

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

\* \* \* \* \*

Bismarck, March 31, 1997

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

The prayer was offered by Captain Dale Sherod, Salvation Army, Bismarck.

The roll was called and all members were present except Representatives Kempenich, Kerzman, Kliniske, Lloyd, Murphy, Poolman, and Renner.

A quorum was declared by the Speaker.

## HOUSE ENROLLING REPORT

The following bills and resolutions were enrolled: HB 1051, HB 1262, HCR 3012, HCR 3015, HCR 3025, HCR 3049.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 8:41 a.m., March 31, 1997: HB 1030, HB 1058, HB 1063, HB 1083, HB 1135, HB 1138, HB 1141, HB 1142, HB 1147, HB 1158, HB 1159, HB 1170, HB 1183, HB 1185, HB 1213, HB 1227, HB 1248, HB 1261, HB 1263, HB 1264, HB 1266, HB 1268, HB 1269, HB 1270, HB 1311, HB 1314, HB 1330, HB 1350, HB 1360, HB 1410.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2043 and SB 2194 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2043:** Sens. Thane; B. Stenehjerm; DeMers

**SB 2194:** Sens. Thane; Fischer; DeMers

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently failed to pass: SB 2372.

## 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 2218, SB 2270, SB 2315, SB 2366.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2047 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2047:** Sens. Goetz; Naaden; Tallackson

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

**MR. SPEAKER:** The President has signed: HB 1141, HB 1142.

## 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 2290, SB 2359.

## COMMUNICATIONS FROM GOVERNOR EDWARD T. SCHAFER

The following communications were received from the Governor at 3:45 p.m., on Friday, March 28, 1997:

I am returning unsigned and hereby veto House Bill No. 1137.

Sections 2, 3, and 4 of House Bill No. 1137 provide adjustments in normal and disability retirement benefits and in postretirement and prior service retiree benefits. I believe these adjustments to be appropriate.

Section 1 of the bill, however, provides for a so-called "Rule of 85", permitting an employee to retire when his or her total of years of service credit and years of age equal eighty-five. I do not believe this reduction in our current "Rule of 88" is either necessary or desirable.

State, county, and local government employees work hard and deserve a generous and secure retirement. As we all live longer, however, continuing to lower the threshold age of retirement will at some point result in people receiving pensions for more years than they actually work to generate the benefits. I do not believe this to be appropriate public policy.

My executive budget proposes significant increases in salaries and benefits for state employees. I believe these increases, if adopted by the Legislative Assembly, create a total compensation package sufficient to meet our goal of attracting and retaining a qualified and motivated state government workforce.

I sincerely appreciate the hard work of the members of the North Dakota Public Employees Retirement System Benefits Committee in developing this legislation, and I look forward to working with the Legislative Assembly to develop a mechanism to effectuate Sections 2, 3, and 4 of the bill. I am convinced, however, that our current "Rule of 88" should remain in place.

For this reason, I respectfully veto House Bill No. 1137.

#### **COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

I am returning unsigned and hereby veto House Bill No. 1440, creating a workers' compensation board of directors to manage the workers compensation bureau and oversee the administration of North Dakota's workers' compensation program.

Over the past four years, the director and staff of the North Dakota Workers Compensation Bureau, members of the Legislative Assembly, our state's employers and employees, and my staff, all working together, have made great strides in developing and implementing sound policy reforms that have significantly improved the services our workers compensation bureau provides. These reforms have led to better benefits for our workers, lower premiums for our employers, and a dramatic reduction in the bureau's unfunded liability. Last year the voters of North Dakota overwhelmingly ratified our efforts.

House Bill No. 1440 is aimed at preserving these remarkable results. And while I share the Legislative Assembly's concern for ensuring continued progress at the workers compensation bureau, I believe House Bill No. 1440 is the wrong vehicle for accomplishing that goal, I therefore, respectfully veto this bill and ask members of the Assembly to carefully consider my reasons for doing so.

First, I believe House Bill No. 1440 reduces accountability, and essential element in the operation of any government agency. By removing ultimate authority for management of the workers compensation bureau from the governor and placing it with an unelected board of directors similar to the Board of Higher Education, this legislation seriously weakens the focus of responsibility our workers and our employers demand.

This diffusion of accountability among members of a ten-person board of directors in large measure eliminates our existing "court of last resort" for employers and injured workers who, rightly or wrongly, believe themselves aggrieved by bureau procedures. My office currently manages 30 or more calls per month from individuals seeking the assistance they believe the governor can provide. To whom will these people turn for help in the future?

In addition, House Bill No. 1440 erodes traditional legislative and executive oversight of the bureau's budget. Section 5 of the bill permits the bureau, with the board's acquiescence, to transfer moneys between line items within the bureau's budget. The budget itself is developed without coordination with the governor's overall budget. This lack of coordination concerning salary levels, benefit packages, and technology programs can contribute to serious budgetary pressures being placed, not only on the premium payors who ultimately fund the bureau's budget, but also on other agencies who must compete with the workers compensation bureau for employees. All these pressures can lead to the prospect of increased taxes.

Be assured that I am as concerned as any of you that the progress we have made in our workers' compensation program never be compromised. But, with the appropriate protections afforded by the independent audit created in Senate Bill No. 2074 already in place, I am unwilling, and I believe the people of North Dakota are unwilling, to sacrifice the accountability required of every government agency and its administration.

I, therefore, respectfully veto House Bill No. 1440.

**MOTION**

**REP. DORSO MOVED** that HB 1137 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto and that HB 1137 be placed on the Eleventh order, which motion prevailed.

**MOTION**

**REP. DORSO MOVED** that HB 1440 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto and that HB 1440 be placed on the Eleventh order, which motion prevailed.

**RECONSIDERATION OF VETOED MEASURE**

**SB 2201:** A BILL for an Act to amend and reenact sections 44-06-03 and 44-06-03.1 of the North Dakota Century Code, relating to bonds of notaries public.

**ROLL CALL**

The question being on the final passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 20 YEAS, 71 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Brown; Byerly; Carlson; Clark; Dorso; Galvin; Grande; Keiser; Kilzer; Klein; Nottestad; Olson; Price; Skarphol; Soukup; Thoreson; Wald; Wardner; Speaker Timm

**NAYS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Callahan; Carlisle; Christenson; Christopherson; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Drovda; Fairfield; Freier; Froseth; Gernholz; Glassheim; Gorder; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Koppelman; Kretschmar; Kroepelin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Oban; Poolman; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Stenehjem; Svedjan; Sveen; Thompson; Thorpe; Tollefson; Torgerson; Warner; Weisz; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Kempenich; Kerzman; Kliniske; Lloyd; Murphy; Renner

The House sustained the Governor's veto on SB 2201.

