

JOURNAL OF THE HOUSE

Fifty-fifth Legislative Assembly

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Bismarck, April 4, 1997

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

The prayer was offered by the Rev. Richard Tosh, Federated Church, Grand Forks.

The roll was called and all members were present except Representative Huether.

A quorum was declared by the Speaker.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1013.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1013

Page 1, line 2, replace the second "and" with "to create and enact two new sections to chapter 15-34 of the North Dakota Century Code, relating to home schooling for children with autism;"

Page 1, line 3, replace "section" with "sections" and after "15-21-02" insert ", 25-01-03, 54-24-01, and subsection 3 of section 54-44.3-20"

Page 1, line 4, after "instruction" insert "and to the classified status of the superintendent of the school for the blind, the superintendent of the school for the deaf, and the state librarian; and to provide an expiration date"

Page 1, line 16, replace "8,764,344" with "8,704,612"

Page 1, line 23, replace "122,915,847" with "123,940,847"

Page 1, after line 23, insert:

"Grants - technology reimbursement payments	5,000,000
Grants - SENDIT	876,000"

Page 1, line 24, replace "Geographic" with "Grants - geographic"

Page 2, line 1, replace "705,251,455" with "712,092,723"

Page 2, line 2, replace "187,038,203" with "187,229,971"

Page 2, line 3, replace "518,213,252" with "524,862,752"

Page 2, line 6, replace "1,876,280" with "1,958,201"

Page 2, line 7, replace "1,050,550" with "1,041,033"

Page 2, line 9, replace "1,260,521" with "1,135,521"

Page 2, line 10, replace "4,209,851" with "4,157,255"

Page 2, line 11, replace "1,273,641" with "1,355,562"

Page 2, line 12, replace "2,936,210" with "2,801,693"

Page 2, line 16, replace "930,822" with "913,958"

Page 2, line 19, replace "5,120,207" with "5,103,343"

Page 2, line 21, replace "4,588,329" with "4,571,465"

Page 2, line 25, replace "663,429" with "652,154"

Page 2, line 28, replace "3,317,260" with "3,305,985"

Page 2, line 30, replace "2,360,193" with "2,348,918"

Page 2, line 31, replace "528,097,984" with "534,584,828"

Page 3, line 1, replace "189,800,789" with "190,074,478"

Page 3, line 2, replace "717,898,773" with "724,659,306"

Page 3, line 3, after the first boldfaced period insert "**LEGISLATIVE**" and after "**INTENT**" insert "**- TUITION APPORTIONMENT**"

Page 3, line 10, after the first boldfaced period insert "**LEGISLATIVE**"

Page 3, line 15, after "**INTENT**" insert "**- DISTRIBUTION OF SPECIAL EDUCATION AID**"

Page 4, after line 8, insert:

"SECTION 5. LEGISLATIVE INTENT - GRANTS FOR SENDIT. It is the intent of the fifty-fifth legislative assembly that the funds appropriated in subdivision 1 of section 1 of this Act for grants to the SENDIT network be distributed by the educational telecommunications council to support the electronic connectivity and networking of schools through the SENDIT network.

SECTION 6. LEGISLATIVE INTENT - TECHNOLOGY REIMBURSEMENT PAYMENTS. It is the intent of the fifty-fifth legislative assembly that the funds appropriated in subdivision 1 of section 1 of this Act for technology reimbursement payments be used for reimbursing school districts for technology-related expenditures. The educational telecommunications council shall determine the maximum amount to which each school district is entitled by dividing the number of elementary and secondary students in average daily membership in this state into the funds appropriated in subdivision 1 of section 1 of this Act for technology reimbursement payments and then multiplying the result by the number of students in average daily membership in each district. Upon receiving substantiating documentation from a school district indicating the expenditure of funds on or after July 1, 1996, for the acquisition of computer technology for student uses or instructional purposes, interactive television, or teacher inservice programs related to the use of computer technology in classroom instruction, the educational telecommunications council shall provide reimbursement to the school district in an amount equal to that expended but not exceeding that to which the school district is entitled.

SECTION 7. LEGISLATIVE INTENT - MEAT IN SCHOOL LUNCH PROGRAMS. It is the intent of the fifty-fifth legislative assembly that the superintendent of public instruction encourage school boards operating or providing for the operation of child nutrition and food distribution programs in schools to not offer yogurt as a substitute for meat in school lunches served to students.

SECTION 8. LEGISLATIVE INTENT - DIVISION OF INDEPENDENT STUDY TUITION RATES. It is the intent of the fifty-fifth legislative assembly that during the 1997-99 biennium, the division of independent study review the tuition rates charged for resident and nonresident students enrolled in independent study courses and consider increasing the tuition rate charged nonresident students.

SECTION 9. LEGISLATIVE INTENT - POSITION TRANSFERS. It is the intent of the fifty-fifth legislative assembly that for the 1997-99 biennium, the department of public instruction be authorized to have no more than 135.45 full-time equivalent positions and that no more than 39.2 of these positions be in the division of independent study. It is the intent of the fifty-fifth legislative assembly that if, during the 1997-99 biennium, the superintendent of public instruction transfers any positions to the division of independent study from other divisions of the department of public instruction, the transfers be reported to the budget section of the legislative council at its next meeting.

SECTION 10. LEGISLATIVE INTENT - GRANT TO LEADERSHIP IN EDUCATION ADMINISTRATION CONSORTIUM - REPORT TO LEGISLATIVE COUNCIL COMMITTEE. It is the intent of the fifty-fifth legislative assembly that \$25,000 of the amount appropriated in the grants - other grants line item in subdivision 1 of section 1 of this Act be used to provide a grant to the leadership in education administration consortium to develop training programs in cooperation with teacher learning centers. It is the intent of the fifty-fifth legislative assembly that the leadership in education administration consortium and the teacher learning center work

cooperatively to develop training programs for teachers and education administrators. The leadership in education administration consortium shall present, no later than September 30, 1998, a report to the legislative council or its designated committee on training programs for teachers and education administrators developed in cooperation with the teacher learning centers.

SECTION 11. PAYMENTS FOR LIMITED ENGLISH PROFICIENT STUDENTS. Notwithstanding section 2 of Senate Bill No. 2029 as passed by the fifty-fifth legislative assembly, payments to school districts educating limited English proficient students, as provided by that bill, shall be paid from up to \$300,000 of the amount appropriated in subdivision 1 of section 1 of this Act for grants - foundation aid and transportation.

SECTION 12. CREDENTIALING PROCESS FOR SPECIAL EDUCATION TEACHERS. The superintendent of public instruction may not change the credentialing process for special education teachers as it is in effect on March 1, 1997, without first convening a meeting to include representatives of the council of educational leaders, the council for exceptional children, the North Dakota education association, and the North Dakota school boards association. The purpose of the meeting is to receive comments regarding the proposed changes, including the scheduling and manner of implementation, associated costs, the applicability of the proposed changes, and the short-term and long-term effects of the proposed changes. If, within thirty days after the date of the meeting, any representative present at the meeting objects in writing to the proposed change, the superintendent may not implement the change prior to July 1, 1999.

SECTION 13. FEDERAL FUNDING FOR SPECIAL EDUCATION. The legislative assembly urges Congress to fund the education of children with disabilities at the level authorized in the Education for All Handicapped Children Act of 1975. In that legislation, now known as the Individuals with Disabilities Education Act, Congress included a graduated formula for determining state entitlement and provided that for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, the federal funding level was to be set at forty percent of the average per student expenditure in public elementary and secondary schools in the United States. Because the level of federal funding received by this state has never exceeded ten percent, this federal legislation constitutes an underfunded mandate. The secretary of state shall forward copies of this section to the secretary of the department of education, to the chairman of the senate labor and human resources committee, to the chairman of the house economic and educational opportunities committee, and to each member of the North Dakota congressional delegation."

