

## JOURNAL OF THE HOUSE

## Fifty-fourth Legislative Assembly

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Bismarck, April 3, 1995

The House convened at 8:00 a.m., with Speaker Martin presiding.

The prayer was offered by Representative Christenson.

The roll was called and all members were present except Representatives Glassheim, Hagle, D. Henegar, Holm, Kempenich, Schimke, and Stenehjem.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

The following communication was received from the Governor at 4:45 p.m., March 31, 1995.

This is to inform you that on March 31, 1995, I signed the following: HB 1004, HB 1008, HB 1010, HB 1026, HB 1031, HB 1036, HB 1083, HB 1116, HB 1172, HB 1176, HB 1214, HB 1220, HB 1223, HB 1225, HB 1227, HB 1235, HB 1245, HB 1254, HB 1366, HB 1373.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2016.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2425, SB 2475.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: SCR 4026.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1210, HB 1386.

**SIXTH ORDER OF BUSINESS**

SB 2013, as engrossed: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments on HJ pages 1605-1612 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

**SECOND READING OF SENATE BILL**

SB 2013: A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, the school for the blind, and the state library; to amend and reenact section 15-21-02 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction; to provide legislative intent; to provide for program reductions if federal programs are terminated or reduced; to require a performance audit; and to provide for a transfer of funds from the abandoned motor vehicle fund and the public transportation fund.

**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 71 YEAS, 21 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Austin; Berg; Bernstein; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; DeWitz; Dobrinski; Dorso; Freier; Froseth; Gerntholz; Gorder; Gorman; Gunter; Hanson; Hausauer; Henegar, K.; Howard; Huether; Johnson; Kaldor; Keiser; Kelsch; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schmidt; Shide; Sitz; Soukup; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Aarsvold; Bateman; Belter; Boehm; Boucher; Christenson; Coats; Delmore; Delzer; Drovdal; Galvin; Grosz; Grumbo; Gulleeson; Jacobs; Kempenich; Kerzman; Oban; Sandvig; Skarphol; Timm

**ABSENT AND NOT VOTING:** Glasshiem; Hagle; Henegar, D.; Holm; Schimke; Stenehjem

Engrossed SB 2013, as amended, passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

**SCR 4063: REP. BELTER (Transportation Committee) MOVED** that the amendments on HJ page 1581 be adopted and then be placed on the consent calendar, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION ON THE CONSENT CALENDAR

**SCR 4063:** A concurrent resolution urging the Federal Railroad Administration to encourage railroads to provide for the application and maintenance of highly reflectorized materials on both sides of all new or refurbished railcars.

#### ROLL CALL

The question being on the final adoption of the amended resolution which has been read, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Dobrinski; Glasshiem; Hagle; Henegar, D.; Holm; Schimke; Stenehjem

SCR 4063, as amended, was declared adopted on a roll call vote.

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#### MOTION

**REP. DORSO MOVED** that Engrossed SB 2035, Engrossed SB 2145, and Engrossed SB 2463 be placed at the bottom of the Seventh order, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

**REP. BYERLY MOVED** that the conference committee report on Engrossed HB 1009 as printed on HJ pages 1578-1580 be adopted, which motion prevailed.

Engrossed HB 1009, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1009:** A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 4 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Gorder; Laughlin; Retzer; Thompson

**ABSENT AND NOT VOTING:** Dobrinski; Glasheim; Hagle; Henegar, D.; Holm; Schimke; Stenehjem

Engrossed HB 1009, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. BYERLY MOVED** that the conference committee report on Engrossed HB 1016 as printed on HJ pages 1521-1522 be adopted, which motion prevailed.

Engrossed HB 1016, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1016:** A BILL for an Act making an appropriation for defraying the expenses of the children's services coordinating committee.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Dobrinski; Glassheim; Hagle; Henegar, D.; Holm; Schimke; Stenehjem

Engrossed HB 1016, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. KOPPELMAN MOVED** that the conference committee report on HB 1138 as printed on HJ page 1522 be adopted, which motion prevailed.

HB 1138, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1138:** A BILL for an Act to amend and reenact subsections 5 and 6 of section 6-09.4-03, section 6-09.4-06, and subsection 4 of section 6-09.4-10 of the North Dakota Century Code, relating to the definitions applicable to the municipal bond bank, the lending powers of the municipal bond bank, and required debt service reserve for bonds of the municipal bond bank.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

**ABSENT AND NOT VOTING:** Dobrinski; Glassheim; Hagle; Henegar, D.; Holm; Schimke; Stenehjem; Wilkie

HB 1138, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. DROVDAL MOVED** that the conference committee report on HB 1154 as printed on HJ page 1518 be adopted, which motion prevailed on a verification vote.

HB 1154, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1154:** A BILL for an Act to amend and reenact subsection 5 of section 15-29-08, subsection 1 of section 15-35-01.1, subsection 6 of section 15-60-01, subsection 1 of section 15-60-10, section 15-60-11, subsection 7 of section 21-03-07, subsection 1 of section 57-15-16, and subsection 1 of section 57-15-17 of the North Dakota Century Code, relating to authority of school boards, approval of school construction projects, approval of school construction loans by the board of university and school lands, and financing of school 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 19 YEAS, 75 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Christenson; Delmore; Drovdal; Glassheim; Hanson; Jacobs; Kempenich; Kliniske; Kroeber; Kunkel; Maragos; Monson; Mutzenberger; Nicholas; Nottestad; Oban; Rydell; Sveen; Wentz

**NAYS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hausauer; Henegar, K.; Holm; Howard; Huether; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Koppelman; Kretschmar; Laughlin; Lloyd; Mahoney; Martinson; Mickelson; Nichols; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Dobrinski; Hagle; Henegar, D.; Stenehjem

HB 1154, as amended, was declared lost.

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**MOTION**

**REP. DORSO MOVED** that HB 1423 be placed at the bottom of the Seventh order, which motion prevailed.

**MOTION**

**REP. DORSO MOVED** that Engrossed HB 1005 be placed directly after Engrossed HB 1488 on the calendar, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. BOEHM MOVED** that the conference committee report on Engrossed HB 1488 as printed on HJ page 1580 be adopted, which motion prevailed.

Engrossed HB 1488, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1488:** A BILL for an Act to amend and reenact sections 15-34.1-06 and 15-34.1-07 of the North Dakota Century Code, relating to home-based instruction.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

**NAYS:** Hanson; Kroeber; Wilkie

**ABSENT AND NOT VOTING:** Dobrinski; Hagle; Henegar, D.; Stenehjem

Engrossed HB 1488, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. WALD MOVED** that the conference committee report on Engrossed HB 1005 as printed on HJ pages 1640-1641 be adopted, which motion prevailed.

Engrossed HB 1005, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1005:** A BILL for an Act making an appropriation for defraying the expenses of the North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station; to provide for a study of the agricultural experiment station and North Dakota state university extension service; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Dobrinski; Hagle; Henegar, D.; Kretschmar; Stenehjem

Engrossed HB 1005, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. KRETSCHMAR MOVED** that the conference committee report on Engrossed HB 1168 as printed on HJ page 1641 be adopted, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

**REP. KRETSCHMAR MOVED** that the conference committee report on Engrossed HB 1317 as printed on HJ page 1605 be adopted, which motion prevailed.

Engrossed HB 1317, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1317:** A BILL for an Act to create and enact chapter 61-35 of the North Dakota Century Code, relating to water district organization, finance, bond issuance, special assessments, and projects.

#### ROLL CALL

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

read, the roll was called and there were 92 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

**NAYS:** Wilkie

**ABSENT AND NOT VOTING:** Dobrinski; Hagle; Henegar, D.; Rydell; Stenehjem

Engrossed HB 1317, as amended, passed and the title was agreed to.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2019, SB 2037, SB 2044, SB 2072, SB 2143, SB 2204, SB 2499.

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

**MR. SPEAKER:** The President has signed: HB 1015, HB 1017, HB 1432.

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

**MR. SPEAKER:** The President has signed: HCR 3019.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2101, SB 2152, SB 2350, SCR 4064, SCR 4068, SCR 4070.

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

**MR. SPEAKER:** The President has signed: HB 1129, HB 1376, HCR 3003, HCR 3010, HCR 3013, HCR 3016, HCR 3023, HCR 3025, HCR 3030, HCR 3033, HCR 3039, HCR 3040.

**REPORT OF CONFERENCE COMMITTEE**

**REP. FROSETH MOVED** that the conference committee report on Engrossed HB 1367 as printed on HJ page 1644 be adopted, which motion prevailed.

Engrossed HB 1367, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1367:** A BILL for an Act to create and enact sections 23-12-09.2 and 23-12-10.3 of the North Dakota Century Code, relating to restrictions on smoking in facilities providing children's services; to amend and reenact sections 23-12-09, 23-12-10, 23-12-10.2, and 23-12-11 of the North Dakota Century Code, relating to restrictions on smoking in places of public assembly; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 52 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Christenson; Clark; Clayburgh; Coats; Gerntholz; Glassheim; Gorder; Grumbo; Gulleson; Gunter; Hanson; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kerzman; Kretschmar; Kroeber; Kunkel; Laughlin; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Price; Retzer; Rydell; Sabby; Sandvig; Sitz; Skarphol; Thompson; Thoreson; Torgerson; Wardner; Wentz; Wilkie

**NAYS:** Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gorman; Grosz; Hausauer; Henegar, K.; Holm; Howard; Johnson; Kempenich; Klein; Kliniske; Koppelman; Lloyd; Mahoney; Maragos; Martinson; Monson; Olson; Payne; Poolman; Rennerfeldt; Schimke; Schmidt; Shide; Soukup; Svedjan; Sveen; Timm; Tollefson; Wald; Walker; Speaker Martin

**ABSENT AND NOT VOTING:** Dobrinski; Hagle; Henegar, D.; Stenehjem

Engrossed HB 1367, as amended, was declared lost.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. KELSCH MOVED** that the conference committee report on Engrossed HB 1439 as printed on HJ page 1644 be adopted, which motion prevailed.