\*\*\*\*\*

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

**MADAM PRESIDENT:** The House has sustained the Governor's veto on SB 2201. The vote was 20 YEAS, 71 NAYS, 6 ABSENT AND NOT VOTING.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4059:** A concurrent resolution congratulating the Disher Rink curling team on winning the 1997 United States men's curling national championship.  
Was read the first time.

**MOTION**

**REP. DORSO MOVED** that the rules be suspended, that SCR 4059 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, and be messaged to the Senate immediately, which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4059:** A concurrent resolution congratulating the Disher Rink curling team on winning the 1997 United States men's curling national championship.

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

SCR 4059 was declared adopted on a voice vote.

\*\*\*\*\*

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4060:** A concurrent resolution expressing the thanks and appreciation of the Fifty-fifth Legislative Assembly to the North Dakota Medical Association doctor of the day program.

Was read the first time.

**MOTION**

**REP. DORSO MOVED** that the rules be suspended, that SCR 4060 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, and be messaged to the Senate immediately, which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4060:** A concurrent resolution expressing the thanks and appreciation of the Fifty-fifth Legislative Assembly to the North Dakota Medical Association doctor of the day program.

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

SCR 4060 was declared adopted on a voice vote.

\*\*\*\*\*

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4061:** A concurrent resolution congratulating the University of North Dakota Fighting Sioux women's basketball team for winning the 1997 NCAA Division II national championship.

Was read the first time.

**MOTION**

**REP. DORSO MOVED** that the rules be suspended, that SCR 4061 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, and be messaged to the Senate immediately, which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4061:** A concurrent resolution congratulating the University of North Dakota Fighting Sioux women's basketball team for winning the 1997 NCAA Division II national championship.

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

SCR 4061 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 4059, SCR 4060, SCR 4061.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2047: Reps. Froseth, Poolman, Niemeier.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2255: Reps. Brown, Olson, Hanson.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do concur in the Senate amendments to Engrossed HB 1002 as printed on HJ page 1146, which motion prevailed.

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

**SECOND READING OF HOUSE BILL**

**HB 1002:** A BILL for an Act to provide an appropriation for defraying the expenses of the secretary of state and public printing; and to amend and reenact section 54-09-05 of the North Dakota Century Code, relating to the salary of the secretary of state.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 5 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; Gullson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Kempenich; Kerzman; Lloyd; Murphy; Renner

Engrossed HB 1002, 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 1011, which motion prevailed.

HB 1011, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1011:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the securities commissioner.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 5 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; Gullson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Kempenich; Kerzman; Lloyd; Murphy; Renner

HB 1011, as amended, passed and the title was agreed to.

\*\*\*\*\*

#### MOTION

**REP. DORSO MOVED** that HB 1111 be placed at the bottom of the Twelfth order, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1014, 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 1014: Reps. Bernstein, Delzer, Nichols.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. BERG MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1116, 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 1116: Reps. Poolman, Skarphol, Thorpe.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BERG MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1168 as printed on HJ pages 1141-1142 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 1168: Reps. Berg, Skarphol, Coats.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BERG MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1448 as printed on HJ page 1150 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 1448: Reps. Skarphol, Klein, Glassheim.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do concur in the Senate amendments to Engrossed HB 1016, which motion prevailed.

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

**SECOND READING OF HOUSE BILL**

**HB 1016:** A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 3 NAYS, 0 EXCUSED, 6 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; Drovdal; Fairfield; Freier; Froseth; Galvin; Gertholz; Glassheim; Gorder; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Carlson; Grande; Skarphol

**ABSENT AND NOT VOTING:** Dorso; Kempenich; Kerzman; Lloyd; Murphy; Renner

Engrossed HB 1016, 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 Engrossed HB 1027, as printed on HJ pages 1082-1084, which motion prevailed.

Engrossed HB 1027, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1027:** A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 2 NAYS, 0 EXCUSED, 6 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; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin;

Gertholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; 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:** Delzer; Kempenich; Kerzman; Lloyd; Murphy; Renner

Engrossed HB 1027, as amended, passed and the title was agreed to.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. PRICE MOVED** that the House do concur in the Senate amendments to Engrossed HB 1036, which motion prevailed.

Engrossed HB 1036, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1036:** A BILL for an Act to amend and reenact section 50-06-06.13 of the North Dakota Century Code, relating to an out-of-home treatment program for children with serious emotional disorders.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 5 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; Froeth; Galvin; Gertholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Kempenich; Kerzman; Lloyd; Murphy; Renner

Engrossed HB 1036, as amended, passed and the title was agreed to.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. KRETSCHMAR MOVED** that the House do concur in the Senate amendments to Engrossed HB 1046, which motion prevailed.

Engrossed HB 1046, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1046:** A BILL for an Act to create and enact a new subsection to section 12.1-01-04 and a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to the definition of risk assessment and the authority of the department of human services to establish the method of risk assessment; to amend and reenact subsection 11 of section 12.1-32-02 of the North Dakota Century Code, relating to risk assessments in certain presentence investigations; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 7 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; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Gulleeson; Kelsh, S.; Kempenich; Kerzman; Lloyd; Murphy; Renner

Engrossed HB 1046, as amended, passed and the title was agreed to.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. SKARPHOL MOVED** that the House do concur in the Senate amendments to Engrossed HB 1074, as printed on HJ page 1084, which motion prevailed.

Engrossed HB 1074, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1074:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to speed limits greater than fifty-five miles an hour; and to amend and reenact subsection 8 of section 39-06.1-06, paragraph 34 of subdivision a of subsection 3 of section 39-06.1-10, and subdivisions f and g of subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to the speed limits and fees and demerits for violations of the speed limit.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 70 YEAS, 22 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Fairfield; Freier; Froseth; Galvin; Gerntholz; Gorder; Grande; Grosz; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Olson; Poolman; Rennerfeldt; Sabby; Schmidt; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; Boucher; Brusegaard; Callahan; Christenson; Coats; Delmore; Drovdal; Glassheim; Grumbo; Jensen; Kelsh, S.; Niemeier; Nottestad; Oban; Price; Rose; Sandvig; Stenehjem; Thorpe; Warner; Wentz

**ABSENT AND NOT VOTING:** Kempenich; Kerzman; Lloyd; Murphy; Renner

Engrossed HB 1074, as amended, passed and the title was agreed to.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. SKARPHOL MOVED** that the House do concur in the Senate amendments to HB 1075, as printed on HJ page 1084, which motion prevailed.

