

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, March 26, 1999

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

The prayer was offered by Pastor Steve Anderson, United Community Parish, Ray, North Dakota.

The roll was called and all members were present except Representatives Froelich and R. Kelsch.

A quorum was declared by the Speaker.

**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 Fifty-third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 968, replace lines 6 through 11 with:

Page 2, line 13, after "issues" insert "throughout the world"

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

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 25, 1999, I have signed the following: HB 1071, HB 1095, HB 1128, HB 1136, HB 1141, HB 1154, HB 1155, HB 1157, HB 1169, HB 1211, HB 1223, HB 1242, HB 1259, HB 1284, HB 1315, HB 1331, HB 1356, HB 1357, HB 1370, HB 1372, HB 1450, and HB 1452.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to Engrossed SB 2125, Engrossed SB 2307, Engrossed SB 2344, and Engrossed SB 2371 be adopted, which motion prevailed.

Engrossed SB 2307, as amended, was rereferred to the **Appropriations Committee**.

Engrossed SB 2125, Engrossed SB 2344, and Engrossed SB 2371, as amended, were placed on the Fourteenth order of business on the calendar.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do concur in the Senate amendments to HB 1025 as printed on HJ pages 935-936, which motion prevailed.

HB 1025, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1025:** A BILL for an Act to amend and reenact sections 28-32-02.3, 28-32-02.4, and 40-08-06 of the North Dakota Century Code, relating to adoption of administrative rules from federal guidelines and adoption of rules by reference and appropriate circumstances and to the terms of office of city council members; 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 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Byerly; Froelich; Kelsch, R.; Tollefson

Engrossed HB 1025 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PRICE MOVED** that the House do concur in the Senate amendments to Engrossed HB 1039 as printed on HJ page 965, which motion prevailed.

Engrossed HB 1039, as amended, was placed on the Eleventh order of business on the calendar.

#### **SECOND READING OF HOUSE BILL**

**HB 1039:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to insurance coverage of ambulance services for prehospital emergency medical 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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Byerly; Froelich; Kelsch, R.

Reengrossed HB 1039 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NICHOLAS MOVED** that the House do concur in the Senate amendments to HB 1399 as printed on HJ page 968, which motion prevailed.

HB 1399, as amended, was placed on the Eleventh order of business on the calendar.

#### **SECOND READING OF HOUSE BILL**

**HB 1399:** A BILL for an Act to amend and reenact section 4-28-07 of the North Dakota Century Code, relating to the wheat tax levy and its use.

#### **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, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan;

Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Boehm; Delzer

**ABSENT AND NOT VOTING:** Byerly; Froelich; Kelsch, R.; Winrich

Engrossed HB 1399 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. FROSETH MOVED** that the House do concur in the Senate amendments to HCR 3074 as printed on HJ page 968, which motion prevailed.

HCR 3074, as amended, was placed on the Eleventh order of business on the calendar.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3074:** A concurrent resolution directing the Legislative Council to study the amount and value of property owned by nonprofit organizations and other tax-exempt entities, including ownership in trust for Indian tribes, in this state and the impact of that ownership on local communities and the economy of this state.

#### **ROLL CALL**

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 88 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Carlisle; Clark; Cleary; Henegar; Kerzman; Sandvig; Thoreson, B.

**ABSENT AND NOT VOTING:** Froelich; Kelsch, R.; Winrich

Engrossed HCR 3074 was declared adopted on a roll call vote.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DEKREY MOVED** that the House do concur in the Senate amendments to HCR 3043 as printed on HJ pages 989-990, which motion prevailed.

HCR 3043, as amended, was placed on the Eleventh order of business on the calendar.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3043:** A concurrent resolution directing the Legislative Council to study the clarity and continuity of end-of-life decisionmaking issues and related laws.

#### **ROLL CALL**

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

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

Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Speaker Wald

**ABSENT AND NOT VOTING:** Froelich; Kelsch, R.; Winrich

Engrossed HCR 3043 was declared adopted on a roll call vote.

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#### **CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BELTER MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1307 as printed on HJ page 967 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on Engrossed HB 1307: Reps. Mickelson, Herbel, Winrich.

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

**SCR 4003:** A concurrent resolution urging the Department of Human Services to implement recommendations to improve its administrative structure and enhance its budget presentation methods and to report to the Legislative Council and directing the Legislative Council to monitor the implementation of the recommendations.

**SCR 4021:** A concurrent resolution urging Congress to renegotiate the North American Free Trade Agreement and address tariff equalization, increased market access, sanitary and phytosanitary disputes, methods to facilitate and shorten dispute resolution procedures, methods to encourage American businesses to keep their production operations in the United States, and methods to encourage the location of low-environmental impact and local, culturally friendly production facilities on or near American Indian reservations to access and develop tribal work forces and increase employment opportunities for tribal members.