Page 4, line 14, after "district" insert ", in accordance with the district's locally developed goals 2000 educational improvement application plan"

Page 5, after line 7, insert:

"SECTION 19. A new section to chapter 15-34 of the North Dakota Century Code is created and enacted as follows:

Children with autism - Home school. Notwithstanding any other law, a parent or legal guardian may provide home schooling to a child with autism if:

1. The child has been determined to be autistic by a licensed psychologist;
2. The child's parent or legal guardian qualifies to provide home schooling under section 15-34.1-06;
3. The child's parent or legal guardian files with the superintendent of the child's school district of residence:
 - a. A notice that the child will be home schooled;
 - b. A copy of the child's diagnosis of autism prepared and attested to by a licensed psychologist; and
 - c. A description of the instructional plan to be followed during the school year, together with an attestation by a licensed psychologist and a North Dakota certified teacher that the instructional plan is appropriate for the child.

SECTION 20. A new section to chapter 15-34 of the North Dakota Century Code is created and enacted as follows:

Children with autism - Home school - Progress reports.

1. On or before November first, February first, and May first of each school year, a parent providing home schooling to an autistic child under section 19 of this Act shall file with the superintendent of the child's school district of residence progress reports prepared by a licensed psychologist, an occupational therapist, a speech pathologist, and a certified teacher. If at any time the licensed psychologist, the occupational therapist, the speech pathologist, and the certified teacher agree that adequate progress is not being made, they shall notify the superintendent of the child's school district of residence and request that the child be evaluated by a multidisciplinary team.
2. The superintendent of the child's school district of residence shall forward copies of all documentation required by this section to the superintendent of public instruction. The superintendent of public instruction shall provide a report and recommendations regarding the home schooling of children with autism under this section and section 19 of this Act to the legislative council.

SECTION 21. AMENDMENT. Section 25-01-03 of the North Dakota Century Code is amended and reenacted as follows:

25-01-03. Supervising officer to appoint superintendent of institutions - Salaries - Removal.

1. The supervising officer shall appoint a superintendent for each of the institutions under its control, except for the state hospital, where the supervising officer shall appoint a superintendent and a medical director in consultation with a state hospital governing body.
2. The tenure of office of each superintendent is two years from the date of the superintendent's appointment, and the superintendent must possess qualifications required by this title. Any superintendent may be removed by the supervising officer for misconduct, neglect of duty, incompetency, or other proper cause showing the superintendent's inability or refusal properly to perform the duties of office, but a removal at a time other than a termination of the superintendent's two-year tenure may be had only after an opportunity is given to the person to be heard before a board consisting of the governor, attorney general, and supervising officer of the institution on preferred written charges. A removal when made, however, is final. This subsection does not apply to the superintendent of the school for the blind or the superintendent of the school for the deaf, whose positions are included in the classified service as provided in section 54-44.3-20.
3. The supervising officer shall fix the compensation of each superintendent within the limits prescribed in this title and within the appropriations made by the legislative assembly for compensation.

SECTION 22. AMENDMENT. Section 54-24-01 of the North Dakota Century Code is amended and reenacted as follows:

54-24-01. State library - State librarian appointed by the superintendent of public instruction. The superintendent of public instruction shall appoint an executive officer to be known as the state librarian, who shall report to the superintendent and must receive a salary within the amount appropriated for salaries by the legislative assembly. The state librarian shall control the work and is the director of the state library. The position of state librarian is included in the classified service, as provided in section 54-44.3-20. The state library is an autonomous agency and retains a budget and staff separate from that of the superintendent of public instruction.

SECTION 23. AMENDMENT. Subsection 3 of section 54-44.3-20 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. Administrative heads of departments required by law, other than the superintendent of the school for the blind and the superintendent of the school for the deaf.

SECTION 24. EXPIRATION. Sections 19 and 20 of this Act are effective through June 30, 1999, and after that date are ineffective."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 201 - PUBLIC INSTRUCTION

SENATE - This amendment reduces operating expenses by \$42,732 (\$17,500 general fund, \$25,232 other funds) for risk management premiums. This amendment also reduces operating expenses by \$29,000 to reflect an anticipated reduction in the estimated cost of leases the Division of Independent Study will enter into for copiers and other equipment during the 1997-99 biennium. The amount included in the executive recommendation was approximately \$249,000 and the department estimates the cost will be approximately \$220,000. This amendment also reduces general fund appropriation authority by \$21,000 and increases other funds authority by the same amount to encourage the Division of Independent Study to consider increasing nonresident tuition rates to generate additional tuition revenue. This amendment also increases operating expenses by \$12,000 from the state general fund for a portion of the costs the department anticipates will be incurred relating to reissuing certain rules, as required by Senate Bill No. 2336. The fiscal note for Senate Bill No. 2336 indicates an anticipated cost of \$100,000 for the 1997-99 biennium.

This amendment adds the following grants, which the House included in Reengrossed House Bill No. 1034:

Technology reimbursement payments (Reengrossed House Bill No. 1034 included \$3.8 million for technology reimbursement payments)	\$5,000,000
Educational Telecommunications Council	1,000,000
SENDIT	876,000

This amendment adds legislative intent relating to grants to school districts for technology and the SENDIT network. These sections of intent were included by the House in Reengrossed House Bill No. 1034.

This amendment also adds legislative intent relating to school lunch programs, Division of Independent Study tuition rates, position transfers to the Division of Independent Study, and a grant to the Leadership in Education Administration (LEAD) Consortium to develop cooperative training programs with the teacher learning centers. This amendment also increases other grants by \$25,000 from the state general fund for a grant to the LEAD Consortium.

This amendment provides that up to \$300,000 of the amount appropriated for foundation aid is to be used for payments to school districts for limited English proficient students, as provided by Senate Bill No. 2029.

This amendment requires the Superintendent of Public Instruction to obtain, from certain educational related groups, prior approval of any proposed changes to the credentialing process for special education teachers.

This amendment provides statutory changes relating to the classified status of the superintendent of the School for the Deaf, the superintendent of the School for the Blind, and the State Librarian.

This amendment also allows home school instruction for autistic children and encourages the United States Congress to increase the level of funding for the education of children with disabilities.