HB 1075, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF SENATE BILL

**HB 1075:** A BILL for an Act to amend and reenact subsection 1 of section 39-01-01 and section 39-08-01 of the North Dakota Century Code, relating to the definition of an appropriate licensed addiction treatment program and to penalties for driving under the influence.



**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; 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; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Mahoney; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Brown; Kempenich; Kerzman; Lloyd; Maragos; Murphy; Renner

HB 1075, as amended, passed and the title was agreed to.

\*\*\*\*\*

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2043: Reps. Christopherson, Kilzer, Sandvig.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2194: Reps. Christopherson, C. Johnsen, Rose.

**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 1002, HB 1011, HB 1016, HB 1027, HB 1036, HB 1046, HB 1074, HB 1075.

**MOTION**

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

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

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on SB 2159, SCR 4010.

**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 2037, SB 2042, SB 2068, SB 2112, SB 2213, SB 2351.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1240:** Your conference committee (Sens. Watne, Grindberg, Berg and Reps. Kilzer, C. Johnsen, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 821-822, adopt further amendments as follows, and place HB 1240 on the Seventh order:

That the Senate recede from its amendments as printed on pages 821 and 822 of the House Journal and page 637 of the Senate Journal and that House Bill No. 1240 be amended as follows:

Page 1, line 10, overstrike "chapter"

Page 1, line 11, overstrike "40-46" and after "payments" insert "an authorized city pension plan"

Page 1, line 12, replace "provisions of that chapter," with "city pension plan. In addition, a board of park commissioners may provide for employer pensions pursuant to"

Page 1, line 16, after "city" insert ". If a board of park commissioners wishes to leave an existing city pension plan, the board, upon the request of the pension fund governing body, shall fund an actuarial study of the financial impacts to the pension fund. Any losses or costs to the fund by the park district leaving the pension plan are the"

responsibility of the park district. A park district may not leave the city's pension plan without the approval of the pension fund governing body"

Renumber accordingly

HB 1240 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1274, as engrossed:** Your conference committee (Sens. Kringstad, Christmann, Kinnoin and Reps. Belter, Renner, Warner) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 906, adopt further amendments as follows, and place HB 1274 on the Seventh order:

That the Senate recede from its amendments as printed on page 906 of the House Journal and pages 699 and 700 of the Senate Journal and that Engrossed House Bill No. 1274 be amended as follows:

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

Page 1, line 2, after "accounts" insert "and revolving charge agreement credit extensions; and to amend and reenact sections 51-14-01, 51-14-02, and 51-14-03 of the North Dakota Century Code, relating to revolving charge agreements"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 51-14-01 of the North Dakota Century Code is amended and reenacted as follows:

**51-14-01. Definitions.** In this chapter, unless the context or ~~subject matter~~ otherwise requires:

1. "Credit service charge" means the amount, however expressed, which the retail buyer contracts to pay or pays the retail seller in excess of the ~~cash sale price of personal property~~ amount of credit extended, representing the total charges by the retail seller incident to investigating and ~~making a retail installment sale~~ extending credit under a revolving charge agreement and for extending to the retail buyer the privilege of paying ~~in installments~~ over a period of time therefor.
2. "Retail buyer" or "buyer" means a person who buys personal property from a retail seller, or to whom a retail seller otherwise extends credit, pursuant to a revolving charge agreement.
3. "Retail seller" or "seller" means a person who agrees to sell or sells goods or services pursuant to a revolving charge agreement, ~~including without limitation, and a state-chartered or national bank in issuing bank credit cards for that extends credit by the advancement of moneys thereunder or the sale of goods or services thereunder~~ payment for goods or services under a revolving charge agreement.
4. "Revolving charge agreement" means a written instrument, defining the terms of ~~retail installment sales made~~ credit extended from time to time pursuant thereto, pursuant to which the buyer's total unpaid balance thereunder, whenever incurred, is payable ~~in installments~~ over a period of time and under the terms of which a credit service charge, other than the portion thereof consisting of late payment or other charges, is to be computed in relation to the buyer's unpaid balance from time to time.

**SECTION 2. AMENDMENT.** Section 51-14-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**51-14-02. Contents of revolving charge agreements - Requirements for delivery of monthly statements - Exception.** Every revolving charge agreement must be in writing and must be ~~signed~~ accepted by the retail buyer. As used in this section, "accepted" means the buyer has signed the revolving charge agreement, the buyer has used the account issued under a revolving charge agreement, or within thirty days from the date of issuance the buyer has not canceled by written notice a credit card or other access device issued under a revolving charge agreement. A copy of ~~any such the revolving charge~~ agreement must be delivered or mailed to the retail buyer by the retail seller ~~prior to~~ before the date on which the first payment is due ~~thereunder~~ under the

~~agreement. Such agreements~~ A revolving charge agreement must state the amount and rate of the credit service charge to be charged and paid ~~pursuant thereto~~ under the agreement. ~~Such~~ The credit service charge, exclusive of late payment or other fees included therein, must be set forth in ~~such~~ the revolving charge agreement in terms of a monthly ~~or annual~~ percentage rate to be applied to the balance outstanding from time to time ~~thereunder~~ under the agreement, as of the beginning or end of each billing period or on a daily basis. Upon written notice, a seller may change the terms of any revolving charge agreement, including the credit service charge, if this right of amendment has been reserved. A change under this authority is effective as to existing balances, if within twenty-five days of the effective date of the change, the buyer does not furnish written notice to the seller that the buyer does not agree to abide by the changes. Upon receipt of this written notice by the seller, the buyer has the remainder of the time under the existing terms in which to pay all sums owed to the seller. Any request for additional credit under a revolving charge agreement, including use of a credit card issued under the agreement, after the effective date of the change of terms, including a change in the credit service charge, is deemed to be an acceptance of the new terms, even though the twenty-five days has not expired. The retail seller under a revolving charge agreement shall promptly supply the retail buyer under ~~such~~ the agreement with a statement as of the end of each monthly period or other regular period agreed upon by the retail seller and the retail buyer, in which there is any unpaid balance thereunder. Such statement must recite the following:

1. The unpaid balance under the revolving charge agreement at the beginning or end of the period.
2. An identification of the goods or services purchased, the cash purchase price and the date of each purchase, unless otherwise furnished by the retail seller to the retail buyer by sales slip, memorandum, or otherwise.
3. The payments made by the retail buyer to the retail seller and any other credits to the retail buyer during the period.
4. The amount of the credit service charge, if any, and also the percentage annual simple interest equivalent of ~~such~~ this amount.
5. A legend to the effect that the retail buyer may at any time pay ~~his~~ the total indebtedness.