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

SCR 4003 and SCR 4021, as amended, were declared adopted on a voice vote.

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#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval on March 26, 1999: HB 1006, HB 1008, HB 1010, HB 1066, HB 1070, HB 1144, HB 1170, HB 1255, HB 1341.

#### **MOTION**

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

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

#### **SECOND READING OF SENATE BILL**

**SB 2254:** A BILL for an Act relating to the performance of partial-birth abortions; and to provide a penalty.

#### **MOTION**

**REP. DORSO MOVED** that in accordance with House Rule 336, the time certain for debate on SB 2254, as amended, would be now, which motion prevailed.

#### **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 84 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Fairfield; Froelich; Froseth; Galvin; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Henegar; Herbel; Hoffner; Huether; Johnson, D.; Keiser; Kelsch, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman;

Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wikenheiser; Speaker Wald

**NAYS:** Delmore; Ekstrom; Glassheim; Hawken; Jensen; Johnson, N.; Maragos; Martinson; Stefonowicz; Sveen; Wentz; Winrich

**ABSENT AND NOT VOTING:** Kelsch, R.; Nicholas

SB 2254, as amended, passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2419:** A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to funds recovered by the attorney general; and to amend and reenact section 54-12-18 of the North Dakota Century Code, relating to the attorney general refund 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 65 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Galvin; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nichols; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Boucher; Cleary; Delmore; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Guleson; Hanson; Hoffner; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf; Meyer; Mueller; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Thorpe; Warner; Winrich

**ABSENT AND NOT VOTING:** Kelsch, R.; Nicholas

Engrossed SB 2419, as amended, passed and the title was agreed to.

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## THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Jason Graba

## SECOND READING OF SENATE BILL

**SB 2008:** A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; and to amend and reenact section 49-01-05 and subsection 3 of section 49-21-01 of the North Dakota Century Code, relating to the salary of public service commissioners and the definition of essential telecommunications service.

## 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 55 YEAS, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Froseth; Galvin; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Kempenich; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Mickelson; Monson; Nelson; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Weisz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Boucher; Carlisle; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Guleson; Hanson; Henegar; Hoffner; Keiser; Kelsh, S.; Kerzman; Klein; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer;

Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Thorpe; Tollefson; Warner; Wentz; Winrich

**ABSENT AND NOT VOTING:** Kelsch, R.; Nicholas

Engrossed SB 2008, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2017:** 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, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Ekstrom; Kelsch, R.; Nicholas

Engrossed SB 2017, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2022:** A BILL for an Act to provide an appropriation for defraying the expenses of the tourism department.

### 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 77 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Froseth; Galvin; Glassheim; Gordier; Grande; Gulleson; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Boucher; Cleary; Ekstrom; Fairfield; Froelich; Grosz; Grumbo; Hanson; Hoffner; Kelsch, S.; Kerzman; Lemieux; Lundgren; Mahoney; Niemeier; Rose; Sandvig; Winrich

**ABSENT AND NOT VOTING:** Kelsch, R.; Nicholas

Engrossed SB 2022, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2023:** A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to provide an appropriation to the public service commission; to provide for a study by the state engineer of the feasibility and desirability of constructing

dams and other impoundments in the Pembina River watershed; and to declare an emergency.

#### ROLL CALL

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

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

**NAYS:** Cleary; Lemieux; Nichols; Sandvig

**ABSENT AND NOT VOTING:** Kelsch, R.; Nicholas

Engrossed SB 2023, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2024:** A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau and its divisions.

#### 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 69 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kempenich; Klein; Klemm; Kliniske; Koppang; Koppelman; Lloyd; Maragos; Martinson; Metcalf; Mickelson; Monson; Nelson; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Cleary; Ekstrom; Fairfield; Froelich; Grumbo; Gulleson; Hanson; Hoffner; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefanowicz; Thorpe; Winrich

**ABSENT AND NOT VOTING:** Kelsch, R.; Nicholas

Engrossed SB 2024, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2026:** A BILL for an Act making an appropriation for defraying the expenses of various state departments and institutions; to amend and reenact subdivision 3 of section 1 of chapter 45 of the 1997 Session Laws, relating to the department of corrections and rehabilitation appropriation; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 92 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud;

Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Carlson; Lemieux; Nichols

**ABSENT AND NOT VOTING:** Kelsch, R.; Maragos; Nicholas

Engrossed SB 2026, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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## SECOND READING OF SENATE BILL