Engrossed HB 1439, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1439:** A BILL for an Act to amend and reenact sections 54-12-08 and 65-02-06 of the North Dakota Century Code, relating to assistant attorneys general employed by agencies.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 72 YEAS, 22 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Gunter; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

**NAYS:** Aarsvold; Boucher; Christenson; Coats; Delmore; Glassheim; Grumbo; Gulleson; Hanson; Huether; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Mutzenberger; Nichols; Oban; Sandvig; Schmidt; Sitz; Wilkie

**ABSENT AND NOT VOTING:** Dobrinski; Hagle; Henegar, D.; Stenehjem

Engrossed HB 1439, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. CLARK MOVED** that the conference committee report on HB 1423 as printed on HJ page 1580 be adopted, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2059: Reps. Dalrymple, Rydell, Kaldor.

**APPOINTMENT OF CONFERENCE COMMITTEE**

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2063: Reps. Drovdal, Rydell, Aarsvold.

**APPOINTMENT OF CONFERENCE COMMITTEE**

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2080: Reps. Dalrymple, Wald, Kroeber.

**APPOINTMENT OF CONFERENCE COMMITTEE**

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2519: Reps. Dalrymple, Rydell, Kaldor.

**APPOINTMENT OF CONFERENCE COMMITTEE**

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2012: Reps. Wentz, Byerly, Huether.

**MOTION**

REP. DORSO MOVED that Engrossed SB 2066 be placed at the bottom of the calendar, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

REP. DEKREY MOVED that the conference committee report on Engrossed SB 2074 as printed on HJ pages 1641-1642 be adopted, which motion prevailed.

Engrossed SB 2074, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

SB 2074: A BILL for an Act to amend and reenact subsection 1 of section 57-02.1-05 and section 57-02.1-06 of the North Dakota Century Code, relating to payments in lieu of real estate taxes made by the game and fish department.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gertholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dobrinski; Hagle; Henegar, D.; Stenehjem

Engrossed SB 2074, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

REP. CHRISTOPHERSON MOVED that the conference committee report on Engrossed SB 2087 as printed on HJ page 1560 be adopted, which motion prevailed.

Engrossed SB 2087, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2087:** A BILL for an Act to amend and reenact section 12.1-31-07 of the North Dakota Century Code, relating to the penalty for failure to care for a vulnerable elderly adult.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Guleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempnich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Dobrinski; Grosz; Hagle; Henegar, D.; Howard; Nicholas; Stenehjelm

Engrossed SB 2087, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. GORDER MOVED** that the conference committee report on Engrossed SB 2088 be adopted, which motion prevailed.

Engrossed SB 2088, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2088:** A BILL for an Act to amend and reenact subsections 6 and 14 of section 62.1-01-01 of the North Dakota Century Code, relating to the definition of a shotgun and a handgun.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Dobrinski; Gulleson; Hagle; Henegar, D.; Kempenich; Stenehjem

Engrossed SB 2088, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. OLSON MOVED** that the conference committee report on Engrossed SB 2103 as printed on HJ page 1601 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. CARLSON MOVED** that the conference committee report on Engrossed SB 2133 be adopted, which motion prevailed.

Engrossed SB 2133, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2133:** A BILL for an Act to amend and reenact subsection 1 of section 43-09-09.2 of the North Dakota Century Code, relating to advertising of electrical services.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Dobrinski; Hagle; Henegar, D.; Stenehjem

Engrossed SB 2133, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. DROVDAL MOVED** that the conference committee report on Engrossed SB 2142 as printed on HJ page 1601 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. SVEEN MOVED** that the conference committee report on SB 2159 be adopted, which motion prevailed.

SB 2159, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2159:** A BILL for an Act to amend and reenact sections 15-21-13.1, 15-34.2-03, 15-40.1-01, 15-40.2-01, 15-40.2-05, 15-40.2-08, 15-47-01, and 57-15-14.5 of the North Dakota Century Code, relating to uniform accounting and reporting, family transportation, definition of a high school student, tuition agreements in districts that do not provide

grade levels of service, meetings of county committees regarding tuition hearings, students placed for reasons other than education, school age, and long-distance learning levies.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 71 YEAS, 23 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Berg; Bernstein; Boucher; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Dorso; Froseth; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Maragos; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Payne; Poolman; Price; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Sitz; Soukup; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Bateman; Belter; Boehm; Brown; Byerly; Carlisle; DeKrey; Delzer; DeWitz; Drovdal; Freier; Galvin; Grosz; Kempenich; Lloyd; Mahoney; Monson; Olson; Rennerfeldt; Shide; Skarphol; Timm; Wald

**ABSENT AND NOT VOTING:** Dobrinski; Hagle; Henegar, D.; Stenehjem

SB 2159, as amended, passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that all legislative action taken this morning be messaged to the Senate, which motion prevailed.

#### MOTION

**REP. DORSO MOVED** that the House be on the Fifth and Seventh orders of business and at the conclusion of those orders, the House stand in recess until 1:00 p.m., which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2016, as engrossed:** Your conference committee (Sens. Naaden, Solberg, Robinson and Reps. Gerntholz, Martinson, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1164, adopt amendments as follows, and place SB 2016 on the Seventh order:

That the House recede from its amendments as printed on page 1164 of the Senate Journal and page 1178 of the House Journal and that Engrossed Senate Bill No. 2016 be amended as follows:

Page 1, line 16, replace "6,859,828" with "7,959,828"

Page 1, line 17, replace "1,398,081" with "298,081"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 512 - DIVISION OF EMERGENCY MANAGEMENT

CONFERENCE COMMITTEE - This amendment makes the following changes:

	ENGROSSED BILL	CHANGE FLOOD DISASTER FUNDING FROM GENERAL TO OTHER FUNDS	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION
Salaries and wages	\$1,630,084			\$1,630,084
Operating expenses	623,180			623,180
Equipment	123,700			123,700
Grants	<u>5,880,945</u>			<u>5,880,945</u>
Total all funds	\$8,257,909			\$8,257,909
Less estimated income	<u>6,859,828</u>	<u>\$ 1,100,000</u>	<u>\$1,100,000</u>	<u>7,959,828</u>
Total general fund	\$1,398,081	\$(1,100,000)	\$(1,100,000)	\$ 298,081
FTE	20			20

Engrossed SB 2016 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2425, as engrossed:** Your conference committee (Sens. Thane, Urlacher, DeMers and Reps. Froseth, Poolman, Delmore) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1041 and place SB 2425 on the Seventh order.

Engrossed SB 2425 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2475, as engrossed:** Your conference committee (Sens. Lips, Nalewaja, Redlin and Reps. Bateman, DeWitz, Wilkie) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 980 and place SB 2475 on the Seventh order.

Engrossed SB 2475 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SCR 4026:** Your conference committee (Sens. Mutch, Teneffos, Langley (Absent) and Reps. Johnson, Shide, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 984 and place SCR 4026 on the Seventh order.

SCR 4026 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1014, as engrossed:** Your conference committee (Sens. Solberg, Nething, Tallackson and Reps. Howard, Tollefson, Laughlin) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1455-1458 and place Engrossed HB 1014 on the Seventh order.

Engrossed HB 1014 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1309, as engrossed:** Your conference committee (Sens. Bowman, Mathern, B. Stenehjem and Reps. K. Henegar, Thoreson, Boucher) recommends that

the SENATE RECEDE from the Senate amendments on HJ page 1145, adopt amendments as follows, and place HB 1309 on the Seventh order:

That the Senate recede from its amendments as printed on page 1145 of the House Journal and pages 975 and 976 of the Senate Journal and that Engrossed House Bill No. 1309 be amended as follows:

Page 2, line 1, remove "Any immediate, adult family member of a child, including a parent,"

Page 2, remove lines 2 through 5

Page 2, line 6, remove "3." and after "person" insert ", including an immediate, adult family member of a child,"

Page 2, line 29, remove "as required by subsection 2 of section 50-25.1-03,"

Renumber accordingly

Engrossed HB 1309 was placed on the Seventh order of business on the calendar.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 10:05 a.m., April 3, 1995: HCR 3019.

#### 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 2012: Reps. Wentz; Byerly; Huether  
SB 2059: Reps. Dalrymple; Rydell; Kaldor  
SB 2063: Reps. Drovdal; Rydell; Aarsvold  
SB 2080: Reps. Dalrymple; Wald; Kroeber  
SB 2519: Reps. Dalrymple; Rydell; Kaldor

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1005, HB 1009, HB 1016, HB 1138, HB 1168, HB 1317, HB 1423, HB 1439, HB 1488.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2074, SB 2087, SB 2088, SB 2103, SB 2133, SB 2142, SB 2159.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1154, HB 1367.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2013, SCR 4063.

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

MADAM PRESIDENT: The House has reconsidered its action whereby it passed HB 1309, whereby it adopted the conference committee report, and rereferred HB 1309 to conference committee.