	1997-99 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	REDUCE GENERAL FUND OPERATING AND INCREASE OTHER FUNDS FOR DIVISION OF INDEPENDENT STUDY	ADD GRANT TO LEAD FOR COORDINATING PROGRAMS WITH TEACHER CENTERS	ADD GRANTS INCLUDED BY THE HOUSE IN HB 1034	RESTORE FTE POSITION	RULEMAKING COSTS RELATING TO SB2336	TOTAL SENATE CHANGES	SENATE VERSION
Salaries and wages	\$ 10,497,941	\$ (125,000)	\$ 10,872,941	\$ (42,732)	\$ (29,000)				\$12,000	\$ (59,732)	\$ 10,872,941
Operating expenses	8,574,344	190,000	8,764,344								8,704,612
Equipment	768,920		768,920								768,920
Grants - Foundation	447,497,573	18,858,686	466,356,259								466,356,259
aid and transportation											
Grants - Revenue	2,225,000	875,000	3,100,000								3,100,000
supplement payments											
Grants - Tuition	49,273,144		49,273,144								49,273,144
apportionment											
Grants - Special	40,550,000		40,550,000								40,550,000
education											
Grants - Goals 2000		2,600,000	2,600,000								2,600,000
Grants - Other	124,488,779	(1,572,932)	122,915,847			\$25,000	\$1,000,000			1,025,000	123,940,847
grants											50,000
Grants - Geographic	50,000		50,000								50,000
education											
Grants - SB/IT	876,000	(876,000)					876,000			876,000	876,000
network											
Grants - Technology							5,000,000 ¹			5,000,000	5,000,000
reimbursement payments											
Center for Innovation	297,250	(297,250)									
in instruction											
Prairie Public	602,667	(602,667)									
Broadcasting											
Equity funding	20,000,000	(20,000,000)									
Myrdal fund for	1,300,000	(1,300,000)									
excellence											
Total	\$707,501,618	\$ (2,250,163)	\$705,251,455	\$ (42,732)	\$ (29,000)	\$25,000	\$6,876,000	\$ 0	\$12,000	\$6,841,268	\$712,092,723
General fund	\$522,872,067	\$ (4,658,815)	\$518,213,252	\$ (17,500)	\$ (50,000)	\$25,000	\$6,680,000		\$12,000	\$6,649,500	\$524,862,752
Other funds	184,629,551	2,408,652	187,038,203	(25,232)	21,000		196,000			191,768	187,229,971
Total	\$707,501,618	\$ (2,250,163)	\$705,251,455	\$ (42,732)	\$ (29,000)	\$25,000	\$6,876,000	\$ 0	\$12,000	\$6,841,268	\$712,092,723
FTE	137.45	(3.00)	134.45					1.00		1.00	135.45

¹ Reengrossed House Bill No. 1034 included a general fund appropriation of \$3.8 million for technology reimbursement payments. Reengrossed Senate Bill No. 2338 included a general fund appropriation of \$5 million for technology reimbursement payments.

DEPARTMENT 250 - STATE LIBRARY

SENATE - This amendment increases salaries and wages by \$81,921 of other funds for a librarian III position which was removed by the House.

This amendment reduces grants by \$125,000 from the state general fund for the Vision 2004 library and information services strategic plan. The \$125,000 appropriation is also included in Engrossed House Bill No. 1035.

This amendment also reduces operating expenses by \$9,517 from the state general fund for risk management premiums.

	1997-99 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	ADD OTHER FUNDS AUTHORITY FOR LIBRARIAN III POSITION	REMOVE GRANTS FOR VISION 2004	TOTAL SENATE CHANGES	SENATE VERSION
Salaries and wages	\$1,958,201	\$ (81,921)	\$1,876,280		\$81,921		\$ 81,921	\$1,958,201
Operating expenses	1,050,550		1,050,550	\$ (9,517)			(9,517)	1,041,033
Equipment	22,500		22,500					22,500
Grants	<u>1,178,600</u>	<u>81,921</u>	<u>1,260,521</u>			<u>\$ (125,000)</u>	<u>(125,000)</u>	<u>1,135,521</u>
Total	\$4,209,851		\$4,209,851	\$ (9,517)	\$81,921	\$ (125,000)	\$ (52,596)	\$4,157,255
General fund	\$2,936,210		\$2,936,210	\$ (9,517)		\$ (125,000)	\$ (134,517)	\$2,801,693
Other funds	<u>1,273,641</u>		<u>1,273,641</u>		<u>81,921</u>		<u>81,921</u>	<u>1,355,562</u>
Total	\$4,209,851		\$4,209,851	\$ (9,517)	\$81,921	\$ (125,000)	\$ (52,596)	\$4,157,255
FTE	29.00	(1.00)	28.00		1.00		1.00	29.00

DEPARTMENT 252 - SCHOOL FOR THE DEAF

SENATE - This amendment reduces operating expenses by \$16,864 from the state general fund for risk management premiums.

	1997-99 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	SENATE VERSION
Salaries and wages	\$4,064,385		\$4,064,385		\$4,064,385
Operating expenses	930,822		930,822	\$ (16,864)	913,958
Equipment	100,000		100,000		100,000
Capital improvements	<u>25,000</u>		<u>25,000</u>		<u>25,000</u>
Total	\$5,120,207	\$ 0	\$5,120,207	\$ (16,864)	\$5,103,343
General fund	\$4,528,329	\$ 60,000	\$4,588,329	\$ (16,864)	\$4,571,465
Other funds	<u>591,878</u>	<u>(60,000)</u>	<u>531,878</u>		<u>531,878</u>
Total	\$5,120,207	\$ 0	\$5,120,207	\$ (16,864)	\$5,103,343

DEPARTMENT 253 - SCHOOL FOR THE BLIND

SENATE - This amendment reduces operating expenses by \$11,275 from the state general fund for risk management premiums.

	1997-99 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	SENATE VERSION
Salaries and wages	\$2,142,178	\$35,678	\$2,177,856	\$ (11,275)	\$2,177,856
Operating expenses	663,429		663,429		652,154
Equipment	81,900		81,900		81,900
Capital improvements	<u>394,075</u>		<u>394,075</u>		<u>394,075</u>
Total	\$3,281,582	\$35,678	\$3,317,260	\$ (11,275)	\$3,305,985
General fund	\$2,324,515	\$35,678	\$2,360,193	\$ (11,275)	\$2,348,918
Other funds	<u>957,067</u>		<u>957,067</u>		<u>957,067</u>
Total	\$3,281,582	\$35,678	\$3,317,260	\$ (11,275)	\$3,305,985

HOUSE ENGROSSING AND ENROLLING REPORT

The following bill was engrossed and enrolled: HB 1028.

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

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

HB 1226: Sens. Thane; Lee; Yockim

VETO CERTIFICATION DELIVERY

The following bills were delivered to the Legislative Council for veto certification on April 2, 1997, and returned to the House on April 3, 1997: HB 1137 and HB 1440.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker has signed the veto certification on HB 1440.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker has signed the veto certification on HB 1137.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on the veto certification on HB 1137.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on the veto certification on HB 1440.

REPORT OF CONFERENCE COMMITTEE

HB 1453: Your conference committee (Sens. Andrist, Traynor, Berg and Reps. DeKrey, Kretschmar, Callahan) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1029, adopt amendments as follows, and place HB 1453 on the Seventh order.

That the Senate recede from its amendments as printed on page 1029 of the House Journal and page 822 of the Senate Journal and that House Bill No. 1453 be amended as follows:

Page 1, line 22, remove the overstrike over the colon

Page 1, remove the overstrike over line 23

Page 2, line 1, remove the overstrike over "(2) If the amount of the claim is less than", after "hundred" insert "one thousand", and remove the overstrike over "dollars and is not"

Page 2, line 2, remove the overstrike over "~~from a telephone or mail order transaction~~"

Page 2, line 6, remove "or in the county in which the"

Page 2, line 7, remove "subject matter of the claim occurred"

Page 2, after line 10, insert:

"f. If the plaintiff is a political subdivision and the claim is for a public utility debt, in the county in which the political subdivision is located."

Page 2, line 11, remove "d, or" and after "e" insert ", or f"

Renumber accordingly

HB 1453 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1112, as engrossed: Your conference committee (Sens. W. Stenehjem, Traynor, Andrist and Reps. Koppelman, Kretschmar, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1028, adopt amendments as follows, and place HB 1112 on the Seventh order:

That the Senate recede from its amendments as printed on page 1028 of the House Journal and page 804 of the Senate Journal and that Engrossed House Bill No. 1112 be amended as follows:

Page 3, line 6, after "property" insert "is in excess of one thousand dollars but"

Page 3, line 10, replace "made" with ":

- a. Managed the disabled adult's or vulnerable elderly adult's funds, assets, or property in a manner that clearly gives primacy to the needs and welfare of that person or is consistent with any explicit written authorization; or
- b. Made"

Page 3, line 12, remove ", but through no fault of the person has been"

Page 3, line 13, remove "unable to provide the assistance"

Renumber accordingly

Engrossed HB 1112 was placed on the Seventh order of business on the calendar.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1028, HB 1163.