**SB 2071:** A BILL for an Act to create and enact a new subsection to section 54-52-17 and a new section to chapter 54-52 of the North Dakota Century Code, relating to acceptance of rollovers from other qualified plans and vesting of employer contributions under the public employees retirement system; to amend and reenact subsection 1 of section 54-52-01, subdivisions b and d of subsection 3 of section 54-52-17, paragraphs 1 and 2 of subdivision a of subsection 4 of section 54-52-17, subdivision d of subsection 4 of section 54-52-17, subsections 5, 6, and 7 of section 54-52-17, sections 54-52-17.5 and 54-52-17.10 of the North Dakota Century Code, relating to definitions, determination of retirement dates, computation of benefits, eligibility for early retirement benefits, vesting, postretirement adjustments, and prior service retiree adjustments under the public employees retirement system; and to provide an effective date.

## ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Kelsch, R.; Mickelson; Nicholas

SB 2071 passed and the title was agreed to.

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## MOTION

**REP. DORSO MOVED** that Engrossed SB 2114, as amended, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Dorso's motion, Engrossed SB 2114, as amended, was rereferred.

## SECOND READING OF SENATE BILL

**SB 2047:** A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to contingent fee arrangements for compensating special assistant attorneys general.

## 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 55 YEAS, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.



**YEAS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Henegar; Herbel; Jensen; Johnson, D.; Johnson, N.; Keiser; Kempenich; Klein; Klemin; Koppang; Koppelman; Lloyd; Mickelson; Monson; Nelson; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wikenheiser; Speaker Wald

**NAYS:** Aarsvold; Boucher; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Gorder; Grumbo; Gulleeson; Hanson; Hawken; Hoffner; Huether; Kelsh, S.; Kerzman; Kliniske; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Sveen; Thorpe; Warner; Wentz; Winrich

**ABSENT AND NOT VOTING:** Kelsch, R.; Nicholas

SB 2047, as amended, passed and the title was agreed to.

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### **SECOND READING OF SENATE BILL**

**SB 2414:** A BILL for an Act to create a North Dakota higher education savings plan; and to provide an appropriation.

### **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 83 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grumbo; Gulleeson; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich

**NAYS:** Boehm; Brusegaard; Byerly; Carlisle; Carlson; Delzer; Grande; Grosz; Henegar; Rennerfeldt; Thoreson, L.; Weisz; Speaker Wald

**ABSENT AND NOT VOTING:** Kelsch, R.; Nicholas

Engrossed SB 2414, as amended, passed and the title was agreed to.

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### **ANNOUNCEMENT**

**REPRESENTATIVE DORSO ANNOUNCED** that the members of the **Appropriations Committee** would be excused at this time.

### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SCR 4029: Reps. Rennerfeldt, Clark, Froelich.

### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2098: Reps. Keiser, Martinson, Stefonowicz.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1025, HB 1039, HB 1399, HCR 3043, HCR 3074.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1307 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1307:** Reps. Mickelson; Herbel; Winrich

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

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

**SB 2098:** Reps. Keiser; Martinson; Stefonowicz

**SCR 4029:** Reps. Rennerfeldt; Clark; Froelich

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2047, SB 2414, SCR 4003.

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2023, SB 2026.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2008, SB 2017, SB 2022, SB 2024, SB 2071, SB 2254, SB 2419, SCR 4021.

**MOTION**

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

**MOTION**

**REP. DORSO MOVED** that the House be on the Fifth, Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Monday, March 29, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2003, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) A MAJORITY** of your committee (Reps. Dalrymple, Byerly, Bernstein, Boehm, Carlson, Carlisle, Delzer, Lloyd, Monson, Poolman, Svedjan, Timm, Tollefson, Wentz) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, remove "section 12-60-16.9,"

Page 1, line 3, remove the first comma

Page 1, line 4, remove "criminal history background checks," and remove the second comma

Page 1, line 13, replace "14,034,903" with "13,981,817"

Page 1, line 14, replace "4,772,703" with "4,572,703"

Page 1, line 15, replace "868,710" with "811,710"

Page 1, line 24, replace "29,935,090" with "29,625,004"

Page 2, line 1, replace "15,946,103" with "15,894,903"

Page 2, line 2, replace "13,988,987" with "13,730,101"