#### HOUSE ENGROSSING AND ENROLLING REPORT

The following bills and resolution were engrossed and enrolled: HB 1027, HB 1041, HB 1064, HB 1082, HB 1094, HB 1100, HB 1134, HB 1165, HB 1207, HB 1221, HB 1250, HB 1298, HB 1300, HB 1329, and HCR 3009.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bill was enrolled: HB 1163.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: SB 2115.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1155.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2006, SB 2181, SB 2264, SB 2305.

REPORT OF STANDING COMMITTEE

SB 2539, as engrossed: Human Services Committee (Rep. Svedjan, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2539 was placed on the Sixth order on the calendar.

In lieu of the amendments to Engrossed Senate Bill No. 2539 as printed on page 1492 of the House Journal, Engrossed Senate Bill No. 2539 is amended as follows:

Page 1, line 2, replace "repeal section 14-02.3-01 of the North Dakota Century Code," with "provide an effective date."

Page 1, remove line 3

Page 2, line 5, remove "within forty-eight hours"

Page 2, line 6, after "agency" insert "before the abortion is performed. Before payment is made, the department of human services shall verify that the report was made" and replace "reporting" with "report may be made to either"

Page 2, remove line 7

Page 2, line 8, remove "forty-eight hours to"

Page 2, line 9, remove the first "to"

Page 2, line 10, replace "The state shall" with "If, and only so long as necessary, as a condition of continued state participation in the medicaid program or if so ordered by a court, the department of human services may"

Page 2, line 12, remove the first comma and after "if" insert: "

(1) In addition to the treating physician,"

Page 2, line 14, replace "requirements" with "requirement"

Page 2, line 15, replace "physical" with "medical;" and after "or" insert:

"(2) In addition to the treating physician, two psychologists or psychiatrists certify that, in the physician's and the psychologists' or psychiatrists' professional opinions, the patient was unable to comply with the reporting requirement due to"

Page 2, replace lines 16 and 17 with:

"SECTION 2. EFFECTIVE DATE. Section 1 of this Act is effective only during any period of time North Dakota Century Code section 14-02.3-01 is declared by a court to be unenforceable in order to receive federal funds under title XIX of the Social Security Act of 1965. Section 1 of this Act is ineffective during any period of time section 14-02.3-01 is enforceable and complies with federal requirements for state participation in the medicaid program under title XIX of the Social Security Act of 1965."

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

HB 1124, as engrossed: Your conference committee (Sens. Andrist, Wanzek, Kinnoin and Reps. Berg, Rennerfeldt, Nichols) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 870-872, adopt amendments as follows, and place Engrossed HB 1124 on the Seventh order:

That the Senate recede from the amendments as printed on pages 870-872 of the House Journal and pages 775-778 of the Senate Journal and that Engrossed House Bill No. 1124 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new section to House Bill No. 1134, as approved by the fifty-fourth legislative assembly, relating to declaring an emergency relating to funding for ethanol production subsidies;", replace "section" with "sections 4-10.4-08, 4-10.4-09,", and after "4-24-10" insert ", 4-28-07, and 4-28-08"

Page 1, line 2, after "reports" insert ", commodity taxes, and refunds; and to declare an emergency"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 4-10.4-08 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

#### 4-10.4-08. Tax levied.

1. A tax at the rate of five mills per bushel [35.24 liters] must be levied and imposed upon all barley grown in the state, delivered into the state, or sold to a first purchaser in the state. This tax is due upon any identifiable lot or quantity of barley.
2. Every first purchaser of barley shall collect the tax imposed by this section by charging and collecting from the seller the tax at the rate of five mills per bushel [35.24 liters] by deducting the tax from the purchase price of all barley subject to the tax and purchased by the first purchaser.
3. Every first purchaser shall keep as a part of its permanent records a record of all purchases, sales, and shipments of barley, which may be examined by the council at all reasonable times. Every first purchaser shall report to the council by the twentieth day of each calendar quarter stating the quantity of barley received, sold, or shipped by it, except that if less than twenty-five thousand bushels [880.98 cubic meters] have been purchased, in any calendar quarter, the tax may be reported and remitted with the following quarter's return, provided that all taxes collected must be remitted at least annually. The remittance of the tax as provided in this section must accompany the report. All moneys levied and collected under this chapter must be paid to the council for deposit in the state treasury to the

credit of an account or accounts designated "barley fund" to be used exclusively to carry out the intent and purposes of this chapter. Regular audits of the council's accounts must be conducted in accordance with chapter 54-10 and submitted to the commissioner.

4. The tax provided for by this section must be deducted as provided by this chapter whether the barley is stored or sold in this or any other state, but if agreements have not been made with dealers and first purchasers outside of the state for collecting the tax, the grower shall remit the tax to the council on all barley sold by ~~him~~ the grower outside the state.

**SECTION 2. AMENDMENT.** Section 4-10.4-09 of the North Dakota Century Code is amended and reenacted as follows:

**4-10.4-09. Nonparticipating growers - Refunds.**

1. Any ~~person~~ grower who sells barley to a first purchaser in this state and who is subject to the tax provided in this chapter and who objects to the collection of the tax, may within sixty days following the collection, make application by personal letter to the council for a refund application blank. Upon return of this blank, properly executed by the applicant and accompanied by a true copy of the invoice or invoices delivered by the purchaser to the grower, the council shall, ~~within sixty days after receiving the application,~~ refund to the grower the net amount of the tax collected. If no request for refund is made within sixty days after the collection of the tax, the grower is conclusively presumed to have agreed to the deduction. However, a grower, for any reason, having paid the tax more than once on the same barley, upon furnishing proof of this to the council, is entitled to a refund of the overpayment.
2. The council shall develop and disseminate information and instructions relating to the purpose of the barley tax and the manner in which refunds may be claimed, and shall cooperate with state and federal governmental agencies and private businesses engaged in the purchase of barley."

Page 1, line 15, after the first "a" insert "uniform"

Page 1, line 20, overstrike "preceding" and insert immediately thereafter "current" and remove "an audit report"

Page 1, remove line 21

Page 2, line 1, remove "year,", remove "single page uniform", overstrike "financial" and insert immediately thereafter "single page uniform", and remove "prepared by the state auditor"

Page 2, line 2, overstrike "summarizing the", replace "audit report, the" with "of", and overstrike "of" and insert immediately thereafter "for"

Page 2, line 3, overstrike "commodity group for the current" and insert immediately thereafter "next", after "biennium" insert ". Each report, except the reports of the North Dakota beekeepers association," and overstrike "anticipated" and insert immediately thereafter "North Dakota turkey federation, must also include a state auditor's report on the commodity group's single page uniform statement of"

Page 2, line 4, overstrike "next biennium" and insert immediately thereafter "previous two fiscal years"

Page 2, after line 4, insert:

"SECTION 4. AMENDMENT. Section 4-28-07 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-28-07. Wheat tax levy. A tax of five mills per bushel [35.24 liters] by weight must be levied and imposed upon all wheat grown in this state, delivered into this state, or sold through commercial channels ~~by a producer~~ to a first purchaser in this state. The tax must be levied and assessed at the time of sale and deducted by the purchaser from the price paid, or in the case of a lien, pledge, or mortgage, deducted from the proceeds of the loan or claim secured, subject to adjustment at the time of settlement in the event the number of bushels [liters] are not accurately determined at the time of the lien, pledge, or mortgage. At the time of sale, the first purchaser in this state shall issue and deliver to the producer or seller a record of the transaction in such manner as the commission may prescribe.

Any producer who sells wheat to a first purchaser in this state and who is subject to the deduction provided in this chapter may, within sixty days following such deduction or final settlement, make application by personal letter to the wheat commission for a refund application blank. Upon the return of the blank, properly executed by the producer, accompanied by a record of the deduction by the purchaser, the producer must be refunded the net amount of the deduction collected. If no request for refund has been made within the period prescribed above, then the producer is presumed to have agreed to such deduction. However, a producer, for any reason, having paid the tax more than once on the same wheat, upon furnishing proof of this to the commission, is entitled to a refund of the overpayment.

The commission, to inform the producer, shall develop and disseminate information and instructions relating to the purpose of the wheat tax and manner in which refunds may be claimed, and to this extent shall cooperate with governmental agencies, state and federal, and private businesses engaged in the purchase of wheat.

SECTION 5. AMENDMENT. Section 4-28-08 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-28-08. State wheat commission fund - Continuing appropriation. Each first purchaser shall make quarterly reports and returns to the commission, ~~on such forms as must be prescribed by the commission, on or before the twentieth day of the month next succeeding each calendar quarterly period, commencing with the calendar quarter ending September 30, 1959, and with 1995.~~ The commission shall prescribe the forms to be used. With each such report and return, the first purchaser shall remit to the commission, in the form of a remittance payable to the state treasurer, the tax due. The commission shall transmit all such payments to the state treasurer to be deposited in the state treasury to the credit of a special revolving fund to be known as the "state wheat commission fund". All money in the state wheat commission fund is appropriated on a continuing basis to the commission for carrying out the purposes of this chapter. Expenditures from such the fund may be made upon vouchers duly approved by the commission to carry out the provisions of this chapter. Regular audits of the commission's accounts must be conducted in accordance with chapter 54-10.

SECTION 6. A new section to House Bill No. 1134, as approved by the fifty-fourth legislative assembly, is created and enacted as follows:

**SECTION 5. EMERGENCY.** Section 3 of this Act is declared to be an emergency measure.

**SECTION 7. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1124 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2006:** Your conference committee (Sens. Streibel, Solberg, Lindaas and Reps. Clayburgh, Martinson, Laughlin) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1385-1386 and place SB 2006 on the Seventh order.

SB 2006 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2115:** Your conference committee (Sens. W. Stenehjem, Traynor, C. Nelson and Reps. Dalrymple, Clayburgh, Laughlin) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1036 and place SB 2115 on the Seventh order.