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 1028, HB 1163.

SECOND READING OF SENATE BILL

SB 2399: A BILL for an Act to provide approval of amendments and renewals of tribal-state gaming compacts and for an open records exception for tribal gaming financial information submitted to a state agency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Dorso; Drovdal; Fairfield; Freier; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

NAYS: Devlin; Froseth; Nelson; Poolman; Weisz

ABSENT AND NOT VOTING: Huether

SB 2399 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that HB 1008 be placed at the foot of the Seventh order, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. BYERLY MOVED that the conference committee report on Engrossed HB 1017 be adopted, which motion prevailed.

Engrossed HB 1017, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1017: A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general.

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

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Carlson; Skarphol

ABSENT AND NOT VOTING: Huether

Engrossed HB 1017, as amended, passed and the title was agreed to.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2399.

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 1017.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 9:27 a.m., April 4, 1997: HB 1041, HB 1047, HB 1055, HB 1098, HB 1100, HB 1103, HB 1111, HB 1164, HB 1179, HB 1182, HB 1215, HB 1240, HB 1243, HB 1274, HB 1342, HB 1373, HB 1393, HB 1431, HB 1433.

REPORT OF CONFERENCE COMMITTEE

REP. CHRISTOPHERSON MOVED that the conference committee report on Engrossed SB 2043 be adopted, which motion failed on a verification vote.

REPORT OF CONFERENCE COMMITTEE

REP. BROWN MOVED that the conference committee report on SB 2255 be adopted, which motion prevailed.

SB 2255, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2255: A BILL for an Act relating to dogs running at large; 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 72 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; Delmore; Dorso; Drovda; Fairfield; Froseth; Galvin; Gerntholz; Gorder; Grande; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Nottestad; Olson; Price; Renner; Sabby; Schmidt; Skarphol; Soukup; Svedjan; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

NAYS: Belter; Callahan; Coats; DeKrey; Delzer; Devlin; Freier; Glassheim; Grosz; Kerzman; Kroeplin; Maragos; Murphy; Niemeier; Oban; Poolman; Rennerfeldt; Rose; Sandvig; Stenehjem; Sveen; Thompson; Thorpe; Weisz

ABSENT AND NOT VOTING: Huether

SB 2255, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

REP. KEISER MOVED that the conference committee report on SB 2372 be adopted, which motion prevailed.

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

MADAM PRESIDENT: The House has adopted the conference committee report on SB 2372.

MOTION

REP. PRICE MOVED that the House Conference Committee on SB 2043 be dissolved and that a new conference committee be appointed, which motion prevailed.

THE SPEAKER APPOINTED as a new Conference Committee on SB 2043: Reps. Christopherson, Devlin, Kerzman.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1013, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1013: Reps. Kunkel, Freier, Aarsvold.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1013 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1013: Reps. Kunkel; Freier; Aarsvold

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do concur in the Senate amendments to Reengrossed HB 1312.

REQUEST

REP. CHRISTENSON REQUESTED a recorded roll call vote on the motion to concur in the Senate amendments to Reengrossed HB 1312, which request was granted.

ROLL CALL

The question being on the motion to concur in the Senate amendments to Reengrossed HB 1312, the roll was called and there were 70 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gertholz; Gorder; Grande; Grosz; Gulletson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Johnsen, C.; Johnson, D.; Kelsch, R.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroepelin; Kunkel; Mahoney; Mickelson; Monson; Murphy; Nelson; Nicholas; Olson; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Skarphol; Soukup; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Wilkie; Speaker Timm

NAYS: Aarsvold; Carlisle; Christenson; Coats; Delmore; Glassheim; Grumbo; Jensen; Keiser; Kelsh, S.; Kliniske; Lloyd; Maragos; Martinson; Nichols; Niemeier; Nottestad; Oban; Poolman; Rose; Sabby; Stenehjem; Svedjan; Sveen; Warner; Wentz

ABSENT AND NOT VOTING: Huether

The House concurred in the Senate amendments to Reengrossed HB 1312, and Reengrossed HB 1312, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1312: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to authorization for board of higher education institutions

to borrow from the Bank of North Dakota; and to amend and reenact sections 15-10-08 and 44-04-18.4 of the North Dakota Century Code, relating to compensation of state board of higher education members and confidentiality of information regarding grants and contracts of institutions of higher education.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 79 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordier; Grande; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnson, D.; Kelsch, R.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Olson; Poolman; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wilkie; Speaker Timm

NAYS: Aarsvold; Christenson; Coats; Delmore; Delzer; Grosz; Keiser; Kliniske; Niemeier; Nottestad; Oban; Rose; Sabby; Svedjan; Wentz

ABSENT AND NOT VOTING: Huether; Johnsen, C.; Kelsh, S.

Reengrossed HB 1312, as amended, passed and the title was agreed to.

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 1312.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1238, HB 1301, HB 1387, and HB 1412.

HOUSE ENROLLING REPORT

The following bill was enrolled: HB 1019.

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

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

HB 1035: Sens. Andrist; Lee; Yockim

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2228.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on the veto certification on SB 2201.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on SB 2043.

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

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

SB 2043: Reps. Christopherson; Devlin; Kerzman

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 1456.

MOTION

REP. FREIER MOVED that the House be on the Seventh order of business and at the conclusion of that order, the House stand in recess until 1:00 p.m., which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1337, as engrossed: Your conference committee (Sens. Freborg, Cook, Wogsland and Reps. Thoreson, Clark, Christenson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 958-959, adopt amendments as follows, and place HB 1337 on the Seventh order:

That the Senate recede from its amendments as printed on pages 958 and 959 of the House Journal and pages 744 and 745 of the Senate Journal and that Engrossed House Bill No. 1337 be amended as follows:

Page 1, line 6, after "degree" insert "in counseling"

Page 1, line 7, replace "regionally or nationally accredited institution of higher education in" with "state-approved" and replace ". A person" with "program, with coursework and an internship in school counseling, as required for all counselors by the superintendent of public instruction, provided the person has a valid North Dakota teaching certificate or will obtain one within seven years from the date of first employment under the provisions of this section. The education standards and practices board shall adopt rules relating to the background check of a person hired under this section. All costs associated with a background check are the responsibility of the person being hired. The education standards and practices board shall monitor a person hired under this section to ensure that the person annually completes at least one-seventh of the total credits required for that person to obtain a teaching certificate as determined on the date of first employment under this section."