Page 3, remove lines 4 through 9

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 125 - ATTORNEY GENERAL

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$14,181,012	\$14,034,903	(\$53,086)	\$13,981,817
Operating expenses	4,753,803	4,772,703	(200,000)	4,572,703
Equipment	868,710	868,710	(57,000)	811,710
Grants	5,396,025	5,396,025		5,396,025
Litigation fees	50,000	50,000		50,000
Gaming commission	5,109	5,109		5,109
Racing commission	244,548	222,067		222,067
National criminal history	2,528,385	2,344,118		2,344,118

improvement project				
Law enforcement programs	628,844	627,280		627,280
High-intensity drug trafficking area	2,745,933	1,604,175		1,604,175
Arrest and return of fugitives		<u>10,000</u>		<u>10,000</u>
Total all funds	\$31,402,369	\$29,935,090	(\$310,086)	\$29,625,004
Less special funds	<u>17,279,464</u>	<u>15,946,103</u>	<u>(51,200)</u>	<u>15,894,903</u>
General fund	\$14,122,905	\$13,988,987	(\$258,886)	\$13,730,101
FTE	167.50	160.50	(1.00)	159.50

Detail of House changes to the Senate version includes:

	REMOVE VACANT POSITION	REMOVE SPECIAL FUND REVENUE	CHANGE FUNDING SOURCE	REDUCE OPERATING EXPENSES	REDUCE EQUIPMENT	TOTAL HOUSE CHANGES
Salaries and wages	(\$53,086) <sup>1</sup>					(\$53,086)
Operating expenses				(200,000) <sup>4</sup>		(200,000)
Equipment					(57,000) <sup>5</sup>	(57,000)
Grants						
Litigation fees						
Gaming commission						
Racing commission						
National criminal history						
improvement project						
Law enforcement programs						
High-intensity drug trafficking area						
Arrest and return of fugitives						
Total all funds	(\$53,086)	\$0	\$0	(\$200,000)	(\$57,000)	(\$310,086)
Less special funds		<u>(251,200)<sup>2</sup></u>	<u>200,000<sup>3</sup></u>			<u>(51,200)</u>
General fund	(\$53,086)	\$251,200	(\$200,000)	(\$200,000)	(\$57,000)	(\$258,886)
FTE	(1.00)	0.00	0.00	0.00	0.00	(1.00)

House changes narrative:

<sup>1</sup> Removes 1 FTE vacant gaming account technician II.

<sup>2</sup> Removes the statutory change made by the Senate which would have provided that fees charged by the Attorney General's office for conducting background checks be deposited in the Attorney General's operating fund rather than the general fund. This House change will result in an additional \$251,200 of general fund revenues compared to the Senate version.

<sup>3</sup> Increases federal funding for the Attorney General's office by \$200,000 and reduces general fund support for the office by \$200,000.

<sup>4</sup> Reduces operating expenses by \$200,000 from the general fund. The Attorney General may determine the specific areas of reductions within this line item.

<sup>5</sup> Reduces funding provided for office equipment and furniture.

The report of the Majority was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF STANDING COMMITTEE

**SB 2003, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) A MINORITY** of your committee (Reps. Aarsvold, Gulleon, Hoffner, Huether, Kerzman, Nichols) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 1, line 2, remove "section 12-60-16.9,"

Page 1, line 3, remove the first comma

Page 1, line 4, remove "criminal history background checks," and remove the second comma

Page 1, line 13, replace "14,034,903" with "13,981,817"

Page 1, line 14, replace "4,772,703" with "4,572,703"

Page 1, line 15, replace "868,710" with "811,710"

Page 1, line 24, replace "29,935,090" with "29,625,004"

Page 2, line 1, replace "15,946,103" with "15,894,903"

Page 2, line 2, replace "13,988,987" with "13,730,101"

Page 2, after line 2, insert:

**"SECTION 2. APPROPRIATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the attorney general for the purpose of investigating and litigating unfair or unlawful practices in agricultural production, processing, and marketing, and possibly addressing issues that involve international trade, industry concentration, the violation of state and federal antitrust laws, and fair market grading and testing standards, for the biennium beginning July 1, 1999, and ending June 30, 2001."

Page 3, remove lines 4 through 9

Renumber accordingly

# STATEMENT OF PURPOSE OF AMENDMENT:

## DEPARTMENT 125 - ATTORNEY GENERAL

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$14,181,012	\$14,034,903	(\$53,086)	\$13,981,817
Operating expenses	4,753,803	4,772,703	(200,000)	4,572,703
Equipment	868,710	868,710	(57,000)	811,710
Grants	5,396,025	5,396,025		5,396,025
Litigation fees	50,000	50,000		50,000
Gaming Commission	5,109	5,109		5,109
Racing Commission	244,548	222,067		222,067
National criminal history improvement project	2,528,385	2,344,118		2,344,118
Law enforcement programs	628,844	627,280		627,280
High-intensity drug trafficking area	2,745,933	1,604,175		1,604,175
Separate section - Ag issues			500,000	500,000
Arrest and return of fugitives		10,000		10,000
Total all funds	\$31,402,369	\$29,935,090	\$189,914	\$30,125,004
Less special funds	17,279,464	15,946,103	(51,200)	15,894,903
General fund	\$14,122,905	\$13,988,987	\$241,114	\$14,230,101
FTE	167.50	160.50	(1.00)	159.50