SB 2115 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2181, as engrossed:** Your conference committee (Sens. Grindberg, Krebsbach, Scherber and Reps. K. Henegar, Thoreson, Boucher) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1036-1038, adopt amendments as follows, and place SB 2181 on the Seventh order:

That the House recede from its amendments as printed on pages 1036-1038 of the Senate Journal and pages 1053-1055 of the House Journal and that Engrossed Senate Bill No. 2181 be amended as follows:

Page 1, line 1, after "50-06-05.6" insert ", a new section to chapter 50-06.1, a new section to chapter 54-34.3, and a new subsection to section 54-44.3-20"

Page 1, line 2, after "aging" insert ", the committee on employment of people with disabilities, the commission on the status of women, and positions exempt from the central personnel system", remove the first "and", and after "reenact" insert "subsection 5 of section 39-01-15,"

Page 1, line 3, remove "50-26-01, 50-26-02, 50-26-03, 50-26-05,"

Page 1, line 5, after "to" insert "parking certificates for the mobility impaired and to", after "administration" insert a semicolon, and after "and" insert "; to repeal chapter 50-26 of the North Dakota Century Code, relating to"

Page 1, after line 7, insert:

**"SECTION 1. AMENDMENT.** Subsection 5 of section 39-01-15 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. Except as provided in this subsection, two dollars of each fee for issuance of a certificate and one dollar of each fee for issuance of an additional certificate under this section must be deposited in the state highway department fund for purposes of defraying the cost of issuing the certificate. The rest of the fee, and the five-dollar fee received for the

issuance of an additional certificate under subsection 4, must be deposited in the state treasury and credited to the employment of people with disabilities fund. The fees deposited in the fund are hereby appropriated on a continuing basis to the committee on employment of people with disabilities of the ~~governor's council on human resources department of human services~~ for development of job opportunities for disabled individuals in this state. If a certificate is lost, mutilated, or destroyed, the person to whom the certificate was issued is entitled to a replacement. The person shall furnish proof satisfactory to the director that the certificate has been lost, mutilated, or destroyed, and shall pay a replacement fee of three dollars."

Page 1, line 11, overstrike "the" and remove "committee on"

Page 1, overstrike lines 12 and 13

Page 1, line 14, overstrike "the status of women;"

Page 4, replace lines 11 through 29 with:

"SECTION 4. A new section to chapter 50-06.1 of the North Dakota Century Code is created and enacted as follows:

Committee on employment of people with disabilities - Appointment - Expenses - Director - Duties. There is established a committee on employment of people with disabilities. The committee consists of three members. The governor shall appoint each member for a term of three years, staggered so that the term of one member expires July first of each year. A vacancy occurring other than by reason of the expiration of a term must be filled in the same manner as original appointments, except that the appointment may be made for only the remainder of the unexpired term. The members are entitled to be paid for mileage and actual expenses incurred in attending meetings and in performance of their official duties in amounts provided by law for other state officers and employees. The committee, with the approval of the governor, shall appoint a full-time director to serve at the pleasure of the governor. For administrative purposes, the director is an unclassified employee of the department and is not included in the central personnel system. The committee shall coordinate activities and serve as a clearinghouse for information relating to the employment of people with disabilities. The committee shall prepare for and perform followup duties in connection with state, regional, and national conferences, encourage interest, participation, and cooperation with state departments, agencies, and other organizations in developing needed services, facilities, and opportunities, and provide consultant help to local organizations created for the purpose of coordinating activities for the employment of people with disabilities."

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 29

Page 9, line 2, overstrike "50-26-01", remove the underscored comma, and after the second comma insert "section 4 of this Act, section 8 of this Act,"

Page 9, line 24, overstrike "governor's council" and insert immediately thereafter "committee", overstrike "human resources" and insert immediately thereafter "aging"

Page 9, line 25, after the first period insert "The committee on employment of people with disabilities."

t. The commission on the status of women.

u."

Page 9, line 26, overstrike "t." and remove "The committee on aging."

Page 9, line 27, replace "u." with "v."

Page 9, line 28, replace "v" with "w"

Page 9, line 29, replace "w" with "x"

Page 10, line 1, replace "x" with "y"

Page 10, after line 1, insert:

"SECTION 8. A new section to chapter 54-34.3 of the North Dakota Century Code is created and enacted as follows:

Commission on the status of women - Appointment - Expenses - Duties. There is established a commission on the status of women. The commission consists of five members. The governor shall appoint each member for a term of four years, staggered so that the term of at least one member expires July first of each year. A vacancy occurring other than by reason of the expiration of a term must be filled in the same manner as original appointments, except that the appointment may be made for only the remainder of the unexpired term. The members are entitled to be paid for mileage and actual expenses incurred in attending meetings and in performance of their official duties in amounts provided by law for other state officers and employees. The commission shall coordinate activities and serve as a clearinghouse and an advisory group to the department for information relating to economic development programs that focus on career development for women. The commission shall prepare for and perform followup duties in connection with state, regional, and national conferences, encourage interest, participation, and cooperation with state departments, agencies, and other organizations in developing needed services, facilities, and opportunities, and provide consultant help to local organizations created for the purpose of coordinating activities for the economic and career development of women.

SECTION 9. A new subsection to section 54-44.3-20 of the North Dakota Century Code is created and enacted as follows:

The director of the committee on employment of people with disabilities of the department of human services.

SECTION 10. REPEAL. Chapter 50-26 of the North Dakota Century Code is repealed."

Re-number accordingly

Engrossed SB 2181 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SB 2264, as engrossed: Your conference committee (Sens. W. Stenehjem, Traynor, C. Nelson and Reps. Kelsch, Mickelson, Delmore) recommends that the SENATE ACCEDE to the House amendments on SJ pages 1120-1121, further amend, and place SB 2264 on the Seventh order.

That the Senate accede to the amendments as printed on pages 1120 and 1121 of the Senate Journal and pages 1115 and 1116 of the House Journal, and that Engrossed Senate Bill No. 2264 be further amended as follows:

Page 1, line 16, remove "and" and after "27-20-53" insert ", and 62.1-02-01"

Page 1, line 21, remove the first "and" and after "juveniles" insert ", and possession of firearms"

Page 10, line 8, replace "was" with "were"

Page 10, line 13, after the underscored period insert "As a condition to the return of driving privileges, the juvenile court may order the successful completion of an appropriate driver's examination."

Page 19, after line 5, insert:

"5. Following an adjudication of delinquency for an offense that results in the prohibitions included in subsection 1 or 2 of section 62.1-02-01, if requested, a law enforcement officer must be allowed access to the disposition order."

Page 19, line 6, replace "5" with "6"

Page 23, after line 2, insert:

**"SECTION 20. AMENDMENT.** Section 62.1-02-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**62.1-02-01. Who not to possess firearms - Penalty.**

1. A person who has been convicted anywhere for a felony involving violence or intimidation, as defined in chapters 12.1-16 through 12.1-25, is prohibited from owning a firearm or having one in possession or under control from the date of conviction and continuing for a period of ten years after the date of conviction or release from incarceration or probation, whichever is the latter.
2. A person who has been convicted of any felony not provided for in subsection 1 or has been convicted of a class A misdemeanor involving violence or intimidation and that crime was committed while using or possessing a firearm or dangerous weapon, as defined in chapters 12.1-16 through 12.1-25, is prohibited from owning a firearm or having one in possession or under control from the date of conviction and continuing for a period of five years after the date of conviction or release from incarceration or probation, whichever is the latter.
3. A person who is or has ever been diagnosed and confined or committed to a hospital or other institution in North Dakota or elsewhere by a court of competent jurisdiction, as a mentally ill person as defined in section 25-03.1-02, or as a mentally deficient person as defined in section 25-01-01, is prohibited from purchasing a firearm or having one in possession or under control. This limitation does not apply to a person who has not suffered from the disability for the previous three years.
4. A person under the age of eighteen years may not possess a handgun except that such a person may, while under the direct supervision of an adult, possess a handgun for the purposes of firearm safety training, target shooting, or hunting.

A person who violates subsection 1 or 2 is guilty of a class C felony, and a person who violates subsection 3 or 4 is guilty of a class A misdemeanor. For the purposes of this section, "conviction" means determination by a jury or court that a person committed one of the above-mentioned crimes even though the court suspended execution of sentence in accordance with

subsection 3 of section 12.1-32-02 or deferred imposition of sentence in accordance with subsection 4 of section 12.1-32-02, placed the defendant on probation, granted a conditional discharge in accordance with section 19-03.1-30, ~~or~~ the defendant's conviction has been reduced in accordance with subsection 10 of section 12.1-32-02 or section 12.1-32-07.1, or a determination under chapter 27-20 that the person committed a delinquent act equivalent to the offenses provided in subsection 1 or 2."

Renumber accordingly

Engrossed SB 2264 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2305:** Your conference committee (Sens. Solberg, St. Aubyn, Tallackson and Reps. Freier, Howard, Kaldor) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1416-1417 and place SB 2305 on the Seventh order.

SB 2305 was placed on the Seventh order of business on the calendar.