The items need not be stated in the sequence or order set forth above. Additional items may be included to explain the computations made in determining the amount to be paid by the retail buyer. If a revolving charge or credit account is also subject to the Truth in Lending Act [15 U.S.C. 1601-1667e], the seller may, instead of complying with this section, comply with all requirements of the Truth in Lending Act.

**SECTION 3. AMENDMENT.** Section 51-14-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**51-14-03. Limitation of credit service charge.** ~~A seller may, in~~ In a revolving charge agreement, ~~a seller may~~ contract for and, if so contracted for, the seller or holder ~~thereof of the agreement~~ may charge, receive, and collect the service charge authorized by this section. The service charge may not exceed the amount agreed to by the parties ~~computed on the outstanding indebtedness from month to month.~~ In the event any payment by a buyer is insufficient to pay both the credit service charge and that portion of the outstanding indebtedness then due, ~~such~~ the payments must first be applied to the credit service charge then due."

Page 1, underscore line 6

Page 1, line 7, underscore "revolving charge account may collect a late payment or other charge not to exceed the" and replace "lesser" with "amount agreed to by the parties in the revolving charge account agreement."

Page 1, remove lines 8 and 9

Page 1, after line 9, insert:

**"SECTION 5.** A new section to chapter 51-14 of the North Dakota Century Code is created and enacted as follows:

**Application of other provisions.** Credit extended by a seller or holder of a revolving charge agreement to a buyer is not subject to chapter 13-03, 13-03.1, or 47-14."

Renumber accordingly

Engrossed HB 1274 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2037, as engrossed:** Your conference committee (Sens. B. Stenehjem, Mutch, Wogsland and Reps. Belter, Weisz, Sandvig) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 731-732, adopt amendments as follows, and place SB 2037 on the Seventh order:

That the House recede from its amendments as printed on pages 731 and 732 of the Senate Journal and page 832 of the House Journal and that Engrossed Senate Bill No. 2037 be amended as follows:

Page 1, line 1, after "32-03" insert "and a new section to chapter 49-10.1"

Page 1, line 3, after "operator" insert "and to the determination of train speeds"

Page 4, after line 10, insert:

**"SECTION 6.** A new section to chapter 49-10.1 of the North Dakota Century Code is created and enacted as follows:

**Determination of train speeds.** If the governing body of a city proposes to establish a speed limit on trains passing through its corporate limits and an agreement cannot be reached with the railway company operating the railroad, the governing body of the city may file with the commission a petition that sets forth the facts and requests the commission's assistance in resolving the matter."

Renumber accordingly

Engrossed SB 2037 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2042, as reengrossed:** Your conference committee (Sens. Lee, Fischer, Yockim and Reps. Kliniske, Galvin, Sandvig) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 779-780 and place SB 2042 on the Seventh order.

Reengrossed SB 2042 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2068, as engrossed:** Your conference committee (Sens. W. Stenehjem, Watne, Mutzenberger and Reps. Kretschmar, Stenehjem, Callahan) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 780, adopt amendments as follows, and place SB 2068 on the Seventh order:

That the House recede from its amendments as printed on page 780 of the Senate Journal and pages 883 and 884 of the House Journal and that Engrossed Senate Bill No. 2068 be amended as follows:

Page 2, line 20, replace "and" with ", except for an" and after "fee" insert an underscored comma

Page 2, line 27, replace "A" with "For purposes of enforcement and execution, a"

Renumber accordingly

Engrossed SB 2068 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2112, as engrossed:** Your conference committee (Sens. Traynor, W. Stenehjem, C. Nelson and Reps. Nottestad, Sabby, S. Kelsh) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 657, adopt amendments as follows, and place SB 2112 on the Seventh order:

That the House recede from its amendments as printed on page 657 of the Senate Journal and page 777 of the House Journal and that Engrossed Senate Bill No. 2112 be amended as follows:

Page 1, line 16, replace "a" with "the nearest available"

Page 1, line 17, remove "serving the county in which the arrest is made"

Renumber accordingly

Engrossed SB 2112 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2159, as engrossed:** Your conference committee (Sens. B. Stenehjem, Cook, O'Connell and Reps. Monson, Weisz, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 780 and place SB 2159 on the Seventh order.

Engrossed SB 2159 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2213, as engrossed:** Your conference committee (Sens. W. Stenehjem, Thane, C. Nelson and Reps. Klein, Christopherson, Fairfield) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 657, adopt amendments as follows, and place SB 2213 on the Seventh order:

That the House recede from its amendments as printed on page 657 of the Senate Journal and on pages 777 and 778 of the House Journal and that Engrossed Senate Bill No. 2213 be amended as follows:

Page 1, line 9, remove "personal"

Renumber accordingly

Engrossed SB 2213 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2351, as engrossed:** Your conference committee (Sens. Freborg, Fischer, Thompson and Reps. Brown, Drovdal, Callahan) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 736, adopt amendments as follows, and place SB 2351 on the Seventh order:

That the House recede from its amendments as printed on page 736 of the Senate Journal and pages 852 and 853 of the House Journal, and that Engrossed Senate Bill No. 2351 be amended as follows:

Page 1, line 14, overstrike "productivity" and insert immediately thereafter "useability"

Renumber accordingly

Engrossed SB 2351 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SCR 4010, as reengrossed:** Your conference committee (Sens. Grindberg, Cook, O'Connell and Reps. DeKrey, Kretschmar, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 577-579 and place SCR 4010 on the Seventh order.

Reengrossed SCR 4010 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 1008, HB 1019, HB 1021, HB 1047.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1008

Page 1, line 11, replace "4,240,958" with "4,315,991"

Page 1, line 12, replace "1,066,898" with "1,068,765"

Page 1, line 16, replace "9,041,059" with "9,117,959"

Page 1, line 17, replace "5,786,843" with "5,781,190"

Page 1, line 18, replace "3,254,216" with "3,336,769"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

SENATE - This amendment makes the following changes:

	HOUSE VERSION	RESTORE LICENSING INSPECTOR	REMOVE RISK MANAGEMENT PREMIUMS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$4,240,958	\$75,033		\$75,033	\$4,315,991
Operating expenses	1,066,898	18,000	\$(16,133)	1,867	1,068,765
Equipment	58,711				58,711
Grants	6,000				6,000
AML contractual services	<u>3,668,492</u>				<u>3,668,492</u>
Total	\$9,041,059	\$93,033	\$(16,133)	\$76,900	\$9,117,959
General fund	\$3,254,216	\$93,033	\$(10,480)	\$82,553	\$3,336,769
Special funds	<u>5,786,843</u>		<u>(5,653)</u>	<u>(5,653)</u>	<u>5,781,190</u>
Total	\$9,041,059	\$93,033	\$(16,133)	\$76,900	\$9,117,959
FTE	42.00	1.00	0.00	1.00	43.00