Detail of House changes to the Senate version includes:

	REMOVE VACANT POSITION	REMOVE SPECIAL FUND REVENUE	CHANGE FUNDING SOURCE	REDUCE OPERATING EXPENSES	REDUCE EQUIPMENT	ADD FUNDING FOR AGRICULTURAL ISSUES
Salaries and wages	(\$53,086) <sup>1</sup>					
Operating expenses				(\$200,000) <sup>4</sup>		
Equipment					(\$57,000) <sup>5</sup>	
Grants						
Litigation fees						
Gaming Commission						
Racing Commission						
National criminal history improvement project						
Law enforcement programs						
High-intensity drug trafficking area						
Separate section - Ag issues						\$500,000 <sup>6</sup>
Arrest and return of fugitives						
Total all funds	(\$53,086)	\$0	\$0	(\$200,000)	(\$57,000)	\$500,000
Less special funds		(251,200) <sup>2</sup>	200,000 <sup>3</sup>			
General fund	(\$53,086)	\$251,200	(\$200,000)	(\$200,000)	(\$57,000)	\$500,000
FTE	(1.00)	0.00	0.00	0.00	0.00	0.00

Detail of House changes to the Senate version includes:

	TOTAL HOUSE CHANGES
Salaries and wages	(\$53,086)
Operating expenses	(200,000)

Equipment	(57,000)
Grants	
Litigation fees	
Gaming Commission	
Racing Commission	
National criminal history improvement project	
Law enforcement programs	
High-intensity drug trafficking area	
Separate section - Ag issues	500,000
Arrest and return of fugitives	
Total all funds	\$189,914
Less special funds	(51,200)
General fund	\$241,114
FTE	(1.00)

House changes narrative:

- 1 Removes one FTE vacant gaming account technician II.
- 2 Removes the statutory change made by the Senate which would have provided that fees charged by the Attorney General's office for conducting background checks be deposited in the Attorney General's operating fund rather than the general fund. This House change will result in an additional \$251,200 of general fund revenues compared to the Senate version.
- 3 Increases federal funding for the Attorney General's office by \$200,000 and reduces general fund support for the office by \$200,000.
- 4 Reduces operating expenses by \$200,000 from the general fund. The Attorney General may determine the specific areas of reductions within this line item.
- 5 Reduces funding provided for office equipment and furniture.
- 6 A section is added appropriating \$500,000 from the general fund for the Attorney General to use for investigating and litigating unfair or unlawful practices in agricultural production, processing, and marketing and to address issues that involve international trade, industry concentration, the violation of state and federal antitrust laws, and fair market grading and testing standards.

The report of the Minority was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### REPORT OF STANDING COMMITTEE

**SB 2020, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2020 was placed on the Sixth order on the calendar.

Page 1, line 2, after "society" insert "; to provide for line item transfers for the 1997-99 biennium; and to declare an emergency"

Page 1, line 16, replace "1,117,011" with "641,345"

Page 1, line 17, replace "7,678,768" with "7,203,102"

Page 1, line 19, replace "6,646,330" with "6,170,664"

Page 1, after line 19, insert:

**"SECTION 2. LINE ITEM TRANSFERS - 1997-99 BIENNium.** Notwithstanding section 54-16-04, the director of the office of management and budget and the state treasurer, at the request of the superintendent of the state historical society, shall transfer \$34,886 from the equipment line item contained in subdivision 1 of section 1 of chapter 22 of the 1997 Session Laws to the operating expenses line item contained in subdivision 1 of section 1 of chapter 22 of the 1997 Session Laws. The authority to make this transfer begins with the effective date of this Act and ends on June 30, 1999.

**SECTION 3. APPROPRIATION.** There is hereby appropriated the sum of \$4,900 of federal funds available to the state historical society for the purpose of purchasing equipment for the period beginning with the effective date of this Act and ending June 30, 1999.