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

**SIXTH ORDER OF BUSINESS**

**SB 2539, as engrossed:** **REP. SVEDJAN (Human Services Committee) MOVED** that the amendments be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2539:** A BILL for an Act to provide for restrictions on the use of public funds for abortion; and to provide an effective 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 27 YEAS, 68 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Berg; Byerly; Carlson; Christopherson; Clark; Clayburgh; Dorso; Gerntholz; Glassheim; Hausauer; Henegar, K.; Holm; Huether; Keiser; Klein; Kunkel; Martinson; Mickelson; Monson; Nottestad; Payne; Price; Rydell; Skarphol; Svedjan; Thoreson; Wardner

**NAYS:** Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Carlisle; Christenson; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Drovda; Freier; Froseth; Galvin; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Howard; Jacobs; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; Kliniske; Koppelman; Kretschmar; Kroeber; Laughlin; Lloyd; Mahoney; Maragos; Mutzenberger; Nicholas; Nichols; Oban; Olson; Poolman; Rennerfeldt; Retzer; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Soukup; Sveen; Thompson; Timm; Tollefson; Torgerson; Wald; Walker; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Dobrinski; Henegar, D.; Stenehjem

Engrossed SB 2539, as amended, was declared lost.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. SHIDE MOVED** that the conference committee report on Engrossed SB 2195 be adopted, which motion prevailed.

Engrossed SB 2195, as amended, was placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

**SB 2195:** A BILL for an Act to amend and reenact subsection 2 of section 4-18.1-03, subsections 1, 2, 6, and 7 of section 4-18.1-04, sections 4-18.1-12, 4-18.1-17, subsection 2 of section 4-18.1-18, and section 4-18.1-22 of the North Dakota Century Code, relating to renaming the milk stabilization board the milk marketing board, the executive officer of the milk marketing board, and assessments by the milk marketing board.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 70 YEAS, 23 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Bateman; Berg; Bernstein; Boucher; Brown; Carlson; Christenson; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Dorso; Drovdal; Freier; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gullerson; Gunter; Hagle; Hanson; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Price; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Soukup; Svedjan; Thompson; Thoreson; Timm; Tollefson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Austin; Belter; Boehm; Byerly; Carlisle; Christopherson; Clark; Delzer; DeWitz; Froseth; Galvin; Grosz; Kerzman; Klein; Mahoney; Maragos; Olson; Payne; Poolman; Rennerfeldt; Skarphol; Torgerson; Wald

**ABSENT AND NOT VOTING:** Dobrinski; Hausauer; Henegar, D.; Stenehjem; Sveen

Engrossed SB 2195, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

**REP. POOLMAN MOVED** that the conference committee report on Engrossed SB 2198 be adopted, which motion prevailed.

Engrossed SB 2198, as amended, was placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

**SB 2198:** A BILL for an Act to amend and reenact subsection 7 of section 5-01-01, sections 5-01-11, 5-01-14, and subsection 2 of section 5-03-04 of the North Dakota Century Code, relating to microbrew pubs; and to repeal section 5-03-03 of the North Dakota Century Code, relating to bonding of beer or liquor wholesalers.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm;

Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie;  
Speaker Martin

**ABSENT AND NOT VOTING:** Dobrinski; Hanson; Henegar, D.; Kempenich; Stenehjem

Engrossed SB 2198, as amended, passed and the title was agreed to.

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#### POINT OF PERSONAL PRIVILEGE

**REP. COATS:** Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal, which request was granted.

#### REMARKS OF REPRESENTATIVE COATS

Mr. Speaker and members of this Assembly: As this 54th Session of the North Dakota Legislature approaches its final day, I would like each member to remember with reverence the thousands of North Dakota servicemen and women who served our country during the hostilities of World War II and the many who did not return. These brave North Dakota citizens served in the European Theater, the African Campaign, and the Asiatic-Pacific Theater, fighting for peace and a democratic free world.

In the very near future, just like Normandy and Iwo Jima in the immediate past, we are going to hear over and over again about the 50th anniversary of the major battles and landings that constituted the parade of victories which culminated in the overall victory of the allied forces on V-E Day and V-J Day.

And without further objection, I would ask permission of the Assembly to print in their entirety the proclamations of Governor Edward T. Schafer, the first declaring May 8, 1995, as the 50th anniversary of the end of hostilities in the European Theater of War--V-E Day, and the second declaring September 2, 1995, as the 50th anniversary of ending the hostilities in the Asiatic-Pacific Theater of War--V-J Day.

And further, I would urge each member of this assembly and all North Dakotans to read the article "Missing But Not Forgotten" in the spring issue of **North Dakota Horizons** to remind us all, LEST WE FORGET--those who fought, died, were wounded, and those who are still missing and unaccounted for in their quest to keep America a free nation.

Thank you for your consideration, Mr. Speaker and members of the House of Representatives.

#### PROCLAMATION

This year marks the 50th anniversary of Victory in Europe. World War II was a historic and cataclysmic event that touched the lives of millions of Americans.

More than 16 million Americans served in the U.S. armed forces during World War II, in which more than 400 thousand Americans lost their lives.

V-E Day marks the conclusion of armed conflict in the European Theater of the war, thus moving the world nearer to the close of World War II and the ushering in of the greatest era of peace the world has ever known.

I call upon the citizens of North Dakota to commend the veterans of America's armed forces in World War II for their courage, honor, sacrifice and dedication to their county in the case of justice, freedom and democracy.

For these reasons, I proclaim May 8, 1995, as

**"V-E DAY"**

in North Dakota.

**PROCLAMATION**

This year marks the 50th anniversary of the defeat and surrender of Japan and the conclusion of World War II.

The United States of America was drawn into World War II by the attack on Pearl Harbor on December 7, 1941.

The 16 million Americans who served in the U.S. armed forces during World War II defeated determined enemies in the European and Pacific Theaters who were bent on the domination and enslavement of the world's people.

I call upon the citizens of North Dakota to commend those who served in the U.S. armed forces during World War II, including the more than 400 thousand who lost their lives. We honor and recognize the valor and sacrifices of these veterans for defending and protecting our country, freedom and way of life.

For these reasons, I proclaim September 2, 1995, as

**"V-J DAY"**

in North Dakota.

**REPORT OF CONFERENCE COMMITTEE**

**REP. POOLMAN MOVED** that the conference committee report on SB 2207 be adopted, which motion prevailed.

SB 2207, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2207:** A BILL for an Act to amend and reenact subsection 7 of section 55-02-01.2 of the North Dakota Century Code, relating to admission fees charged by the superintendent of the state historical society for certain exhibits.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Droydal; Freier; Froseth; Galvin; Gertholz; Glassheim; Gorde; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Byerly

**ABSENT AND NOT VOTING:** Dobrinski; Henegar, D.; Kunkel; Stenehjem

SB 2207, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. RYDELL MOVED** that the conference committee report on Engrossed SB 2209 as printed on HJ page 1642, be adopted, which motion prevailed.

Engrossed SB 2209, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2209:** A BILL for an Act to create and enact a new section to chapter 15-27.1, section 15-27.4-02.1, and a new section to chapter 15-40.3 of the North Dakota Century Code, relating to school district levies after annexation or dissolution, unobligated cash balance in a dissolution, and open enrollment exemptions; and to amend and reenact section 15-27.1-11, subsection 2 of section 15-27.2-01, sections 15-27.2-04, 15-27.3-01.1, 15-27.3-02, 15-27.3-05, 15-27.3-06, 15-27.3-14, 15-27.4-01, subsection 3 of section 15-27.4-02, sections 15-27.4-03, 15-40.1-07.3, subsection 2 of section 15-40.2-01, and subsection 1 of section 15-40.2-04, relating to school district annexation, reorganization, and dissolution and payment of tuition and open enrollment.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 83 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Belter; Berg; Bernstein; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Freier; Froseth; Galvin; Gertholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Speaker Martin

**NAYS:** Aarsvold; Boehm; Boucher; Drovdal; Gulleeson; Kaldor; Kerzman; Monson; Schimke; Skarphol; Wald; Wilkie

**ABSENT AND NOT VOTING:** Dobrinski; Henegar, D.; Stenehjem

Engrossed SB 2209, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. KEMPENICH MOVED** that the conference committee report on SB 2247 be adopted, which motion prevailed.

SB 2247, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2247:** A BILL for an Act to amend and reenact section 39-08-04 of the North Dakota Century Code, relating to the duty of a driver involved in a vehicle accident involving death or personal injury; and to provide a penalty.

#### ROLL CALL

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

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark;

Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Dobrinski; Henegar, D.; Stenehjem

SB 2247, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. CLAYBURGH MOVED** that the conference committee report on SB 2288 be adopted, which motion prevailed.

SB 2288, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2288:** A BILL for an Act to amend and reenact sections 54-16-01, 54-16-04, 54-16-04.1, and 54-16-04.2 of the North Dakota Century Code, relating to emergency commission membership and authority to authorize line item transfers and expenditures of gifts, grants, and federal 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Dobrinski; Henegar, D.; Stenehjem

SB 2288, as amended, passed and the title was agreed to.

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#### ANNOUNCEMENT

**SPEAKER MARTIN ANNOUNCED** that Representative Maragos would replace Representative DeKrey on the Conference Committee on SB 2455.

#### MOTION

**REP. DORSO MOVED** that all legislative action taken this afternoon be messaged to the Senate immediately, which motion prevailed.

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Maragos to replace Rep. DeKrey on the Conference Committee on SB 2455.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2195, SB 2198, SB 2207, SB 2209, SB 2247, SB 2288.

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

**MADAM PRESIDENT:** The House has amended and failed to pass: SB 2539.

**MOTION**

**REP. DORSO MOVED** that the House stand in recess until 4:00 p.m., which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1002, as engrossed:** Your conference committee (Sens. Nething, Traynor, Tallackson and Reps. Clayburgh, Tollefson, Kroeber) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1445-1453 and place Engrossed HB 1002 on the Seventh order.