Restores one FTE licensing inspector which was included in the executive budget. The House removed the position.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1019**

Page 1, line 14, replace "38,625,000" with "54,535,700"

Page 1, line 15, replace "38,625,000" with "54,535,700"

Page 2, line 3, remove the overstrike over "The" and remove "Revenues deposited in the"

Page 2, line 4, remove "are provided as a standing and continuing appropriation and"

Page 2, line 5, remove the overstrike over ", subject to legislative appropriation,"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

## DEPARTMENT 085 - PAYMENTS TO POLITICAL SUBDIVISIONS

SENATE - The amendment removes the continuing appropriation language and increases the grants line item by \$15,910,700 of other funds for the state aid funding previously appropriated through the continuing appropriation.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1021**

Page 1, line 10, replace "11,236,409" with "11,292,661"

Page 1, line 11, replace "7,302,181" with "7,262,014"

Page 1, line 13, replace "498,122" with "898,122"

Page 1, line 16, replace "1,200,000" with "1,700,000"

Page 1, line 17, replace "650,000" with "1,050,000"

Page 1, after line 20, insert:

"Waterbank program	500,000"
--------------------	----------

Page 1, line 22, replace "25,859,916" with "27,676,001"

Page 1, line 23, replace "\$650,000" with "\$1,050,000"

Page 2, after line 19, insert:

**"SECTION 6. WATERBANK PROGRAM.** The amount of \$500,000, or such lesser amount as may be available, for the line item entitled waterbank program in section 1 of this Act, is from the game and fish department operating fund and shall be used to increase upper basin storage and enhance wildlife habitat in the Devils Lake basin. Contracts and agreements relating to the waterbank program may be entered into by the director of the game and fish department, in cooperation with the commissioner of agriculture."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

## DEPARTMENT 720 - GAME AND FISH DEPARTMENT

SENATE - This amendment removes \$40,167 relating to risk management premiums and adds \$500,000 from the Game and Fish Department operating fund for the waterbank program. This amendment also adds a new section authorizing the Game and Fish Department to enter into contracts and agreements relating to the waterbank program, in cooperation with the Commissioner of Agriculture.

This amendment increases the land habitat and deer depredation line item by \$500,000 from the Game and Fish Department operating fund to provide materials and other assistance to landowners to construct deerproof fences around hay yards.

This amendment adds \$400,000 to the wildlife habitat line item to reflect the increased fee collections anticipated as a result of 1997 House Bill No. 1395.

This amendment also adds the following items which were removed by the House:



\$56,252 and the authority for a full-time equivalent (FTE) audiovisual production specialist I.

The authority for an FTE administrative secretary III for the Lonetree wildlife area.

\$400,000 for construction of a southeastern regional office.

	1997-99 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	RESTORE TWO FTE POSITIONS	RESTORE CAPITAL CONSTRUCTION PROJECT	REMOVE RISK MANAGEMENT PREMIUMS	OTHER CHANGES	TOTAL SENATE CHANGES	SENATE VERSION
Salaries and wages	\$11,292,661	\$(56,252)	\$11,236,409	\$56,252				\$56,252	\$11,292,661
Operating expenses	7,302,181		7,302,181			\$(40,167)		(40,167)	7,262,014
Equipment	638,150		638,150						638,150
Capital improvements	898,122	(400,000)	498,122		\$400,000			400,000	898,122
Grants	2,548,400		2,548,400						2,548,400
Noxious weed control	200,000		200,000				\$500,000	500,000	200,000
Land habitat and deer depredation	1,200,000		1,200,000						1,700,000
Wildlife habitat	650,000		650,000				400,000	400,000	1,050,000
Small and big game restoration trust	400,000		400,000						400,000
Grants, gifts, and donations	100,000		100,000						100,000
Nongame wildlife	120,000		120,000						120,000
Waterbank program							500,000	500,000	500,000
Lonetree Reservoir									966,654
<b>Total Special funds</b>	<b>\$26,316,168</b>	<b>\$(456,252)</b>	<b>\$25,859,916</b>	<b>\$56,252</b>	<b>\$400,000</b>	<b>\$(40,167)</b>	<b>\$1,400,000</b>	<b>\$1,816,085</b>	<b>\$27,676,001</b>
<b>FTE</b>	<b>128.00</b>	<b>(2.00)</b>	<b>126.00</b>	<b>2.00</b>				<b>2.00</b>	<b>128.00</b>

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1047**

Page 6, line 23, replace "state's attorney" with "executive director"

Page 7, line 9, after the period insert "An individual may not be committed unless evidence is admitted establishing that at least two experts have concluded the individual has a congenital or acquired condition that is manifested by a sexual disorder, a personality disorder, or other mental disorder or dysfunction that makes that individual likely to engage in further acts of sexually predatory conduct."

Page 7, line 14, replace "at" with "in", remove "treatment", and after "or" insert "program at which treatment is available. The appropriate treatment facility or program must be the least restrictive available treatment facility or program necessary to achieve the purposes of this chapter. The executive director may not be required to create a less restrictive treatment facility or treatment program specifically for the respondent or committed individual. Unless the respondent has been committed to the legal and physical custody of the department of corrections and rehabilitation, the respondent may not be placed at and the treatment program for the respondent may not be provided at the state penitentiary or an affiliated penal facility."

Page 7, remove line 15

Page 7, line 16, remove "the facility or in the program in which the respondent is placed."

Page 7, line 19, replace "care," with "legal and physical" and remove ", and control of the director"

Page 10, line 13, after the first "for" insert "all or part of the"

Page 10, line 14, after the period insert "In establishing the amount of reimbursement ordered under this section, the court shall consider the ability of the respondent or committed individual to pay."