Page 1, remove lines 8 through 15

Renumber accordingly

Engrossed HB 1337 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 passed: HB 1003, HB 1026.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1003

Page 1, line 2, after "reenact" insert "subsection 1 of section 53-06.1-14 and"

Page 1, line 3, after "to" insert "license fees for pull tab and bingo card manufacturers and to"

Page 1, line 11, replace "12,618,076" with "12,887,894"

Page 1, line 12, replace "4,601,576" with "4,680,514"

Page 1, line 13, replace "1,014,600" with "1,044,900"

Page 1, line 22, replace "26,181,700" with "26,560,756"

Page 1, line 23, replace "13,495,641" with "13,786,432"

Page 1, line 24, replace "12,686,059" with "12,774,324"

Page 2, after line 20, insert:

"SECTION 6. AMENDMENT. Subsection 1 of section 53-06.1-14 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. A manufacturer of pull tabs, manufacturer of bingo cards, manufacturer of pull tab dispensing devices, manufacturer's distributor of pull tab dispensing devices, and distributor shall apply annually for a license upon a form prescribed by the attorney general before the first day of April in each year and shall submit the appropriate license fee. Each applicant shall provide such necessary and reasonable information as the attorney general may require. The license fee for a distributor is one thousand five hundred dollars. The license fee for a manufacturer's distributor is five hundred dollars. The license fee for a manufacturer of pull tab dispensing devices, manufacturer of pull tabs, bingo cards, or both a manufacturer of pull tabs and bingo cards, is ~~two~~ five thousand dollars."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

SENATE - This amendment makes the following changes:

7 Adds funding of \$77,798 of federal funds and \$23,310 of other funds for a narcotics prosecutor position. The Attorney General has an available FTE position that may be used for this purpose.

8 Removes funding for risk management premiums, of which \$58,465 is from the general fund and \$10,317 is from other funds.

9 Reduces operating expenses by \$59,655 from the general fund for anticipated savings resulting from program efficiencies during the 1997-99 biennium.

A section is added increasing the annual license fee for manufacturers of pull tabs, pull tab dispensing devices, and bingo cards by \$3,000, from \$2,000 to \$5,000. The increase is estimated to generate \$48,000 of additional general fund revenues for the 1997-99 biennium.

A comparison of funding for the Attorney General in the various budget versions is listed below.

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION	HOUSE INCREASE (DECREASE) TO EXECUTIVE BUDGET	SENATE INCREASE (DECREASE) TO EXECUTIVE BUDGET	SENATE INCREASE (DECREASE) TO HOUSE VERSION
General fund	\$12,926,324	\$12,686,059	\$12,774,324	\$(240,265)	\$(152,000) ¹	\$ 88,265
Special funds	<u>13,478,761</u>	<u>13,495,641</u>	<u>13,786,432</u>	<u>16,880</u>	<u>307,671</u>	<u>290,791</u>
Total	\$26,405,085	\$26,181,700	\$26,560,756	\$(223,385)	\$155,671	\$379,056
FTE	162.50	145.00	153.50	(17.50)	(9.00)	8.50

¹ Senate changes to the executive budget affecting the general fund appropriation include concurring with the House addition of \$183,000 for two criminal investigators, concurring with the House reduction of (\$16,880) relating to the general fund support for the consumer protection investigator, removing operating expense funding of (\$59,655) (see footnote No. 9), reducing general fund support for salaries and wages in the Legal Services Division by (\$200,000) (see footnote No. 6), and removing risk management premium funding of (\$58,465) (see footnote No. 8). The amount shown does not reflect the additional \$48,000 of general fund revenue which is estimated to be generated during the 1997-99 biennium from increasing license fees as provided in Section 6 of this Act.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1026

Page 1, line 3, after the semicolon insert "to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to a continuing appropriation for allocated loss adjustment expenses;"

Page 2, after line 3, insert:

"SECTION 4. A new section to chapter 65-02 of the North Dakota Century Code is created and enacted as follows:

Allocated loss adjustment expenses - Continuing appropriation - Annual review. Money in the workers' compensation fund is appropriated on a continuing basis for the payment of all allocated loss adjustment expenses experienced by the bureau in its administration of this title. In its annual audit and its biennial report, the bureau shall include a breakdown of those allocated loss adjustment expenses that reflect the attorney fees and costs paid to attorneys who represent injured workers, the attorney fees and costs paid to attorneys with whom it contracts to represent the bureau, the amount paid for administrative law judges for hearings, and the court reporter and other legal expenses paid. The performance audit required under 1997 Senate Bill No. 2074 must include a review of the bureau's legal costs to determine whether the system is operating efficiently."

Page 2, line 9, remove the overstrike over "~~state of North Dakota~~" and remove "adjutant general"

Page 2, line 10, remove "of the North Dakota national guard as the North Dakota wing of the civil air patrol"

Page 2, line 12, replace "it" with "the adjutant general"

Page 2, line 13, replace "its" with "the"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**DEPARTMENT 485 - WORKERS COMPENSATION BUREAU**

SENATE - This amendment adds a new section to North Dakota Century Code Chapter 65-02. The new section provides the bureau with a continuing appropriation from the workers' compensation fund. The continuing appropriation is for the payment of allocated loss adjustment expenses. The section also requires the bureau's annual audit and biennial report include a schedule of allocated loss adjustment expenses paid by the bureau. The section also provides that the bureau's biennial performance audit review the legal costs of the bureau to determine if the system is operating efficiently.

The amendment also removes the requirement added in the House that excess Civil Air Patrol workers' compensation liabilities be an obligation of the Adjutant General rather than the state of North Dakota.

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

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your **Committee on Correction and Revision of the Journal (Rep. DeKrey, Chairman)** has carefully examined the Journal of the Sixty-first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1336, after line 23, insert the following:

STATEMENT OF PURPOSE OF AMENDMENT:**DEPARTMENT 408 - PUBLIC SERVICE COMMISSION**

CONFERENCE COMMITTEE - This amendment increases public warehouse license fees by \$100 per year if the commission employs at least two warehouse inspectors. The fee increases are estimated to generate \$95,000 of additional general fund revenue for the 1997-99 biennium.

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

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1019, HB 1238, HB 1301, HB 1387, HB 1412.

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 1019, HB 1238, HB 1301, HB 1387, HB 1412.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker has signed the veto certification on HB 2201.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on the veto certification on HB 2201.

RECONSIDERATION OF VETOED MEASURE

HB 1147: A BILL for an Act to create and enact a new section to chapter 15-47 and a new section to chapter 27-20 of the North Dakota Century Code, relating to school personnel notification of juvenile offenses; and to amend and reenact subsection 4 of section 27-20-51 of the North Dakota Century Code, relating to school personnel receipt of juvenile orders of disposition.

ROLL CALL

The question being on the final passage of the amended bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 81 YEAS, 13 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kroeplin; Kunkel; Lloyd; Mahoney; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Schmidt; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Boehm; Callahan; Froseth; Gunter; Johnsen, C.; Kretschmar; Maragos; Martinson; Murphy; Oban; Rose; Sandvig; Stenehjelm

ABSENT AND NOT VOTING: Huether; Kempenich; Sveen

The House overrode the Governor's veto on Engrossed HB 1147.

REPORT OF CONFERENCE COMMITTEE

REP. DEKREY MOVED that the conference committee report on HB 1453 be adopted, which motion prevailed.

HB 1453, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1453: A BILL for an Act to amend and reenact section 27-08.1-01 of the North Dakota Century Code, relating to the location of small claims actions.

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, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol;

Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Huether; Kempenich; Sveen

HB 1453, as amended, passed and the title was agreed to.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER TIMM ANNOUNCED that Rep. Hausauer would replace Rep. Kunkel and Rep. R. Kelsch would replace Rep. Freier on the Conference Committee on HB 1013.

REPORT OF CONFERENCE COMMITTEE

REP. KOPPELMAN MOVED that the conference committee report on Engrossed HB 1112 be adopted, which motion prevailed.

Engrossed HB 1112, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1112: A BILL for an Act to create and enact two new sections to chapter 12.1-31 of the North Dakota Century Code, relating to the exploitation of a disabled or vulnerable elderly adult; to amend and reenact section 12.1-31-07 of the North Dakota Century Code, relating to the definition of disabled or vulnerable elderly adult; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulletson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Huether; Kempenich; Sveen

Engrossed HB 1112, as amended, passed and the title was agreed to.