Engrossed HB 1002 was placed on the Seventh order of business on the calendar.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1416.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on: HB 1005, HB 1138, HB 1317, HB 1439, HB 1488.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2428.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1009, HB 1016.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 2:30 p.m., April 3, 1995: HCR 3003, HCR 3010, HCR 3013, HCR 3016, HCR 3023, HCR 3025, HCR 3030, HCR 3033, HCR 3039, HCR 3040.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1006, as engrossed:** Your conference committee (Sens. Naaden, St. Aubyn, Redlin and Reps. Bateman, Byerly, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1378-1380, adopt amendments as follows, and place HB 1006 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1378-1380 of the House Journal and pages 1195-1198 of the Senate Journal and that Engrossed House Bill No. 1006 be amended as follows:

Page 1, line 2, replace "requiring" with "to provide for a study of the licensing of home health care providers"

Page 1, remove line 3

Page 1, line 4, remove "health service for the cost of providing services on Indian reservations"

Page 1, line 13, replace "22,564,886" with "23,298,664"

Page 1, line 17, replace "15,539,722" with "15,489,722"

Page 1, line 18, replace "400,000" with "175,000"

Page 1, line 20, replace "70,863,753" with "71,322,531"

Page 2, line 1, replace "56,073,016" with "56,292,698"

Page 2, line 2, replace "14,790,737" with "15,029,833"

Page 2, line 4, replace "\$400,000" with "\$175,000"

Page 2, replace lines 25 through 28 with:

**"SECTION 6. LEGISLATIVE COUNCIL INTERIM STUDY OF HOME HEALTH CARE LICENSING.** The legislative council shall consider studying the licensing of home health care providers during the 1995-96 interim. If conducted, the study must include a determination of the appropriate agency or entity to be responsible for the licensing of home health care providers."

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 301 - DEPARTMENT OF HEALTH AND CONSOLIDATED LABORATORIES

SENATE - This amendment makes the following changes:

	HOUSE VERSION	RESTORE 3 FTE HEALTH CARE REFORM - HB 1050	RESTORE 1 FTE MEDICAL EXAMINER - SB 2482	RESTORE 1 FTE LAB ANALYSIS - SB 2358	RESTORE 2 FTE FIRE INSPECTIONS - SB 2149	OTHER CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION
Salaries and wages	\$22,564,886	\$231,513	\$289,096	\$92,583	\$120,586		\$23,298,664
Operating expenses	31,384,002						31,384,002
Equipment	847,000						847,000
Capital improvements	28,143						28,143
Grants	15,539,722					\$ (50,000)	15,489,722
Abandoned motor vehicle	400,000					(225,000)	175,000
Physician loan program	100,000						100,000
Health care program	_____	_____	_____	_____	_____	_____	_____
Total	\$70,863,753	\$231,513	\$289,096	\$92,583	\$120,586	\$(275,000)	\$71,322,531
Less estimated income	<u>56,073,016</u>	<u>231,513</u>	<u>0</u>	<u>92,583</u>	<u>120,586</u>	<u>(225,000)</u>	<u>56,292,698</u>
General fund	\$14,790,737	\$ 0	\$289,096	\$ 0	\$ 0	\$ (50,000)	\$15,029,833
FTE	298	3	1	1	2	1	306

The other conference committee changes are:

- Reduce grants by \$50,000 from the general fund relating to health promotion and education.
- Reduce the spending from the abandoned motor vehicle fund from \$400,000 to \$175,000.
- Authorizes one FTE related to House Bill No. 1318, the establishment of a trauma system; funding is included in House Bill No. 1318.

This amendment:

- Removes the section requiring the department to bill Indian Health Service for the cost of services provided on Indian reservations.
- Adds a section providing for a study of the licensing of home health care providers.

The conference committee amendment differs from the Senate Version in that the funding for the three FTEs related to health care reform is changed from \$208,132 from the general fund to other funds.

Engrossed HB 1006 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1178, as engrossed:** Your conference committee (Sens. Grindberg, O'Connell, Wanzek and Reps. Monson, Hanson, Torgerson) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1519-1520 and place HB 1178 on the Seventh order.

Engrossed HB 1178 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2428, as engrossed:** Your conference committee (Sens. Wanzek, Andrisc, Tomac (refused to sign) and Reps. DeWitz, Bateman, Laughlin (refused to sign)) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1329-1331 and place Engrossed SB 2428 on the Seventh order.

Engrossed SB 2428 was placed on the Seventh order of business on the calendar.

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

#### SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: HB 1027, HB 1041, HB 1064, HB 1082, HB 1094, HB 1100, HB 1134, HB 1163, HB 1165, HB 1207, HB 1221, HB 1250, HB 1298, HB 1300, HB 1329, HCR 3009.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1027, HB 1041, HB 1064, HB 1082, HB 1094, HB 1100, HB 1134, HB 1163, HB 1165, HB 1207, HB 1221, HB 1250, HB 1298, HB 1300, HB 1329, HCR 3009.

#### SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: SB 2019, SB 2037, SB 2044, SB 2072, SB 2101, SB 2143, SB 2152, SB 2204, SB 2350, SB 2499, SCR 4064, SCR 4068, SCR 4070.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2019, SB 2037, SB 2044,

SB 2072, SB 2101, SB 2143, SB 2152, SB 2204, SB 2350, SB 2499, SCR 4064, SCR 4068, SCR 4070.

#### REPORT OF CONFERENCE COMMITTEE

REP. FROSETH MOVED that the conference committee report on Engrossed SB 2332 be adopted, which motion prevailed.

Engrossed SB 2332, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2332: A BILL for an Act to provide for political committee registration and corporate political contributions; to amend and reenact sections 15-28-10, 16.1-05-01, subsections 2 and 3 of section 16.1-05-03, sections 16.1-05-05, 16.1-06-15, 16.1-06-18, 16.1-07-05, 16.1-07-12, 16.1-08.1-01, 16-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-06, 16.1-08.1-07, and 16.1-12-04 of the North Dakota Century Code, relating to campaign contribution statements, election workers, testing election equipment, ballots, political advertisements, and independent candidates; and to repeal chapter 16.1-08 and sections 16.1-11-14 and 16.1-11-17 of the North Dakota Century Code, relating to political committee registration, corporate political contributions, affidavits of candidacy, and filling vacancies in slates of candidates.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 61 YEAS, 31 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Berg; Boucher; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Delmore; Dobrinski; Dorso; Freier; Froseth; Glassheim; Gorman; Grumbo; Guleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Martinson; Mickelson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Poolman; Price; Rydell; Sandvig; Schmidt; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Torgerson; Wentz; Wilkie

NAYS: Bateman; Bernstein; Boehm; Brown; Byerly; Carlisle; Delzer; DeWitz; Drovdal; Galvin; Gerntholz; Gorder; Grosz; Kempenich; Lloyd; Mahoney; Monson; Olson; Payne; Rennerfeldt; Retzer; Sabby; Schimke; Shide; Thoreson; Timm; Tollefson; Wald; Walker; Wardner; Speaker Martin

ABSENT AND NOT VOTING: Belter; Dalrymple; DeKrey; Henegar, D.; Maragos; Stenehjem

Engrossed SB 2332, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. KLEIN MOVED that the conference committee report on SB 2338 be adopted, which motion prevailed.

SB 2338, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2338: A BILL for an Act to amend and reenact section 1-04-01 of the North Dakota Century Code, relating to validation of recorded instruments.

#### ROLL CALL

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

read, the roll was called and there were 89 YEAS, 2 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Bateman; Wald

**ABSENT AND NOT VOTING:** Belter; Dalrymple; DeKrey; Drovdal; Henegar, D.; Stenhjem; Tollefson

SB 2338, as amended, passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that Engrossed HB 1002, Engrossed HB 1014, HB 1124, HB 1131, and HB 1309 be placed at the top of the calendar, which motion prevailed.

#### MOTION

**REP. DORSO MOVED** that HB 1131 be placed directly after Engrossed HB 1002 on the calendar, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

**REP. CLAYBURGH MOVED** that the conference committee report on Engrossed HB 1002 be adopted, which motion prevailed.

Engrossed HB 1002, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1002:** A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide for a study of the allocation of unified court revenues and costs; to amend and reenact sections 11-17-04, 11-17-05, 27-02-02, 27-03-05, and 27-05-03 of the North Dakota Century Code, relating to fees charged by the clerks of the district and supreme courts and the salaries of supreme and district court judges; to repeal section 14-06.1-15 of the North Dakota Century Code, relating to the displaced homemakers account; 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 70 YEAS, 23 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Berg; Bernstein; Boucher; Brown; Carlisle; Christenson; Christopherson; Clayburgh; Coats; Delmore; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Glassheim; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nottestad; Olson; Payne; Price; Rennerfeldt; Retzer; Rydell; Sabby; Shide; Soukup; Svedjan;

Sveen; Thompson; Thoreson; Timm; Tollefson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Bateman; Boehm; Byerly; Carlson; Clark; Delzer; DeWitz; Dobrinski; Freier; Gorder; Gorman; Grosz; Kerzman; Mahoney; Nichols; Oban; Poolman; Sandvig; Schimke; Schmidt; Sitz; Skarphol; Torgerson

**ABSENT AND NOT VOTING:** Belter; Dalrymple; DeKrey; Henegar, D.; Stenehjem

Engrossed HB 1002, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. CLAYBURGH MOVED** that the House do concur in the Senate amendments to Reengrossed HB 1131 as printed on HJ page 1460, which motion prevailed.