Renumber accordingly

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

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

**SB 2043:** Reps. Christopherson; Kilzer; Sandvig

**SB 2047:** Reps. Froseth; Poolman; Niemeier

**SB 2194:** Reps. Christopherson; C. Johnsen; Rose

**SB 2255:** Reps. Brown; Olson; Hanson

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1014, HB 1116, HB 1168, and HB 1448 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1014:** Reps. Bernstein; Delzer; Nichols

**HB 1116:** Reps. Poolman; Skarphol; Thorpe

**HB 1168:** Reps. Berg; Skarphol; Coats

**HB 1448:** Reps. Skarphol; Klein; Glassheim

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1071.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1001, HB 1004, HB 1006, HB 1017, HB 1025.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1001**

Page 1, line 11, replace "184,677" with "178,870"

Page 1, line 15, replace "1,942,237" with "1,936,430"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 101 - GOVERNOR'S OFFICE

SENATE - This amendment reduces operating expenses by \$5,807 from the general fund to remove funds related to risk management premiums.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1004**

Page 1, line 10, replace "260,308" with "259,483"

Page 1, line 11, replace "1,133,560" with "1,130,139"

Page 1, line 12, replace "3,318,570" with "3,448,119"

Page 1, line 13, replace "684,494" with "682,420"

Page 1, line 14, replace "5,396,932" with "5,520,161"

Page 1, line 15, replace "1,818,054" with "1,812,559"

Page 1, line 16, replace "3,578,878" with "3,707,602"

Page 1, remove lines 17 through 20

Page 1, line 22, replace "\$1,133,560" with "\$1,130,139"

Page 2, line 1, replace "\$1,133,560" with "\$1,130,139"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 117 - STATE AUDITOR

SENATE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	HOUSE CHANGES	HOUSE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	RESTORE EQUITY RAISES FOR VETERAN AUDITORS	ADD DATA PROCESSING COORDINATOR	TOTAL SENATE CHANGES	SENATE VERSION
Administration	\$ 260,308		\$ 260,308	\$ (825)			\$ (825)	\$ 259,483
Division of local government audits	1,133,560		1,133,560	(3,421)			(3,421)	1,130,139
Division of state audits	3,591,925	\$(273,355)	\$3,318,570	(10,523)	\$76,116	\$63,956	129,549	3,448,119
Mineral royalty auditing	684,494		684,494	(2,074)			(2,074)	682,420
Total all funds	\$5,670,287	\$(273,355)	\$5,396,932	\$(16,843)	\$76,116	\$63,956	\$123,229	\$5,520,161
Less estimated income	1,818,054		1,818,054	(5,495)			(5,495)	1,812,559
General fund	\$3,852,233	\$(273,355)	\$3,578,878	\$(11,348)	\$76,116	\$63,956	\$128,724	\$3,707,602
FTE	57.00	(4.00)	53.00			1.00	1.00	54.00
Salaries and wages	\$5,000,837	\$(249,855)	\$4,750,982		\$76,116	\$63,956	\$140,072	\$4,891,054
Operating expenses	594,450	(13,500)	580,950	\$(16,843)			(16,843)	564,107
Equipment	75,000	(10,000)	65,000					65,000
Total all funds	\$5,670,287	\$(273,355)	\$5,396,932	\$(16,843)	\$76,116	\$63,956	\$123,229	\$5,520,161
Less estimated income	1,818,054		1,818,054	(5,495)			(5,495)	1,812,559
General fund	\$3,852,233	\$(273,355)	\$3,578,878	\$(11,348)	\$76,116	\$63,956	\$128,724	\$3,707,602

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1006**

Page 1, line 10, replace "11,589,981" with "11,691,812"

Page 1, line 11, replace "4,219,055" with "4,560,817"

Page 1, line 12, replace "162,937" with "229,384"

Page 1, line 15, replace "16,325,545" with "16,835,585"

Page 1, line 17, replace "16,021,973" with "16,532,013"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 127 - TAX DEPARTMENT

SENATE - This amendment makes the following changes:

	HOUSE VERSION	COMPUTER SYSTEM FUNDING	REMOVE RISK MANAGEMENT PREMIUMS	FUNDING SHIFT	COSTS RELATING TO OTHER LEGISLATION	ADDITIONAL OPERATING FUNDS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$11,589,981			\$69,202	\$32,629 <sup>3</sup>	\$ 71,296	\$101,831	\$11,691,812
Operating expenses	4,219,055	\$350,000	\$(50,332)	(69,202)	40,000 <sup>4</sup>	66,447	341,762	4,560,817
Equipment	162,937						66,447	229,384
City tax	50,000							50,000
administration fees								
Motor fuels federal grant	303,572							303,572
Total	\$16,325,545	\$350,000 <sup>1</sup>	\$(50,332)	\$ 0 <sup>2</sup>	\$72,629	\$137,743 <sup>5</sup>	\$510,040	\$16,835,585
General fund	\$16,021,973	\$350,000	\$(50,332)		\$72,629	\$137,743	\$510,040	\$16,532,013
Special funds	303,572							303,572
Total	\$16,325,545	\$350,000	\$(50,332)	\$ 0	\$72,629	\$137,743	\$510,040	\$16,835,585
FTE	150.50	0.00	0.00	0.00	0.50 <sup>3</sup>	0.00	0.50	151.00

<sup>1</sup> Additional funding is provided for redesigning the tax payment and return processing system. A comparison of funding for the system in various versions is listed below.

General fund	EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION
	\$1,528,500	\$750,000	\$1,100,000

<sup>2</sup> The House removed one FTE federal fund position and moved the associated funding from salaries and wages to operating expenses. Because funding for the position was not included in salaries and wages but in the motor fuels grant line item, the House change is being reversed and the funding remains in the motor fuels federal grant line item. Authorization for the FTE position, removed by the House, is not restored.

<sup>3</sup> Adds funding for costs associated with provisions of House Bill No. 1068 (telecommunications gross receipts tax), including a .5 FTE auditor position.

<sup>4</sup> Adds funding for costs associated with provisions of Senate Bill No. 2331 (financial institutions tax).

<sup>5</sup> Adds additional funding for the increase in costs charged to the Tax Department by other agencies. Adds additional equipment funding to address departmental technology needs.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1017**

Page 1, line 11, replace "2,724,015" with "2,650,601"

Page 1, after line 14, insert:

"Armory repair and maintenance grants 50,000"

Page 1, line 20, replace "20,941,778" with "20,918,364"

Page 1, line 22, replace "8,055,867" with "8,032,453"

Page 2, after line 6, insert:

**"SECTION 4. ARMORY REPAIR AND MAINTENANCE GRANTS.** The adjutant general shall distribute the armory repair and maintenance grants on an equal matching basis of up to \$15,000 per city to cities that own armories utilized by the North Dakota national guard. After June 30, 1998, the adjutant general may distribute any remaining uncommitted funds on a matching basis to eligible cities for qualified projects exceeding the \$15,000 equal match requirement. No funds may be distributed to a city unless the city has submitted a plan to the adjutant general for maintenance and repair of the armory and the adjutant general has approved the plan. A city receiving funds through this grant program shall manage the project at the armory located within that city and the funds may only be used for the specific maintenance and repair projects described in the plan approved by the adjutant general."