**SECTION 4. EMERGENCY.** Sections 2 and 3 of this Act are declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 701 - STATE HISTORICAL SOCIETY

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$4,337,656	\$4,299,169		\$4,299,169
Operating expenses	908,323	908,323		908,323
Equipment	81,244	81,244		81,244
Major improvements	1,130,735	782,735		782,735
Grants	485,559	485,559		485,559
Yellow-Missouri-Ft. Union Comm.	4,727	4,727		4,727
Lewis and Clark bicentennial	<u>1,117,011</u>	<u>1,117,011</u>	<u>(\$475,666)</u>	<u>641,345</u>
Total all funds	\$8,065,255	\$7,678,768	(\$475,666)	\$7,203,102
Less special funds	<u>1,032,438</u>	<u>1,032,438</u>		<u>1,032,438</u>
General fund	\$7,032,817	\$6,646,330	(\$475,666)	\$6,170,664
FTE	54.00	54.00	0.00	54.00

Detail of House changes to the Senate version includes:

	REDUCE LEWIS AND CLARK FUNDING	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Major improvements		
Grants		
Yellow-Missouri-Ft. Union Comm.		
Lewis and Clark bicentennial	<u>(\$475,666)</u> <sup>1</sup>	<u>(\$475,666)</u>
Total all funds	<u>(\$475,666)</u>	<u>(\$475,666)</u>
Less special funds		
General fund	<u>(\$475,666)</u>	<u>(\$475,666)</u>
FTE	0.00	0.00

House changes narrative:

<sup>1</sup> Funding for the Lewis and Clark bicentennial event is reduced by \$475,666 from the general fund. The Historical Society may determine the specific areas of reduction.

Sections are added affecting the Historical Society's 1997-99 appropriation by:

1. Appropriating an additional \$4,900 of federal funds for equipment.
2. Authorizing a line item transfer of \$34,886 from the equipment line item to the operating expenses line item to provide additional funding for installing the collections records management system and to reduce funding available for equipment related to this project.

**REPORT OF STANDING COMMITTEE**

**SB 2021, as reengrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Reengrossed SB 2021 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "International Peace Garden" with "international peace garden"

Page 1, line 12, replace "1,413,829" with "1,403,829"

Page 1, line 14, replace "7,263,325" with "7,150,825"

Page 1, line 15, replace "355,000" with "320,400"

Page 1, line 16, replace "10,727,428" with "10,570,328"

Page 1, line 18, replace "6,276,429" with "6,119,329"

Page 1, line 23, replace "6,741,012" with "6,583,912"

Page 2, line 2, replace "11,192,011" with "11,034,911"

Page 2, line 5, replace "International" with "international"

Page 2, line 6, replace "Peace Garden" with "peace garden"

Page 2, line 8, replace "International Peace Garden" with "international peace garden"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 750 - PARKS AND RECREATION DEPARTMENT

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Administration	\$1,426,843	\$1,413,829	(\$10,000)	\$1,403,829
Recreation	1,696,579	1,695,274		1,695,274
Natural resources	7,284,831	7,263,325	(112,500)	7,150,825
Lewis and Clark bicentennial	355,000	355,000	(34,600)	320,400
Separate section - Grant		100,000		100,000
Total all funds	\$10,763,253	\$10,827,428	(\$157,100)	\$10,670,328
Less special funds	<u>4,452,110</u>	<u>4,450,999</u>		<u>4,450,999</u>
General fund	\$6,311,143	\$6,376,429	(\$157,100)	\$6,219,329
FTE	40.00	40.00	0.00	40.00

Detail of House changes to the Senate version includes:

	REDUCE INFORMATION TECHNOLOGY FUNDING	REDUCE CAPITAL IMPROVEMENTS	REDUCE LEWIS AND CLARK FUNDING	TOTAL HOUSE CHANGES
Administration	(\$10,000)			(\$10,000)
Recreation				
Natural resources		(\$112,500) <sup>1</sup>		(112,500)
Lewis and Clark bicentennial			(\$34,600) <sup>2</sup>	(34,600)
Separate section - Grant				
Total all funds	(\$10,000)	(\$112,500)	(\$34,600)	(\$157,100)
Less special funds				
General fund	(\$10,000)	(\$112,500)	(\$34,600)	(\$157,100)
FTE	0.00	0.00	0.00	0.00

House changes narrative:

<sup>1</sup> Reduces capital improvements by \$112,500 from the general fund relating to boat ramp repairs and other capital improvement projects to be determined by the department. Capital improvements funding remaining for the 1999-2001 biennium totals \$1,193,500, \$936,750 of which is from the general fund and \$256,750 from special funds.

<sup>2</sup> Reduces funding for camping cabins at parks along the Lewis and Clark trail by \$34,600, from \$85,000 to \$50,400.