Reengrossed HB 1131, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1131:** A BILL for an Act to amend and reenact sections 29-26-22, 29-26-22.2, and 29-27-02.1 of the North Dakota Century Code, relating to imposition and disposition of fines and fees for violation of state law.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 2 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drowdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Laughlin; Lloyd; Mahoney; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Kroeber; Maragos

**ABSENT AND NOT VOTING:** Belter; Dalrymple; DeKrey; Henegar, D.; Stenehjem

Reengrossed HB 1131, as amended, 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 1152 as printed on HJ page 1518-1519, which motion prevailed.

Engrossed HB 1152, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1152:** A BILL for an Act to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to registration requirements for offenders against children and sexual offenders and community notification; and to provide a penalty.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Belter; Dalrymple; DeKrey; Henegar, D.; Stenehjem

Engrossed HB 1152, as amended, passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. SOUKUP MOVED** that the House do concur in the Senate amendments to HB 1362 as printed on HJ page 1497, which motion prevailed.

HB 1362 was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

**HB 1362:** A BILL for an Act to amend and reenact section 40-13-04 of the North Dakota Century Code, relating to salaries of city officers and employees.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Belter; Dalrymple; DeKrey; Henegar, D.; Stenehjem

HB 1362, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

**REP. HOWARD MOVED** that the conference committee report on Engrossed HB 1014 be adopted, which motion prevailed.

Engrossed HB 1014, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1014:** A BILL for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation; and to create and enact a new section to chapter 49-17.1 of the North Dakota Century Code, relating to local rail projects not eligible for federal 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Belter; Dalrymple; DeKrey; Henegar, D.; Stenehjem

Engrossed HB 1014, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. BERG MOVED** that the conference committee report on Engrossed HB 1124 be adopted, which motion prevailed.

Engrossed HB 1124, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1124:** A BILL for an Act to create and enact a new section to House Bill No. 1134, as approved by the fifty-fourth legislative assembly, relating to declaring an emergency relating to funding for ethanol production subsidies; to amend and reenact sections 4-10.4-08, 4-10.4-09, 4-24-10, 4-28-07, and 4-28-08 of the North Dakota Century Code, relating to agricultural commodity group reports, commodity taxes, and refunds; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne;

Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Belter; Dalrymple; DeKrey; Henegar, D.; Stenehjem

Engrossed HB 1124, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. K. HENEGAR MOVED** that the conference committee report on Engrossed HB 1309 be adopted, which motion prevailed.

Engrossed HB 1309, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1309:** A BILL for an Act to amend and reenact sections 50-25.1-03 and 50-25.1-13 of the North Dakota Century Code, relating to persons required to report child abuse and neglect and accomplice liability; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 55 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Christenson; Clark; Clayburgh; Coats; Delmore; Dewitz; Dobrinski; Drowdal; Froseth; Galvin; Glassheim; Grumbo; Gulleson; Hagle; Henegar, K.; Huether; Jacobs; Kaldor; Keiser; Kerzman; Kliniske; Kroeber; Laughlin; Mahoney; Mutzenberger; Nichols; Nottestad; Oban; Retzer; Schmidt; Sitz; Svedjan; Thoreson; Walker; Wilkie; Speaker Martin

**NAYS:** Austin; Bateman; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Delzer; Dorso; Freier; Gerntholz; Gorder; Gorman; Grosz; Gunter; Hanson; Hausauer; Holm; Howard; Johnson; Kelsch; Kempenich; Klein; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nicholas; Olson; Payne; Poolman; Price; Rennerfeldt; Rydell; Sabby; Sandvig; Schimke; Shide; Skarphol; Soukup; Sveen; Thompson; Timm; Tollefson; Torgerson; Wald; Wardner; Wentz

**ABSENT AND NOT VOTING:** Belter; Dalrymple; DeKrey; Henegar, D.; Stenehjem

Engrossed HB 1309, as amended, was declared lost.

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#### 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 1131, HB 1152, HB 1362.

#### MOTION

**REP. DORSO MOVED** that all legislative action taken this afternoon be messaged to the Senate immediately, which motion prevailed.

#### MOTION

**REP. DORSO MOVED** that the House stand in recess until 6:00 p.m., which motion prevailed.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2332, SB 2338.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently failed to pass: HB 1309.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1002, HB 1014, HB 1124.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1289, as engrossed:** Your conference committee (Sens. Krebsbach, Mutch, Langley and Reps. Keiser, Berg, Grumbo) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1277 and place HB 1289 on the Seventh order.

Engrossed HB 1289 was placed on the Seventh order of business on the calendar.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1168, HB 1423.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 5:25 p.m., April 3, 1995: HB 1015, HB 1017, HB 1018, HB 1022, HB 1032, HB 1129, HB 1149, HB 1151, HB 1326, HB 1360, HB 1369, HB 1375, HB 1376, HB 1378, HB 1441.

**REPORT OF STANDING COMMITTEE**

**SB 2067, as engrossed:** Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2067 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4012, as engrossed:** Judiciary Committee (Rep. Kretschmar, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SCR 4012 was placed on the Fourteenth order on the calendar.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2029, SB 2313, SB 2355, SB 2466, SB 2505.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2029, as engrossed:** Your conference committee (Sens. Lips, Nalewaja, Redlin and Reps. Clayburgh, Tollefson, Kroeber) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1117-1118 and place Engrossed SB 2029 on the Seventh order.

Engrossed SB 2029 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2313, as reengrossed:** Your conference committee (Sens. Holmberg, Lips, Redlin and Reps. Byerly, Howard, Kroeber) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1397 and place Reengrossed SB 2313 on the Seventh order.

Reengrossed SB 2313 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2355, as engrossed:** Your conference committee (Sens. Grindberg,

Schobinger, Heinrich and Reps. Retzer, Koppelman, Coats) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1230-1231, adopt amendments as follows, and place Engrossed SB 2355 on the Seventh order:

That the House recede from its amendments as printed on pages 1230 and 1231 of the Senate Journal and pages 1320-1322 of the House Journal and that Engrossed Senate Bill No. 2355 be amended as follows:

Page 1, line 1, replace "convey" with "sell"

Page 1, line 2, remove "to BHS Long Term Care, Inc"

Page 1, line 5, replace "convey to BHS Long Term" with "sell"

Page 1, line 6, remove "Care, Inc.,"

Page 1, line 8, remove "Science of" and after "School" insert "of Science"

Page 2, line 10, replace "The sale price must be at least ninety percent of the" with "At the public auction the property may not be sold for less than the minimum appraised value. If no bid that equals or exceeds the minimum appraised value is received at the auction, the board may negotiate a price for the land with a purchaser. The price negotiated may not be less than greater of the highest bid received at the public auction or ninety percent of the minimum appraised value. All moneys realized from the sale must be deposited in the general fund in the state treasury."

Page 2, remove lines 11 through 13

Renumber accordingly

Engrossed SB 2355 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

SB 2466: Your conference committee (Sens. Krebsbach, Andrist, Krauter and Reps. Carlson, Soukup, Schmidt) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1217-1218, adopt amendments as follows, and place SB 2466 on the Seventh order:

That the House recede from its amendments as printed on pages 1217 and 1218 of the Senate Journal and pages 1267 and 1268 of the House Journal and that Senate Bill No. 2466 be amended as follows:

Page 1, line 1, remove "subdivision a of"

Page 1, line 6, replace "Subdivision a of subsection" with "Subsection"

Page 1, line 15, after "employer" insert "in construction services" and replace the second "the" with "that"

Page 1, line 19, after the underscored period insert "However, an employer in construction services must be assigned the maximum rate or seven percent, whichever is greater, for any year if, as of the computation date, the cumulative benefits charged to the employer's account equal or exceed the cumulative contributions paid on or before October thirty-first with respect to wages paid by that employer before October first of that year. If an employer in nonconstruction services has not been subject to the law as required, the employer in nonconstruction services qualifies for a reduced rate if the account has been chargeable with benefits throughout the twelve-consecutive-calendar-month period ending September thirtieth of the preceding calendar year."

b. An employer that does not qualify under subdivision a is subject to a rate determined as follows:

- (1) For each calendar year new employers must be assigned a rate of two and ~~eight-tenths~~ two-tenths percent unless the employer is classified in construction services. However, an employer must be assigned the maximum rate for any year if, as of the computation date, the cumulative benefits charged to that employer's account equal or exceed the cumulative contributions paid on or before October thirty-first with respect to wages paid by that employer before October first of that year.
- (2) New employers in construction services ~~must be assigned the maximum rate. However, an employer who becomes subject to the North Dakota Unemployment Compensation Law after December 31, 1989, who is classified in construction services pursuant to subdivision C of the standard industrial classification manual must be assigned a rate of nine~~ seven percent or the maximum rate, whichever is greater.
- (3) Assignment by the bureau of an employer's industrial classification for the purposes of this ~~paragraph~~ section must be the two digit major group provided in the standard industrial classification manual, in accordance with established classification practices found in the standard industrial classification manual issued by the executive office of the president, office of management and budget."

Renumber accordingly

SB 2466 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2505, as engrossed:** Your conference committee (Sens. Bowman, Wanzek, Kinnoin and Reps. Grosz, Rennerfeldt, Sitz) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1232-1233, adopt amendments as follows, and place Engrossed SB 2505 on the Seventh order.