MOTION

REP. NELSON MOVED that the House reconsider its action whereby SB 2255 passed, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2255: A BILL for an Act relating to dogs running at large; 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 44 YEAS, 50 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Boehm; Boucher; Brown; Brusegaard; Carlisle; Christopherson; Clark; Coats; Dorso; Drovdal; Gorder; Grande; Gunter; Hanson; Hausauer; Hawken; Henegar; Jensen; Kelsch, R.; Kelsh, S.; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Martinson; Mickelson; Monson; Nicholas; Nichols; Nottestad; Olson; Price; Renner; Sabby; Skarphol; Soukup; Svedjan; Thoreson; Torgerson; Wald; Wardner; Speaker Timm

NAYS: Aarsvold; Belter; Berg; Bernstein; Brandenburg; Byerly; Callahan; Carlson; Christenson; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grosz; Grumbo; Gulletson; Jacobs; Johnsen, C.;

Johnson, D.; Keiser; Kerzman; Kilzer; Klein; Kroeplin; Mahoney; Maragos; Murphy; Nelson; Niemeier; Oban; Poolman; Rennerfeldt; Rose; Sandvig; Schmidt; Stenehjem; Thompson; Thorpe; Tollefson; Warner; Weisz; Wentz; Wilkie

ABSENT AND NOT VOTING: Huether; Kempenich; Sveen

SB 2255, as amended, was declared lost.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1003, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1003: Reps. Gerntholz, Byerly, Huether.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1018, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1018: Reps. Freier, Kunkel, Wilkie.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1026, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1026: Reps. Wald, Boehm, Aarsvold.

MOTION

REP. FREIER MOVED that the House stand in recess until 3:30 p.m., which motion prevailed.

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

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 2:00 p.m., Friday, April 4, 1997.

This is to inform you that on April 4, 1997, I signed the following: HB 1351, HB 1385, HB 1467, HB 1468, HB 1041, HB 1055, HB 1179, HB 1182, and HB 1373.

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

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

HB 1013: Sens. Holmberg; Solberg; Robinson

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4062, SCR 4063.

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

MADAM PRESIDENT: The House has overridden the Governor's veto on HB 1147. The vote was 81 YEAS, 13 NAYS, 3 ABSENT AND NOT VOTING.

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

MADAM PRESIDENT: The Speaker has appointed Rep. Hausauer to replace Rep. Kunkel on the Conference Committee on HB 1013.

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

MADAM PRESIDENT: The Speaker has appointed Rep. R. Kelsch to replace Rep. Freier on the Conference Committee on HB 1013.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1003, HB 1018, and HB 1026 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1003: Reps. Gerntholz; Byerly; Huether

HB 1018: Reps. Freier; Kunkel; Wilkie

HB 1026: Reps. Wald; Boehm; Aarsvold

HOUSE ENGROSSING AND ENROLLING REPORT

The following bill was engrossed and enrolled: HB 1312.

MOTION

REP. WALD MOVED that the House reconsider its action whereby the House did not concur in the Senate amendments to Engrossed HB 1026 and that the Conference Committee on Engrossed HB 1026 be dissolved, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WALD MOVED that the House do concur in the Senate amendments to Engrossed HB 1026, which motion prevailed.

Engrossed HB 1026, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau and its divisions; to provide authorization to expend funds from the workers' compensation contingency line item; to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to a continuing appropriation for allocated loss adjustment expenses; and to amend and reenact section 65-06.1-04 of the North Dakota Century Code, relating to civil air patrol workers' compensation reimbursements.

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, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulletson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kroepelin; Kunkel; Lloyd; Mahoney; Maragos; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Huether; Kempenich; Kretschmar; Martinson; Murphy; Oban; Schmidt; Sveen

Engrossed HB 1026, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do concur in the Senate amendments to HB 1001 as printed on HJ pages 1211-1212, which motion prevailed.

HB 1001, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

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, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

ABSENT AND NOT VOTING: Huether; Kempenich; Kretschmar; Martinson; Murphy; Oban; Schmidt; Sveen

HB 1001, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. GROSZ MOVED that the conference committee report on Engrossed HB 1068 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. TOLLEFSON MOVED that the conference committee report on Engrossed HB 1008 be adopted, which motion prevailed.

Engrossed HB 1008, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1008: A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; and to amend and reenact sections 49-01-05 and 60-02-07 of the North Dakota Century Code, relating to the salary of public service commissioners and public warehouse licenses.

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, 22 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Axtman; Berg; Boehm; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Devlin; Dorso; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grumbo; Gulleson; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kunkel; Lloyd; Mahoney; Maragos; Monson; Nelson; Nicholas; Nichols; Nottestad; Olson; Price; Renner; Rose; Sabby; Sandvig; Soukup; Stenehjem; Svedjan; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Speaker Timm

NAYS: Aarsvold; Belter; Bernstein; Boucher; Brown; Carlson; DeKrey; Delzer; Drovdal; Fairfield; Grande; Grosz; Gunter; Kerzman; Kroeplin; Mickelson; Niemeier; Poolman; Rennerfeldt; Skarphol; Weisz; Wilkie

ABSENT AND NOT VOTING: Huether; Kempenich; Kretschmar; Martinson; Murphy; Oban; Schmidt; Sveen

Engrossed HB 1008, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. THORESON MOVED that the conference committee report on Engrossed HB 1337 be adopted, which motion prevailed.

Engrossed HB 1337, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1337: A BILL for an Act relating to the provision of guidance and counseling services at the elementary and secondary school level.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 76 YEAS, 12 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Kliniske; Koppelman; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Mickelson; Monson; Nelson; Nicholas; Niemeier; Olson; Poolman; Price; Renner; Sabby; Sandvig; Soukup; Stenehjem; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

NAYS: Boucher; Carlson; Coats; Delmore; Keiser; Kilzer; Nichols; Nottestad; Rennerfeldt; Rose; Skarphol; Svedjan

ABSENT AND NOT VOTING: Huether; Kempenich; Kretschmar; Martinson; Murphy; Oban; Schmidt; Sveen; Thorpe

Engrossed HB 1337, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED that all action taken today on bills, with the exception of SB 2255, be messaged to the Senate immediately, 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: HB 1008, HB 1112, HB 1337, HB 1453.

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

MADAM PRESIDENT: The House has adopted the conference committee report on HB 1068.

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 1001.

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

MADAM PRESIDENT: The House has reconsidered its action whereby it did not concur with the Senate amendments to HB 1026 and wishes to inform you that the House does now concur with the Senate amendments to HB 1026 and subsequently passed the same. Also, the House has dissolved the House Conference Committee on HB 1026.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4062: A concurrent resolution congratulating the University of North Dakota Fighting Sioux hockey team for its outstanding season and its NCAA Division I hockey national championship.
Was read the first time.

MOTION

REP. DORSO MOVED that the rules be suspended, that SCR 4062 not be printed, not be referred to committee, be read in its entirety, not be printed in the Journal, and be placed on the calendar for second reading and final adoption, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4062: A concurrent resolution congratulating the University of North Dakota Fighting Sioux hockey team for its outstanding season and its NCAA Division I hockey national championship.

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

SCR 4062 was declared adopted on a voice vote.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4063: A concurrent resolution urging Congress to continue to fund the Northern Great Plains Research Laboratory.

Was read the first time.