#### REPORT OF STANDING COMMITTEE

**SB 2267, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2267 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "sixty" with "thirty"

Page 2, line 1, remove "one member of the"

Page 2, remove lines 2 through 4

Page 2, line 5, remove "council,"

Page 2, line 6, remove "the director of the department of economic development and finance,"

Page 2, line 10, remove the second "The"

Page 2, remove lines 11 through 16

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

HOUSE - This amendment reduces the percentage of the highway fund interest income that is deposited in the special road fund from 60 percent to 30 percent. In addition, the four legislators and the director of the Department of Economic Development and Finance are removed from the Special Road Committee. The committee will consist of the Department of Transportation director, the Game and Fish Department director, and the Parks and Recreation Department director.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1151, as engrossed:** Your conference committee (Sens. Wanzek, Flakoll, Kelsh and Reps. Drowdal, Brandenburg, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 758 and place Engrossed HB 1151 on the Seventh order.

Engrossed HB 1151 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 passed and your favorable consideration is requested on: SCR 4055, SCR 4059.

**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 1040:** Sens. Wanzek; Urlacher; D. Mathern

**HB 1093:** Sens. Lyson; Watne; C. Nelson

**HB 1158:** Sens. Kilzer; Thane; DeMers

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2002, SB 2074, SB 2242, SB 2299, SB 2300, SB 2350, and SB 2396 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2002:** Sens. Kringstad; Andrist; Tomac

**SB 2074:** Sens. Cook; Freborg; O'Connell

**SB 2242:** Sens. Krebsbach; Sand; Heitkamp

**SB 2299:** Sens. Traynor; W. Stenehjem; C. Nelson

**SB 2300:** Sens. W. Stenehjem; Watne; C. Nelson

**SB 2350:** Sens. Freborg; Fischer; Heitkamp

**SB 2396:** Sens. Sand; Krebsbach; Thompson

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SCR 4033 and the President has appointed as a conference committee to act with a like committee from the House on:

**SCR 4033:** Sens. Klein; Krebsbach; Heitkamp

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1444.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1444**

Page 1, line 2, remove "to provide a contingent"

Page 1, line 3, remove "effective date;"

Page 1, line 14, after "of" insert "a company that operates or installs", overstrike ", telegraph,", and overstrike "service" and insert immediately thereafter "systems"



Page 1, line 15, overstrike "such service" and insert immediately thereafter "the installation of telephone and radio communication conductors on premises where the installations are made for use exclusively for the transmission of telephone and radio signals"

Page 1, line 20, replace "Employees of and owners of any manufacturing business when engaged in" with "A representative of a manufacturing firm that is installing or modifying controls of wiring solely on industrial machinery that is for use by the firm itself, and performed by or under the direction of a registered professional engineer who issues a state-accepted evaluation which is to be maintained with the equipment."

Page 1, remove lines 21 through 24

Page 2, remove lines 1 through 15

ReNUMBER accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1091, HB 1176, HB 1178, HCR 3051.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1018, HB 1026, HB 1052, HB 1067, HB 1135, HB 1156, HB 1167.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1018**

Page 1, line 2, after "hearings" insert "; and to authorize a loan from the Bank of North Dakota"

Page 1, line 13, replace "STATE" with "BANK OF NORTH DAKOTA"

Page 1, line 14, remove "GENERAL FUND"

Page 1, line 16, replace "general fund" with "Bank of North Dakota"

Page 1, line 19, replace "general fund" with "Bank of North Dakota"

Page 1, line 21, after the period insert "The office of administrative hearings may include any related interest costs in agency billings for services."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 140 - OFFICE OF ADMINISTRATIVE HEARINGS

SENATE - This amendment changes the Office of Administrative Hearings loan from the general fund to the Bank of North Dakota and allows the agency to pass on any related interest costs to agencies billed for services.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1026**

Page 1, line 1, remove "amend and reenact subsection 1 of section 28-32-02 of the North Dakota"

Page 1, remove line 2

Page 1, remove lines 5 through 16

ReNUMBER accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1052**

Page 4, line 23, replace "1998" with "1999"

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 127 - TAX DEPARTMENT

SENATE - This amendment changes the effective date of the bill from being effective for taxable years beginning after December 31, 1998, to being effective for taxable years beginning after December 31, 1999.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1067**

Page 1, line 21, after the underscored comma insert "the court shall consider the appointment of a guardian ad litem, and"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1135**

Page 3, line 1, replace "A future rate schedule that would" with "Within the table of rate schedules for each calendar year, a rate schedule may not be used if it would generate less income than any rate schedule preceding it on the table of rate schedules"

Page 3, line 2, remove "generate less income than any past rate schedule may not be used"

Page 6, line 18, replace "A future rate schedule that would" with "Within the table of rate schedules for each calendar year, a rate schedule may not be used if it would generate less income than any rate schedule preceding it on the table of rate schedules"

Page 6, line 19, remove "generate less income than any past rate schedule may not be used"

Renumber accordingly

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1156**

Page 1, line 3, after the fourth comma insert "subsection 1 of section 60-02-24, sections"

Page 2, line 5, after "dockage" insert ", vomitoxin"

Page 5, after line 3, insert:

**"SECTION 5. AMENDMENT.** Subsection 1 of section 60-02-24 of the North Dakota Century Code is amended and reenacted as follows:

1. Prepare for each month a report giving facts and information called for on the form of report prepared by the commission,~~which. The report shall~~ must contain or be verified by a written declaration that it is made under the penalties of perjury. ~~Such~~ The report may be called for more frequently if the commission deems it necessary. Information pertaining to the volume of grain handled is a confidential trade secret and is not a public record. The commission may make the information available for use by other governmental entities, but the commission may not release the information in a manner that jeopardizes the confidentiality of individual licensees.