That the House recede from its amendments as printed on pages 1232 and 1233 of the Senate Journal and pages 1325 and 1326 of the House Journal and that Engrossed Senate Bill No. 2505 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to duties and reports of the state board of animal health; to"

Page 1, line 2, after the third comma insert "36-01-01,"

Page 1, line 12, after "agriculture" insert "and to the membership of the board of animal health"

Page 1, line 15, after the semicolon insert "to provide an expiration date;"

Page 3, after line 14, insert:

"SECTION 5. AMENDMENT. Section 36-01-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**36-01-01. State board of animal health - Appointment - Terms - Qualifications.**

1. The state board of animal health consists of seven nine members ~~appointed by the~~.
2. The governor shall appoint seven members for terms of seven years each with ~~their~~ the terms of office ~~so~~ so arranged ~~so~~ so that one term, ~~and only one,~~ expires on the first day of August in each year. ~~No person may be appointed~~ The governor may not appoint any person to more than two 7-year terms on the board. Each member of ~~such~~ the board must be a qualified elector of this state. Each member of the board, immediately after ~~his~~ appointment shall take the oath of office required of civil officers. One member of ~~said~~ the board must be a person actively engaged and financially interested in the commercial beef cattle industry and shall represent ~~said~~ that industry on ~~said~~ the board; one member of ~~said~~ the board must be a person actively engaged and financially interested in the registered purebred beef cattle industry and shall represent ~~said~~ that industry on ~~said~~ the board; one member of ~~said~~ the board must be a person actively engaged and financially interested in the dairy cattle industry and shall represent ~~said~~ that industry on ~~said~~ the board; one member of ~~said~~ the board must be a person actively engaged and financially interested in the swine industry and shall represent ~~said~~ that industry on ~~said~~ the board; one member of ~~said~~ the board must be a person actively engaged and financially interested in the sheep industry and shall represent ~~said~~ that industry on ~~said~~ the board; and two members of ~~said~~ the board must be competent veterinarians who are graduates of a veterinary course in a recognized college or university. Vacancies occurring ~~prior to~~ before the expiration of the terms of office these seven members must be filled by appointment by the governor and must be for the balance of the unexpired term. Recommendations for appointment of members ~~to said board as constituted~~ under this ~~section~~ subsection may be made to the governor by the following associations for the following stated industries, ~~to wit:~~ by the North Dakota stockmen's association for the members representing commercial beef cattle, by the various registered purebred beef cattle associations for the member representing the registered purebred beef cattle, by the various dairy breed associations for the member representing dairy cattle, by the North Dakota swine breeders' association for the member representing swine, by the North Dakota wool growers' association for the member representing sheep, by the state veterinary medical association for the two veterinarian members, and by such other associations within this state representing livestock industries as the governor may permit. Two recommendations must be submitted for each office to be filled.
3. The chairman of the legislative council shall appoint two members for terms of two years, beginning August 1, 1995. One appointee must be a member of the house of representatives and one appointee must be a member of the senate. The appointees may not represent the same political party."

"SECTION 12. A new section to chapter 36-01 of the North Dakota Century Code is created and enacted as follows:

Duties - Evaluations - Report. The board shall conduct performance evaluations of the state veterinarian and any assistant state veterinarians; review the short-term and the long-term role and mission of the board and its employees; review alternatives for the enhancement of, and the efficient delivery of, services provided by the board and its employees; and evaluate the consolidation and cooperation with the department of agriculture. The board shall report to the governor and the legislative council before September 1, 1996, and each year thereafter."

Page 24, after line 14, insert:

"SECTION 55. EXPIRATION DATE. Section 5 of this Act is effective through December 31, 1996, and after that date is ineffective."

Renumber accordingly

Engrossed SB 2505 was placed on the Seventh order of business on the calendar.

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

#### REPORT OF CONFERENCE COMMITTEE

REP. LLOYD MOVED that the conference committee report on SB 2391 be adopted, which motion prevailed.

SB 2391, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2391: A BILL for an Act to create and enact a new section to chapter 54-44.2 of the North Dakota Century Code, relating to access to computer data maintained by state agencies; and to provide for the development of a plan to implement a uniform employer reporting system between the workers compensation bureau, job service North Dakota, and the state tax commissioner.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Belter; Berg; Dalrymple; DeKrey; Henegar, D.; Martinson; Stenehjem

SB 2391, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. THORESON MOVED** that the conference committee report on Engrossed SB 2430 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. SVEDJAN MOVED** that the conference committee report on SB 2439 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. FROSETH MOVED** that the conference committee report on Engrossed SB 2442 be adopted, which motion prevailed.

Engrossed SB 2442, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2442:** A BILL for an Act to amend and reenact subsection 3 of section 21-03-07 of the North Dakota Century Code, relating to notice of the issuance of bonds by municipalities for highway projects.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gullerson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Laughlin; Lloyd; Mahoney; Maragos; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Belter; Berg; Dalrymple; DeKrey; Henegar, D.; Kunkel; Martinson; Nicholas; Stenehjem

Engrossed SB 2442, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. JACOBS MOVED** that the conference committee report on Engrossed SB 2453 as printed on HJ page 1509 be adopted, which motion prevailed.

Engrossed SB 2453, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2453:** A BILL for an Act to amend and reenact section 16.1-12-02.2 of the North Dakota Century Code, relating to certificates of candidacy by write-in candidates.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Deimore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordor; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Laughlin; Lloyd; Mahoney; Maragos; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Belter; Berg; Dalrymple; DeKrey; Henegar, D.; Kunkel; Martinson; Nicholas; Stenehjem

Engrossed SB 2453, as amended, passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

REP. PRICE MOVED that the conference committee report on SB 2480 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. POOLMAN MOVED that the conference committee report on SB 2520 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. TIMM MOVED that the conference committee report on Engrossed SB 2524 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. KLEIN MOVED that the conference committee report on SCR 4046 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. PRICE MOVED that the conference committee report on Engrossed SCR 4049 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. JOHNSON MOVED that the conference committee report on Engrossed SB 2349 be adopted, which motion prevailed.

Engrossed SB 2349, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2349: A BILL for an Act to create and enact two new subsections to section 10-06.1-17 and section 10-23-03.3 of the North Dakota Century Code, relating to annual reports required of farm corporations and limited liability companies engaged in farming and reinstatement of corporations and foreign corporations following dissolution or revocation for failure to file an annual report; to amend and reenact sections 10-23-01, 10-23-02, 10-23-03, and 10-23-06 of the North Dakota Century Code, relating to annual reports of domestic and foreign corporations and license fees paid by corporations; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 1 NAY, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Kretschmar; Kroeber; Laughlin; Lloyd; Mahoney; Maragos; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Boucher

**ABSENT AND NOT VOTING:** Belter; Berg; Dalrymple; DeKrey; Henegar, D.; Koppelman; Kunkel; Martinson; Nicholas; Stenehjelm

Engrossed SB 2349, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. BYERLY MOVED** that the conference committee report on Engrossed SB 2035 as printed on HJ pages 1559-1560 be adopted, which motion prevailed.

Engrossed SB 2035, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2035:** A BILL for an Act to require the department of human services to seek authorization for a demonstration project to combine benefits under the aid to families with dependent children, fuel assistance, and food stamp programs; to require the department of human services to report to the legislative council and budget section regarding the implementation status of the demonstration project; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 0 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Kretschmar; Kroeber; Laughlin; Lloyd; Mahoney; Maragos; Mickelson; Monson; Mutzenberger; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Belter; Berg; Dalrymple; DeKrey; Henegar, D.; Koppelman; Kunkel; Martinson; Nicholas; Stenehjelm

Engrossed SB 2035, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. MARAGOS MOVED** that the conference committee report on Engrossed SB 2149 be adopted, which motion prevailed.

Engrossed SB 2149, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2149:** A BILL for an Act to create and enact a new section to chapter 18-01 of the North Dakota Century Code, relating to the state fire marshal authorizing fire and safety inspections to be performed by other agencies of government; and to amend and reenact section 18-01-02, subsection 3 of section 18-01-05.1, and section 23-09.3-04 of the North Dakota Century Code, relating to the duties of the state fire marshal, release of information to the state fire marshal or a law enforcement officer, and fire safety inspections of basic care facilities.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 67 YEAS, 21 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bernstein; Boucher; Carlson; Christenson; Christopherson; Clark; Coats; Delmore; Dobrinski; Dorso; Drovdal; Freier; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Monson; Mutzenberger; Nichols; Nottestad; Oban; Olson; Payne; Price; Retzer; Rydell; Sabby; Sandvig; Schmidt; Sitz; Soukup; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Bateman; Boehm; Brown; Byerly; Carlisle; Clayburgh; Delzer; DeWitz; Froseth; Grosz; Jacobs; Klein; Kliniske; Lloyd; Mickelson; Poolman; Rennerfeldt; Schimke; Shide; Skarphol; Wald

**ABSENT AND NOT VOTING:** Belter; Berg; Dalrymple; DeKrey; Henegar, D.; Koppelman; Kunkel; Martinson; Nicholas; Stenehjem

Engrossed SB 2149, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. WALD MOVED** that the conference committee report on Engrossed SB 2463 be adopted, which motion prevailed.

**MOTION**

**REP. DORSO MOVED** that all legislative action taken this afternoon, with the exception of SB 2149, be messaged to the Senate immediately, which motion prevailed.

**MOTION**

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

**MOTION**

**REP. FREIER MOVED** that the House be on the Fourth, Fifth, Seventh, and Twelfth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Tuesday, April 4, 1995, which motion prevailed.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

The following communication was received from the Governor at 4:30 p.m., April 3, 1995.

This is to inform you that on March 31, 1995, I signed the following: HB 1011, HB 1286, and HB 1322. Also, on April 3, 1995, I signed the following: HB 1050, HB 1090, HB 1252, HB 1257, HB 1305, HB 1313, and HB 1318.

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

**ROY GILBREATH, Chief Clerk**