MOTION

REP. DORSO MOVED that the rules be suspended, that SCR 4063 not be printed, not be referred to committee, be read in its entirety, not be printed in the Journal, and be placed on the calendar for second reading and final adoption, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4063: A concurrent resolution urging Congress to continue to fund the Northern Great Plains Research Laboratory.

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

SCR 4063 was declared adopted on a voice vote.

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

MADAM PRESIDENT: The House has passed unchanged: SCR 4062, SCR 4063.

MOTION

REP. DORSO MOVED that the House stand in recess until 4:10 p.m., which motion prevailed.

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

REPORT OF CONFERENCE COMMITTEE

HB 1167: Your conference committee (Sens. Traynor, W. Stenehjem, Berg and Reps. Maragos, DeKrey, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 857-858, adopt amendments as follows, and place HB 1167 on the Seventh order:

That the Senate recede from its amendments as printed on pages 857 and 858 of the House Journal and pages 669 and 670 of the Senate Journal and that House Bill No. 1167 be amended as follows:

Page 1, line 1, after "sections" insert "40-57.3-02,"

Page 1, line 5, after "chance" insert "and moneys in a city visitors' promotion capital construction fund" and remove "and"

Page 1, line 9, remove "and" and after "penalty" insert "; and to provide for a legislative council study

Page 1, after line 13, insert:

"SECTION 2. AMENDMENT. Section 40-57.3-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-57.3-02. City visitors' promotion fund - City visitors' promotion capital construction fund - Visitors' committee - Establishment - Purpose. The governing body of any city which imposes a city tax pursuant to section 40-57.3-01 or 40-57.3-01.1 shall, as appropriate, establish a city visitors' promotion fund, a city visitors' promotion capital construction fund, and a visitors' committee. The visitors' committee shall serve as an advisory committee to the city governing body in administering the proceeds from the taxes available to the city under this chapter. The moneys in the visitors' promotion fund must be used generally to promote, encourage, and attract visitors to come to the city and use the travel and tourism facilities within the city. The moneys in the visitors' promotion capital construction fund must be used generally for tourism or the purchase, equipping, improving, construction, maintenance, repair, and acquisition of buildings or property consistent with visitor attraction or promotion. The committee shall consist of five members appointed by the governing body of the city. These appointees shall serve without compensation, except for reimbursement for necessary expenses. Committee members shall serve for a term of four years, except that two of those initially appointed must be appointed for an initial term of two years. Vacancies must be filled in the same manner as the initial appointment. The committee shall elect a chairperson and vice chairperson from among its members to serve for a term of two years."

Page 14, line 9, overstrike the first "or" and insert immediately thereafter ", an"

Page 14, line 10, after "permit" insert ", or an employee of a temporary employment agency who provides services to a licensed organization"

Page 16, line 18, overstrike "If bingo is the primary game at a site, a" and insert immediately thereafter "A"

Page 16, line 20, remove "a", overstrike "quarter", and after "~~site~~" insert "a period prescribed by gaming rule"

Page 17, line 17, after "A" insert "player may not place a wager on a" and overstrike "may not be under" and insert immediately thereafter "sporting event unless the competitor is"

Page 17, line 18, after "age" insert "or older"

Page 17, line 25, overstrike "paddlewheel ticket" and after "~~exceed~~" insert "wager"

Page 17, line 27, overstrike "wagered paddlewheel ticket" and insert immediately thereafter "wager", overstrike "cash" and overstrike "price of the"

Page 17, line 28, overstrike "paddlewheel ticket" and insert immediately thereafter "wager", after the period insert "A paddlewheel ticket must be used to register a player's wager when a prize is not a variable multiple of the wager." and overstrike "paddlewheel tickets" and insert immediately thereafter "wagers"

Page 17, line 30, overstrike "current" and overstrike "price" and insert immediately thereafter "value"

Page 17, line 31, overstrike "paddlewheel ticket" and insert immediately thereafter "wager"

Page 19, line 13, remove "or a"

Page 19, line 14, remove "live animal"

Page 19, line 23, replace "gambling" with "gaming"

Page 27, line 14, after "gaming" insert "and"

Page 33, after line 18, insert:

"SECTION 22. CHARITABLE GAMING INDUSTRY STUDY. The legislative council shall study the charitable gaming laws and rules to determine whether the laws and rules regarding taxation, enforcement, limitations, conduct, and play of charitable gaming are adequate and appropriate. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-sixth legislative assembly."

Renumber accordingly

HB 1167 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1297: Your conference committee (Sens. Traynor, W. Stenehjem, C. Nelson and Reps. Maragos, Kretschmar, Callahan) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1149-1150, adopt amendments as follows, and place HB 1297 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1149 and 1150 of the House Journal and page 889 of the Senate Journal and that House Bill No. 1297 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new subsection to section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages in civil actions for accidents involving a motor vehicle operated by a person while under the influence of alcohol or a controlled substance; to"

Page 1, line 2, after "damages" insert "; and to provide for application"

Page 1, line 17, after the second underscored comma insert "that there is sufficient evidence to support a finding by the trier of fact"

Page 1, after line 21, insert:

"SECTION 2. A new subsection to section 32-03.2-11 of the North Dakota Century Code is created and enacted as follows:

- a. In a civil action involving a motor vehicle accident, it is sufficient for the trier of fact to consider an award of exemplary damages against a driver involved in the accident if a preponderance of the evidence indicates that the accident resulted in bodily injury and was caused by a driver:
 - (1) With an alcohol concentration of at least ten one-hundredths of one percent by weight;
 - (2) Who was under the influence of a controlled substance;
 - (3) Who was under the influence of alcohol and refused to take a test required under chapter 39-20; or
 - (4) Who was knowingly under significant influence of a medication or other substance that substantially affects a person's nervous system, brain, or muscles so as to impair the person's ability to drive or operate a motor vehicle.
- b. A criminal charge or conviction is not a prerequisite to consideration of exemplary damages under this subsection. At the trial in an action in which the trier of fact will consider an award of exemplary damages, evidence that the driver has been convicted of violating section 39-08-01 or equivalent ordinance is admissible into evidence.

SECTION 3. APPLICATION. This Act applies only to actions commenced after the effective date of this Act."

Renumber accordingly

HB 1297 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: SB 2338.

REPORT OF CONFERENCE COMMITTEE

SB 2338, as reengrossed: Your conference committee (Sens. Freborg, Grindberg, Wogsland and Reps. R. Kelsch, Kunkel, Grumbo) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1028-1029, adopt amendments as follows, and place SB 2338 on the Seventh order:

That the House recede from its amendments as printed on pages 1028 and 1029 of the Senate Journal and pages 1134 and 1135 of the House Journal and that Reengrossed Senate Bill No. 2338 be amended as follows:

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

Page 1, line 19, replace "forty-two" with "fifty-four"

Page 1, line 21, replace "eleven" with "thirty-two"

Page 4, line 25, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 5, line 5, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 5, line 17, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 5, line 29, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 8, line 6, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 8, line 19, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 9, line 3, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 9, line 16, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 9, line 30, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 10, line 13, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 10, line 29, overstrike "sixty-five" and insert immediately thereafter "seventy-five"

Page 11, replace lines 8 through 19 with:

"SECTION 4. LEGISLATIVE COUNCIL STUDY OF EDUCATION FINANCE.

The legislative council shall appoint a committee to study the financing of elementary and secondary schools and the availability of state support for school construction. The legislative council shall ensure that the committee contains a balanced representation. During the 1997-98 interim, the committee shall review the formulas used to equalize state aid including formulas for student transportation and special education, funding sources that would be alternatives to property tax, and any other issues related to the financing of elementary and secondary schools. The legislative council shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the fifty-sixth legislative assembly.