Renumber accordingly

**SENATE AMENDMENTS TO HOUSE BILL NO. 1167**

Page 1, line 4, remove the first "and"

Page 1, line 9, after "program" insert "; and to provide an effective date"

Page 3, line 9, remove the overstrike over "~~and~~" and remove ". The comprehensive plan"

Page 4, line 11, replace "**Communities to adopt**" with "**Community**"

Page 4, line 21, overstrike "under this chapter, whichever are more restrictive" and insert immediately thereafter "if the community has not adopted standards, then the structures must meet the standards set forth in paragraphs 2 and 3"

Page 4, line 23, overstrike "or" and insert immediately thereafter "at least one foot [30.48 centimeters]"

Page 4, line 28, after "than" insert "one foot [30.48 centimeters] above"

Page 5, replace lines 3 through 31 with:

- "2. a. Standards adopted by the community for structures in the flood fringe must meet or exceed the following:
- (1) Residential structures must be constructed on fill so that the lowest floor, including basements, is elevated to or above the base flood level unless granted a residential floodproof

exception under the national flood insurance program [Pub. L. 90-448; 82 Stat. 572; 42 U.S.C. 4001 et seq.].

(2) Commercial and industrial structures must be constructed on fill as specified in subdivision a or must be adequately floodproofed up to an elevation no lower than the base flood level. The floodproofing must be in accordance with the standards adopted by the community under the national flood insurance program [Pub. L. 90-448; 82 Stat. 572; 42 U.S.C. 4001 et seq.] or under this chapter, whichever are more restrictive.

b. Communities are encouraged to adopt standards that require residential structures to be constructed so that the lowest floor is elevated to at least one foot [30.48 centimeters] above the base flood level and commercial and industrial structures are constructed so that the lowest floor is elevated to at least one foot [30.48 centimeters] above the base flood level or the structures are adequately floodproofed up to an elevation no lower than one foot [30.48 centimeters] above the base flood level."

Page 6, remove lines 1 through 3

Page 6, line 7, remove the overstrike over "~~subject to excessive flooding~~" and insert immediately thereafter ", as determined by the state engineer."

Page 6, line 15, after "**floodways**" insert "**- Exceptions**"

Page 6, line 24, after the underscored period insert "A community may apply to the state engineer for an exemption from this section. The state engineer may grant the exemption if the state engineer determines that the community has the technical hydraulic expertise to determine if the proposed use is in compliance with state and federal law.

**SECTION 11. EFFECTIVE DATE.** Section 8 of this Act becomes effective on August 1, 2000."

Renumber accordingly

#### **SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolution: SB 2064, SB 2073, SB 2101, SB 2126, SB 2128, SB 2152, SB 2199, SB 2220, SB 2225, SB 2235, SB 2243, SB 2253, SB 2421, SCR 4051.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2064, SB 2073, SB 2101, SB 2126, SB 2128, SB 2152, SB 2199, SB 2220, SB 2225, SB 2235, SB 2243, SB 2253, SB 2421, SCR 4051.

#### **SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolutions: HB 1079, HB 1082, HB 1146, HB 1149, HB 1257, HB 1295, HB 1297, HB 1300, HB 1326, HB 1359, HB 1377, HB 1406, HB 1415, HB 1441, HB 1446, HB 1467, HCR 3001, HCR 3005, HCR 3013, HCR 3014, HCR 3029, HCR 3031, HCR 3033, HCR 3035, HCR 3052, HCR 3067, HCR 3071, HCR 3080.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1079, HB 1082, HB 1146, HB 1149, HB 1257, HB 1295, HB 1297, HB 1300, HB 1326, HB 1359, HB 1377, HB 1406, HB 1415, HB 1441, HB 1446, HB 1467, HCR 3001, HCR 3005, HCR 3013, HCR 3014, HCR 3029, HCR 3031, HCR 3033, HCR 3035, HCR 3052, HCR 3067, HCR 3071, HCR 3080.

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

**LANCE HAGEN, Chief Clerk**