten percent or more of the subscribed shares of any association file a written application with the commissioner requesting the commissioner to make an examination of any such association, the commissioner shall make such examination forthwith. Upon the completion of any examination of any association made by the commissioner or under the direction of the commissioner, the association so examined shall pay to the state treasurer a fee. Fees for such examination must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the examinations provided for by this section. The commissioner shall report such payment to the state banking board, and if any such association is delinquent more than twenty days in making such payment, the state banking board may make an order suspending the functions of such association until payment of the amount due. The commissioner may assess a penalty of five dollars additional for each day of delay in payment. In lieu of the examinations herein required, the commissioner may accept any examination made by a federal home loan bank, the federal home loan bank board, or by the federal savings and loan insurance corporation. The commissioner may in his or her discretion conduct a joint examination with said described federal agencies. Fees and penalties under this section must be paid to the



state treasurer and deposited in the ~~financial institutions regulatory general~~ fund in the state treasury.

**SECTION 18. AMENDMENT.** Section 13-03-04 of the North Dakota Century Code is amended and reenacted as follows:

**13-03-04. License - Application and fees.** Application for a license must be in writing, under oath, and in the form prescribed by the commissioner. The application must give the location where the business is to be conducted and must contain such further information as the commissioner may require, including the names and addresses of the partners, officers, directors, or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by section 13-03-05. At the time of making such application, the applicant shall pay to the commissioner the sum of three hundred dollars, which is not subject to refund, as a fee for investigating the application, and the sum of two hundred dollars for the annual license fee. Fees must be deposited in the ~~financial institutions regulatory general~~ fund in the state treasury.

**SECTION 19. AMENDMENT.** Subsection 1 of section 13-03-09 of the North Dakota Century Code is amended and reenacted as follows:

1. At least once each thirty months the commissioner or duly authorized representatives shall make an examination of the place of business of each licensee and of the loans, transactions, books, papers, annual reports, and records of such licensee so far as they pertain to the business licensed under this chapter. Fees for such examinations must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the examinations provided for by this section. Fees must be paid to the state treasurer and deposited in the ~~financial institutions regulatory general~~ fund in the state treasury.

**SECTION 20. AMENDMENT.** Section 13-03.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**13-03.1-05. Application and fees.** Application for a license must be in writing, under oath, and in the form prescribed by the administrator. The application must give the location where the business is to be conducted and must contain such further information as the administrator may require, including the names and addresses of the partners, officers, directors, or trustees, and of such of the principal owners or members as will provide the basis for the investigations and findings contemplated by section 13-03.1-06. When making such application, the applicant shall include payment in the amount of three hundred dollars, which is not subject to refund, as a fee for investigating the application, and two hundred dollars for the annual license fee. Fees must be deposited in the ~~financial institutions regulatory general~~ fund in the state treasury.

**SECTION 21. AMENDMENT.** Subsection 1 of section 13-03.1-11 of the North Dakota Century Code is amended and reenacted as follows:

1. At least once each thirty months the administrator or a duly authorized representative shall make an examination of the loans, business, and records of every licensee. In addition, for the purpose of rediscovering violations of this chapter or securing information lawfully required, the administrator may at any time investigate the loans, business, and records of any lender. For these purposes the administrator shall

have free and reasonable access to the offices, places of business, and records of the lender. Fees for such examinations must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the examinations provided for by this section. Fees must be paid to the state treasurer and deposited in the ~~financial institutions regulatory~~ general fund in the state treasury.

**SECTION 22. AMENDMENT.** Section 13-04.1-04 of the North Dakota Century Code is amended and reenacted as follows:

**13-04.1-04. Fee and bond to accompany application for money broker license.** The application for license must be in writing, under oath, and in the form prescribed by the commissioner. The application must give the location where the business is to be conducted and must contain any further information the commissioner requires, including the names and addresses of the partners, officers, directors, trustees, and the principal owners or members, as will provide the basis for the investigation and findings contemplated by section 13-04.1-03. At the time of making such application, the applicant shall include payment in the sum of three hundred dollars, which is not subject to refund, as a fee for investigating the application, and the sum of two hundred dollars for the annual license fee, and provide a surety bond in the sum of twenty-five thousand dollars. Fees must be deposited in the ~~financial institutions regulatory~~ general fund in the state treasury.

**SECTION 23. AMENDMENT.** Subdivision a of subsection 1 of section 13-04.1-11 of the North Dakota Century Code is amended and reenacted as follows:

- a. May make such public or private investigation within or outside this state as it deems necessary to determine whether any person has violated or is about to violate any provision of this chapter or any rule or order hereunder, or to aid in the enforcement of this chapter or in the prescribing of rules and forms hereunder. The licensee shall pay an investigation fee and must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the visitation provided for by this section. Fees must be paid to the state treasurer and deposited in the ~~financial institutions regulatory~~ general fund in the state treasury.