SECTION 5. APPROPRIATION.

There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, to the superintendent of public instruction for the purpose of developing data envelopment analysis for North Dakota school districts, integrating the data envelopment analysis into the schoolmaps system, and updating the profiles of North Dakota school districts, for the biennium beginning July 1, 1997, and ending June 30, 1999."

Renumber accordingly

Reengrossed SB 2338 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

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

Reengrossed 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 sections 15-40.1-06, 15-40.1-07, and 15-40.1-08 of the North Dakota Century Code, relating to per student payments and the school district equalization factor; to provide for a legislative council study; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 73 YEAS, 18 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; Belter; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Grumbo; Gunter; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kroeplin; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Sandvig; Skarphol; Soukup; Stenehjerm; Svedjan; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Speaker Timm

NAYS: Aarsvold; Berg; Boucher; Christenson; Delmore; Fairfield; Glassheim; Gorder; Gulleeson; Hanson; Keiser; Maragos; Niemeier; Nottestad; Oban; Rose; Thorpe; Wilkie

ABSENT AND NOT VOTING: Huether; Kempenich; Kretschmar; Murphy; Schmidt; Sveen

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

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 2338.

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 1068.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Monday, April 7, 1997, which motion prevailed.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1085, HB 1357.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bill was engrossed and enrolled: HB 1068.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bill: HB 1068.

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 1068.

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 2030, SB 2153, SB 2194, SB 2324.

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 1007, HB 1021, HB 1306, HB 1448, HB 1478.

REPORT OF CONFERENCE COMMITTEE

SB 2030, as engrossed: Your conference committee (Sens. Andrist, Watne, Mutzenberger and Reps. Nottestad, Sabby, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 878-879, adopt amendments as follows, and place SB 2030 on the Seventh order:

That the House recede from its amendments to Engrossed Senate Bill No. 2030 as printed on pages 878 and 879 of the Senate Journal and on pages 1014 and 1015 of the House Journal and that Engrossed Senate Bill No. 2030 be amended as follows:

Page 1, line 2, after "offenders" insert "; and to provide a penalty"

Page 1, line 8, replace the second "as" with "is" and replace "felony" with "violation of"

Page 1, line 9, remove "in"

Page 1, line 11, replace "adjudication" with "disposition"

Page 1, line 12, replace "adjudication" with "disposition"

Page 1, line 15, replace "adjudication" with "disposition" and remove "Based on any previous informal adjustment,"

Page 1, remove lines 16 through 18

Page 1, line 19, remove "adjudication for one of the above offenses." and replace "the original" with "a copy of"

Page 1, line 20, remove "disposition order and", replace "its conditions" with "the order", and remove the period

Page 1, line 21, remove "The court shall send this information"

Page 1, line 23, after the period insert "If a person who is listed on the data base has a change in name or address, that person shall inform the attorney general in writing, within ten days, of the person's new name or address and shall otherwise comply with address verification procedures as required by the attorney general. The person shall comply with this requirement for ten years after the date of the disposition, or until destruction of the records is ordered by the court, whichever date is earlier. A person listed on the data base who violates this section is guilty of a class A misdemeanor."

3."

Page 1, line 24, replace "adjudication" with "disposition"

Page 2, line 1, replace the first semicolon with "and" and remove "; and when"

Page 2, remove lines 2 through 5

Page 2, line 6, remove "the child's education records and is confidential" and after the period insert "The court shall notify the superintendent of the school district and the principal of the school the child attends of the disposition. The school administration shall notify the child's teachers and guidance counselor of this information and shall notify others in similar positions if the child transfers to another learning institution in or outside the state."

Page 2, line 7, replace "adjudication" with "disposition"

Page 2, line 10, replace "adjudication" with "disposition"

Page 2, line 11, replace "3" with "4"

Renumber accordingly

Engrossed SB 2030 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2153, as engrossed: Your conference committee (Sens. W. Stenehjem, Watne, C. Nelson and Reps. Hawken, Kretschmar, Fairfield) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 810, adopt amendments as follows, and place SB 2153 on the Seventh order:

That the House recede from its amendment as printed on page 921 of the House Journal and page 810 of the Senate Journal and that Engrossed Senate Bill No. 2153 be amended as follows:

Page 2, line 14, after the underscored period insert "The court may not defer imposition of sentence, nor may the court suspend any part of the specified sentence, either at the time of or after the imposition of the sentence, unless the court first finds that the offense was the defendant's first violation of this chapter and that extenuating or mitigating circumstances exist which justify a suspension. The court shall announce the circumstances that justify a suspension in open court when sentence is imposed and recite these circumstances in the sentence or order suspending part of the sentence."

Renumber accordingly

Engrossed SB 2153 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2194: Your conference committee (Sens. Thane, Fischer, DeMers and Reps. Christopherson, C. Johnsen, Rose) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 882-883, adopt amendments as follows, and place SB 2194 on the Seventh order:

That the House recede from its amendments as printed on pages 882 and 883 of the Senate Journal and page 1018 of the House Journal and that Senate Bill No. 2194 be amended as follows:

Page 1, line 2, after "disease" insert "; and to provide an expiration date"

Page 2, line 3, replace ", regardless of age or the existence of" with "born after December 31, 1962"

Page 2, line 4, remove "any preexisting condition"

Page 2, after line 6, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 1999, and after that date is ineffective."

Renumber accordingly

SB 2194 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2324, as engrossed: Your conference committee (Sens. Wanzek, Sand, Kinnoin and Reps. Nicholas, Nelson, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 883-884, adopt amendments as follows, and place SB 2324 on the Seventh order:

That the House recede from its amendments as printed on pages 883 and 884 of the Senate Journal and page 1025 of the House Journal and that Engrossed Senate Bill No. 2324 be amended as follows:

Page 2, line 13, after the period insert "Before a processor's lien is filed, a billing statement for the services performed must include notice to the agricultural producer that if the amount due to the agricultural processor is not satisfied a lien may be filed."

Page 2, line 28, remove the overstrike over "except"

Page 2, line 29, remove the overstrike over "~~an agricultural supplier's lien for furnishing petroleum products,~~"

Page 3, line 1, remove the overstrike over "~~To obtain an agricultural supplier's lien for furnishing and~~"

Page 3, line 2, remove the overstrike over "~~delivering petroleum products, the person entitled to the lien, within one hundred~~", after "eighty" insert "fifty", and remove the overstrike over "days"

Page 3, remove the overstrike over lines 3 and 4

Page 3, line 17, after the period insert "Before a supplier's lien is filed, a billing statement for the supplies furnished must include notice to the agricultural producer that if the amount due to the agricultural supplier is not satisfied a lien may be filed."

Renumber accordingly

Engrossed SB 2324 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 President has appointed Sen. Bowman to replace Sen. Lips on the Conference Committee on HB 1006.

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

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

HB 1003: Sens. Naaden; Nalewaja; Tallackson

HB 1018: Sens. Holmberg; Solberg; Tallackson

HB 1026: Sens. St. Aubyn; Nalewaja; Krauter

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

MR. SPEAKER: The President has appointed Sen. Holmberg to replace Sen. Lips on the Conference Committee on HB 1024.

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

MR. SPEAKER: The President has signed: HB 1068.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for his approval at the hour of 5:37 p.m., April 4, 1997: HB 1068.

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 2338.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bill: SB 2338.

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

MADAM PRESIDENT: The Speaker has signed: SB 2338.

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

ROY GILBREATH, Chief Clerk