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 540 - ADJUTANT GENERAL

SENATE - This amendment reduces the operating expenses line item by \$73,414 from the general fund for risk management premiums. The amendment also adds \$50,000 from the general fund for grants to cities for armory repairs and maintenance.

The amendment also adds a new Section 4 providing the grant requirements for the armory repair and maintenance grants.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1025**

Page 1, line 4, after "taxes" insert "; to provide for a statewide water development program; to provide for the deposit of finance into the resources trust fund"

Page 1, line 12, replace "7,632,843" with "7,717,043"

Page 1, line 13, replace "9,527,402" with "8,176,853"

Page 1, line 16, replace "10,384,663" with "13,714,446"

Page 1, line 18, replace "63,547,158" with "65,610,592"

Page 1, line 19, replace "56,488,525" with "56,588,525"

Page 1, line 20, replace "7,058,633" with "9,022,067"

Page 2, line 15, underscore "**Payments in lieu of real estate taxes.** For land acquired for the Devils"

Page 2, underscore lines 16 through 19

Page 2, line 20, replace "**Potential damage caused by construction of Devils Lake outlet**" with "**POTENTIAL DAMAGE CAUSED BY CONSTRUCTION OF DEVILS LAKE OUTLET**"

Page 2, replace lines 30 and 31 with:

**"SECTION 9. Statewide water development program.** The legislative assembly finds that there is a critical need to develop a comprehensive statewide water development program. The state water commission shall develop and implement a comprehensive statewide water development program. The commission shall design the program to serve the long-term water resource needs of the state and its people



and to protect the state's current usage of, and the state's claim to, its proper share of Missouri River water.

**SECTION 10. Deposits of income.** All income derived from the lease and management of lands acquired by the state water commission for the southwest pipeline project must be deposited in the resources trust fund.

**SECTION 11. LEGISLATIVE INTENT - AGENCY OPERATIONS FUNDING.** It is the intent of the fifty-fifth legislative assembly that funding for agency operations be primarily funded from the general fund."

Page 3, remove lines 1 through 13

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 770 - STATE WATER COMMISSION

SENATE - This amendment makes the following changes:

	1997-99 EXECUTIVE BUDGET	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS	REMOVE RISK MANAGEMENT PREMIUMS	INCREASE SALARIES, OPERATING EXPENSES, AND GRANTS AND RECOGNIZE FEDERAL INDIRECT FUNDS <sup>1</sup>	TRANSFER ATMOSPHERIC RESOURCE CONTRACTS TO GRANTS	TOTAL SENATE CHANGES	SENATE RECOMMENDED AMOUNTS
Salaries and wages	\$ 7,702,494	\$(69,651)	\$ 7,632,843		\$ 84,200		\$ 84,200	\$ 7,717,043
Operating expenses	9,527,402		9,527,402	\$(36,566)	132,785	\$(1,446,768)	(1,350,549)	8,176,853
Equipment	152,250		152,250					152,250
Capital Improvements	32,800,000		32,800,000					32,800,000
Grants	10,384,663		10,384,663		1,883,015	1,446,768	3,329,783	13,714,446
Cooperative research	3,050,000		3,050,000					3,050,000
Total all funds	\$63,616,809	\$(69,651)	\$63,547,158	\$(36,566)	\$2,100,000		\$2,063,434	\$65,610,592
Less estimated income	56,558,176	(69,651)	56,488,525		100,000		100,000	56,588,525
Total general fund appropriation	\$ 7,058,633	\$ 0	\$ 7,058,633	\$(36,566)	\$2,000,000	\$ 0	\$1,963,434	\$ 9,022,067
FTE	85.00	(3.00)	82.00					82.00

<sup>1</sup> These changes include:

- Salaries and wages - To fund a hydrologist position authorized in the budget
- Operating expenses - Travel \$73,000, dues \$32,000, WFT program \$27,785
- Grants - \$1,883,015
- Recognition of the \$2 million from the general fund previously in House Bill No. 1071 and to be used in this bill to fund agency operations primarily from the general fund
- Recognition of \$100,000 of federal indirect cost funds

In addition, this amendment:

- Provides for a statewide water development program;
- Provides for the deposit of income into the resources trust fund;
- Provides legislative intent that agency operations be funded primarily from the general fund; and
- Provides for a transfer of Atmospheric Resource Board contracts to the grants line item.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WARDNER MOVED** that the House do concur in the Senate amendments to Engrossed HB 1153, which motion prevailed.

Engrossed HB 1153, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1153:** A BILL for an Act to create and enact three new sections to chapter 32-12.2 of the North Dakota Century Code, relating to confidentiality of risk management liability reserve and fund records, meetings and records of agency loss control committees, and contracts between the state and political subdivisions; to amend and reenact sections 32-12.2-01, 32-12.2-02, 32-12.2-03, 32-12.2-04, 32-12.2-07, 32-12.2-08, and 32-12.2-09 of the North Dakota Century Code, relating to definitions, damage limitations, exclusions from liability, employee defense, settlement of claims, payment of claims, and the relationship to insurance coverage of the risk management fund; and to repeal sections 26.1-21-10.1 and 26.1-21-10.2 of the North Dakota Century Code, relating to defense of state employees in tort liability cases and expenses paid from the state bonding fund.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 88 YEAS, 3 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Niemeier; Wilkie

**ABSENT AND NOT VOTING:** DeKrey; Gorder; Kempenich; Kerzman; Lloyd; Renner

Engrossed HB 1153, 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 1199, which motion prevailed.

HB 1199, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1199:** A BILL for an Act to amend and reenact sections 4-10.2-03, 4-10.2-05, and 4-10.2-08 of the North Dakota Century Code, relating to the North Dakota oilseed council, its members, member compensation, and commodity assessments; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, the roll was called and there were 87 YEAS, 4 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** Fairfield; Guleson; Kretschmar; Mickelson

**ABSENT AND NOT VOTING:** DeKrey; Gorder; Kempenich; Kerzman; Lloyd; Renner

HB 1199, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. KRETSCHMAR MOVED** that the House do concur in the Senate amendments to Engrossed HB 1257, which motion prevailed.

Engrossed HB 1257, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1257:** A BILL for an Act to create and enact a new section to chapter 23-27 of the North Dakota Century Code, relating to supervision of emergency medical services personnel; and to amend and reenact section 23-27-04.3 of the North Dakota Century Code, relating to emergency medical services personnel.