**SECTION 24. AMENDMENT.** Section 13-05-04 of the North Dakota Century Code is amended and reenacted as follows:

**13-05-04. Application requirements - Fee and bond to accompany application for collection agency license.** The application for a collection agency license must be in writing, under oath, and in the form prescribed by the commissioner. The application must give the location where the business is to be conducted and must contain any further information the commissioner requires, including the names and addresses of the partners, officers, directors, trustees, and the principal owners or members as will provide the basis for the investigation and findings contemplated by section 13-05-03. At the time of making such application, the applicant shall include payment in the sum of three hundred dollars, which is not subject to refund, as a fee for investigating the application, and the sum of two hundred dollars for the annual license fee, and provide a surety bond in the sum of twenty thousand dollars. In addition, the applicant shall pay a fifty dollar annual fee for each branch location. Fees must be



deposited in the ~~financial institutions regulatory~~ general fund in the state treasury.

**SECTION 25. AMENDMENT.** Subsection 2 of section 13-05-06 of the North Dakota Century Code is amended and reenacted as follows:

2. Conduct investigations and have authority to make an examination of any licensee or his place of business, including all records of such business, and to subpoena witnesses any time they have reason to believe such is necessary. The licensee shall pay an examination or visitation fee and must be charged by the department of banking and financial institutions at an hourly rate to be set by the commissioner, sufficient to cover all reasonable expenses of the department associated with the examination or visitation provided for by this section. Fees must be paid to the state treasurer and deposited in the ~~financial institutions regulatory~~ general fund in the state treasury.

**SECTION 26. AMENDMENT.** Subsection 1 of section 51-17-07 of the North Dakota Century Code is amended and reenacted as follows:

1. An investigation fee of three hundred dollars, which is not subject to refund, shall be in addition to the annual license fee. Fees must be deposited in the ~~financial institutions regulatory~~ general fund in the state treasury.

**SECTION 27. AMENDMENT.** Section 51-17-10 of the North Dakota Century Code is amended and reenacted as follows:

**51-17-10. Annual license fee.** Each licensee shall pay to the commissioner annually on or before June fifteenth of each year a license fee of two hundred dollars, which must be deposited in the ~~financial institutions regulatory~~ general fund in the state treasury.

**SECTION 28. REPEAL.** Section 6-01-01.1 of the 1991 Supplement to the North Dakota Century Code is repealed."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 413 - DEPARTMENT OF BANKING AND FINANCIAL INSTITUTIONS

HOUSE - This amendment makes the following changes to reflect Governor Schafer's recommendations:

Changes are made providing that funding for the agency be from the general fund rather than from the financial institutions regulatory fund and that moneys collected by the agency be deposited in the general fund rather than the special fund.

The salaries and wages line item is decreased by \$55,917 from the general fund. Of this reduction, \$9,216 relates to reduced employee health insurance costs and \$46,701 to Governor Schafer's salary increase recommendation for state employees.

The interagency legal fees line item of \$103,873 from the general fund is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

This amendment also makes the following changes:

The information services line item is reduced by \$2,029 from the general fund to reflect a 10 percent reduction in information services.



The operating expenses line item is reduced by \$37,500 from the general fund. Of this reduction, \$34,000 relates to rent which will not be paid to the Office of Management and Budget because the agency now receives its funding from the general fund and \$3,500 relates to audit fees which will not be paid to the State Auditor because the agency now receives its funding from the general fund.

The contingency line item of \$15,000 from the general fund is deleted.

In total, this amendment removes the special fund appropriation of \$2,652,367 and provides a general fund appropriation of \$2,438,048.

#### REPORT OF STANDING COMMITTEE

**SB 2017, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2017 was placed on the Sixth order on the calendar.

Page 1, line 3, after "commission" insert "; to provide for a limit on state building authority lease payments; to repeal sections 54-17.2-21 and 54-17.2-22 of the North Dakota Century Code, relating to the capital construction fund; to provide a statement of legislative intent; and to provide an effective date"

Page 1, line 14, replace "4,822,705" with "4,673,066"

Page 1, line 15, replace "156,883" with "141,195"

Page 1, line 16, replace "1,329,149" with "1,409,149"

Page 1, line 19, replace "Bond" with "Lease"

Page 1, line 21, replace "29,369,343" with "29,284,016"

Page 2, line 1, replace "24,233,000" with "12,220,995"

Page 2, line 2, replace "5,136,343" with "17,063,021"

Page 2, line 5, replace "11,723,884" with "11,470,832"

Page 2, line 7, replace "4,675,000" with "4,733,730"

Page 2, line 11, replace "22,575,234" with "22,380,912"

Page 2, line 15, replace "6,878,083" with "6,879,949"

Page 2, line 18, replace "18,442,671" with "18,444,537"

Page 2, line 21, replace "2,747,412" with "2,629,295"

Page 2, line 22, replace "90,316" with "81,284"

Page 2, line 23, replace "865,245" with "874,081"

Page 2, line 27, replace "37,069,333" with "36,951,020"

Page 2, line 28, replace "5,136,343" with "17,063,021"

Page 2, line 29, replace "102,320,238" with "89,997,464"

Page 3, line 1, replace "107,456,581" with "107,060,485"

Page 3, line 14, replace "APPROPRIATION" with "TRANSFER"

Page 3, line 20, replace "APPROPRIATION" with "TRANSFER"

Page 3, line 26, replace "APPROPRIATION" with "TRANSFER"

Page 4, line 3, replace "APPROPRIATION" with "TRANSFER"

Page 5, line 9, replace "bond" with "lease"

Page 5, line 13, replace "Capital construction fund's portion of sales, use and" with "State general fund"

Page 5, remove line 14

Page 5, remove lines 18 through 23

Page 6, after line 28, insert:

**"SECTION 17. TRANSFER.** The state treasurer shall transfer the unobligated balance in the capital construction fund to the state general fund on July 1, 1993. Upon payment of all obligations, the state treasurer shall transfer any balance to the state general fund. After June 30, 1993, the state treasurer shall deposit in the state general fund any moneys that would otherwise be deposited in the capital construction fund.

**SECTION 18. State building authority lease payments - Limitation.** The amount of lease payments for a biennium associated with capital construction projects financed by the industrial commission acting as the state building authority may not exceed the amount equal to a portion of sales, use, and motor vehicle excise tax collections equal to twelve and one-half percent of an amount, determined by multiplying the quotient of one percent divided by the general sales tax rate that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3.

**SECTION 19. REPEAL.** Sections 54-17.2-21 and 54-17.2-22 of the North Dakota Century Code are repealed.

**SECTION 20. LEGISLATIVE INTENT.** It is the intent of the fifty-third legislative assembly that if 1993 House Bill No 1240 is passed by the legislative assembly, the industrial commission shall make appropriate staffing adjustments in the housing finance agency during the 1993-95 biennium based on workloads and consistent with personnel considerations and anticipated income. If 1993 House Bill No. 1240 passes, the industrial commission is to report to the first 1993-94 interim budget section meeting on the changes in the housing finance agency.

**SECTION 21. EFFECTIVE DATE.** Sections 17 and 19 of this Act are effective for all sales, use, and motor vehicle excise tax revenues received by the state treasurer for deposit after June 30, 1993."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 405 - INDUSTRIAL COMMISSION

HOUSE - The salaries and wages line item is decreased by \$107,394, of which \$96,655 is from the general fund and \$10,739 from other funds, to reflect Governor Schafer's salary increase recommendation.

The salaries and wages line item is reduced by \$42,245 from other funds to delete one FTE administrative secretary for the Municipal Bond Bank that was added by Governor Sinner and approved by the Senate.

The operating expenses line item is increased by \$80,000 from the general fund to ensure funding of the geological information system. The geological information system was to be funded from federal funding that may not be available.

The information services line item is reduced by \$15,688, of which \$13,507 is from the general fund and \$2,181 from other funds, for a 10 percent reduction.

The general fund appropriation is increased by \$11,956,840 and other funds are decreased by \$11,956,840 to provide the bond payments being from the general fund rather than the capital construction fund. Also, a section is added transferring the balance of the capital construction fund to the state general fund, and a section is added repealing the sections of the North Dakota Century Code that provided for the capital construction fund. A new section is added providing that the Building Authority lease payments for a biennium are not to exceed the amount to which 12.5 percent of a one percent sales, use, and motor vehicle excise tax is equal. Presently 12.5 percent of a one percent sales, use, and motor vehicle tax is approximately \$14.8 million.

#### DEPARTMENT 471 - BANK OF NORTH DAKOTA

HOUSE - The salaries and wages line item is decreased by \$253,052 from other funds to reflect Governor Schafer's salary increase recommendation.

The operating expenses line item is increased by \$58,730 from other funds for indirect cost allocation payments to the Office of Management and Budget.

#### DEPARTMENT 473 - HOUSING FINANCE AGENCY

HOUSE - The salaries and wages line item is decreased by \$59,317 from other funds to reflect Governor Schafer's salary increase recommendation.

The salaries and wages line item is decreased by \$58,800 from other funds to delete funding for a new FTE outreach training specialist provided for in Governor Sinner's budget.

The information services line item is decreased by \$9,032 from other funds for a 10 percent reduction.

The operating expenses line item is increased by \$8,836 from other funds for indirect cost allocation payments to the Office of Management and Budget.

A section of legislative intent is added stating it is the intent of the Legislative Assembly that if 1993 House Bill No 1240 passes relating to local housing authorities, the Industrial Commission shall make the appropriate staffing changes in the Housing Finance Agency based on agency workload and income.

#### DEPARTMENT 475 - MILL AND ELEVATOR

HOUSE - The operating expenses line item is increased by \$1,866 from other funds for indirect cost allocation payments to the Office of Management and Budget.

The total amendments to Engrossed Senate Bill No. 2017 increase the general fund appropriation by \$11,926,678, decrease other funds by \$12,322,774, and decrease all funds by \$396,096.



## REPORT OF STANDING COMMITTEE

SB 2214: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2214 was placed on the Sixth order on the calendar.

Page 8, line 22, replace "\$50,000" with "\$25,000"

Renumber accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 301 - HEALTH DEPARTMENT

HOUSE - The appropriation for administering the municipal waste landfill release compensation fund is reduced from \$50,000 to \$25,000.

## REPORT OF STANDING COMMITTEE

SB 2473, as reengrossed: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Reengrossed SB 2473 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1089 of the House Journal, Reengrossed Senate Bill No. 2473 is amended as follows:

Page 1, line 1, remove "impose a surcharge on persons convicted of driving while"

Page 1, line 2, remove "under the influence of intoxicants and to"

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, remove "; and to provide an effective date"

Page 1, remove lines 6 through 14

Page 1, line 15, replace the second "2" with "1" and replace "5" with "4"

Page 2, line 13, replace "2" with "1" and replace "5" with "4"

Page 2, line 14, replace "2" with "1" and replace "5" with "4"

Page 2, line 19, replace "2" with "1" and replace "5" with "4"

Page 3, line 2, replace "2" with "1" and replace "5" with "4"

Page 3, remove lines 5 through 7

Renumber accordingly

## REPORT OF STANDING COMMITTEE

SB 2511: Transportation Committee (Rep. Belter, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2511 was placed on the Sixth order on the calendar.

Page 1, line 3, after "concerts" insert "; and to declare an emergency"

Page 2, after line 8, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

## REPORT OF DELAYED BILLS COMMITTEE

MR. SPEAKER: Your Delayed Bills Committee (Rep. Martinson, Chairman) has examined and has cast a unanimous ballot in favor of a bill for an Act to create and enact two new sections to chapter 15-40.1 of the North Dakota Century Code, relating to minimum school district size, closure of elementary schools, and per student payments for special education; and to amend and reenact sections 15-20.1-06, 15-20.2-09, 15-40.1-06, 15-40.1-07, 15-40.1-08, 15-40.1-16, 15-40.1-18, 15-44-03, 15-59-06, 15-59-06.2, 15-59-07, subsection 3 of section 15-60-03, and section 57-15-27 of the North Dakota Century Code, relating to state aid for elementary and secondary education, educational support per student, transportation aid, special education, vocational education, the state tuition fund, the state school construction fund, and interim funds.

The bill will be HB 1512.

REP. MARTINSON MOVED that the report be adopted, which motion prevailed.

## FIRST READING OF HOUSE BILL

Reps. R. Berg, Belter, Gates, Huether, Kaldor, Keiser, Kunkel, Nelson, Ness, Schindler, Wald introduced:

(Approved by the Delayed Bills Committee)

HB 1512: A BILL for an Act to create and enact two new sections to chapter 15-40.1 of the North Dakota Century Code, relating to minimum school district size, closure of elementary schools, and per student payments for special education; and to amend and reenact sections 15-20.1-06, 15-20.2-09, 15-40.1-06, 15-40.1-07, 15-40.1-08, 15-40.1-16, 15-40.1-18, 15-44-03, 15-59-06, 15-59-06.2, 15-59-07, subsection 3 of section 15-60-03, and section 57-15-27 of the North Dakota Century Code, relating to state aid for elementary and secondary education, educational support per student, transportation aid, special education, vocational education, the state tuition fund, the state school construction fund, and interim funds.

Was read the first time and referred to the Educational Equity Review Committee.

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

ROY GILBREATH, Chief Clerk