#### ROLL CALL

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

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

**NAYS:** Byerly

**ABSENT AND NOT VOTING:** Gorder; Kempenich; Kerzman; Lloyd; Renner

Engrossed HB 1257, as amended, passed and the title was agreed to.

\*\*\*\*\*

#### MOTION

**REP. DORSO MOVED** that HB 1373 be placed at the foot of the Twelfth order, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. WARDNER MOVED** that the House do concur in the Senate amendments to Engrossed HB 1385, which motion prevailed.

Engrossed HB 1385, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1385:** A BILL for an Act to amend and reenact sections 54-35-02.5 and 54-35-17 of the North Dakota Century Code, relating to the composition of the administrative rules committee and the retention of legal counsel by the legislative branch; 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 92 YEAS, 0 NAYS, 0 EXCUSED, 5 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; Drovda; Fairfield; Freier;

Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Gorder; Kempenich; Kerzman; Lloyd; Renner

Engrossed HB 1385, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. OLSON MOVED** that the House do concur in the Senate amendments to Engrossed HB 1396 as printed on HJ page 1151, which motion prevailed.

Engrossed HB 1396, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1396:** A BILL for an Act to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to the hunting of mule deer by nonresidents.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 58 YEAS, 34 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Christenson; Christopherson; Dalrymple; DeKrey; Delmore; Dorso; Drovdal; Froseth; Galvin; Gerntholz; Grosz; Grumbo; Gunter; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Maragos; Martinson; Monson; Murphy; Nicholas; Nichols; Nottestad; Olson; Poolman; Rennerfeldt; Sabby; Sandvig; Schmidt; Stenehjem; Sveen; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

**NAYS:** Belter; Berg; Byerly; Callahan; Carlisle; Carlson; Clark; Coats; Delzer; Devlin; Fairfield; Freier; Glassheim; Grande; Gulleston; Hanson; Huether; Keiser; Kroepflin; Kunkel; Mahoney; Mickelson; Nelson; Niemeier; Oban; Price; Rose; Skarphol; Soukup; Svedjan; Thompson; Thorpe; Warner; Wilkie

**ABSENT AND NOT VOTING:** Gorder; Kempenich; Kerzman; Lloyd; Renner

Engrossed HB 1396, as amended, passed and the title was agreed to.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. WARDNER MOVED** that the House do concur in the Senate amendments to Engrossed HB 1403, which motion prevailed.

Engrossed HB 1403, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1403:** A BILL for an Act to amend and reenact subsection 10 of section 16.1-08.1-01, sections 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-03.2, subsection 3 of section 16.1-08.1-03.3, sections 16.1-08.1-03.5, 16.1-08.1-06, and subdivision a of subsection 2 of section 16.1-10-02 of the North Dakota Century Code, relating to campaign contribution statements, political committee registration, and the definition of political purpose.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 4 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** Byerly; Johnsen, C.; Monson; Olson

**ABSENT AND NOT VOTING:** Gorder; Kempenich; Kerzman; Lloyd; Renner; Wald

Engrossed HB 1403, as amended, passed and the title was agreed to.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. BELTER MOVED** that the House do concur in the Senate amendments to HB 1467 as printed on HJ pages 1143-1146, which motion prevailed.

Engrossed HB 1467, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1467:** A BILL for an Act to create and enact a new subsection to section 57-39.2-04 and a new section to chapter 57-61 of the North Dakota Century Code, relating to an exemption for sales of coal used in agricultural processing or sugar beet refining plants and a reduction of the severance tax for coal burned in small boilers; and to amend and reenact sections 57-39.2-02.1, 57-39.2-26.1, and 57-40.2-02.1 of the North Dakota Century Code, relating to the imposition of a sales and use tax on coal and the allocation of sales and use tax revenues from coal.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 5 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; Grande; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Gorder; Kempenich; Kerzman; Lloyd; Renner

Engrossed HB 1467, as amended, passed and the title was agreed to.

\*\*\*\*\*

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. KRETSCHMAR MOVED** that the House do concur in the Senate amendments to HB 1468 as printed on HJ page 1009, which motion prevailed.

HB 1468, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1468:** A BILL for an Act to amend and reenact section 34-01-20 of the North Dakota Century Code, relating to prohibiting employer retaliation against employees for certain conduct.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 5 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; Grande; Grosz; Grumbo; Gullerson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Gorder; Kempenich; Kerzman; Lloyd; Renner

HB 1468, as amended, passed and the title was agreed to.

\*\*\*\*\*

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. POOLMAN MOVED** that the House do concur in the Senate amendments to HCR 3019 as printed on HJ page 1029, which motion prevailed.

HCR 3019, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3019:** A concurrent resolution recognizing North Dakota's commercial relationship with the people of the Republic of China on Taiwan and the record of the Republic of China concerning democratization at home and humanitarian service abroad.

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

HCR 3019, as amended, was declared adopted on a voice vote.

\*\*\*\*\*

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. WARDNER MOVED** that the House do concur in the Senate amendments to HCR 3026 as printed on HJ page 989, which motion prevailed.

HCR 3026, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3026:** A concurrent resolution supporting the de Mores Abattoir Project, the Center for the American West, located in Chimney Park in Medora, North Dakota.

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

HCR 3026, as amended, was declared adopted on a voice vote.

\*\*\*\*\*

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. PRICE MOVED** that the House do concur in the Senate amendments to HCR 3034 as printed on HJ page 959, which motion prevailed.

HCR 3034, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3034:** A concurrent resolution directing the Legislative Council to study the impact of divorce on children and issues of equity and fairness as they relate to custody determinations, visitation orders, and child support obligations.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 5 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; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Gorder; Kempenich; Kerzman; Lloyd; Renner

HCR 3034, as amended, was declared adopted on a roll call vote.

\*\*\*\*\*

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

**REP. DALRYMPLE MOVED** that the House do concur in the Senate amendments to HCR 3045 as printed on HJ page 1085, which motion prevailed.

HCR 3045, as amended, was placed on the Eleventh order of business on the calendar.

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

**HCR 3045:** A concurrent resolution directing the Legislative Council to study the current budget process, the results of the program performance-based budgeting pilot projects, and budget reforms in other states.

#### **ROLL CALL**

The question being on the final passage of the amended resolution, which has been read, the roll was called and there were 91 YEAS, 1 NAY, 0 EXCUSED, 5 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; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Speaker Timm

**NAYS:** Wilkie

**ABSENT AND NOT VOTING:** Gorder; Kempenich; Kerzman; Lloyd; Renner

HCR 3045, as amended, was declared adopted on a roll call vote.

\*\*\*\*\*

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

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1008, 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 1008: Reps. Tollefson, Gerntholz, Huether.

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

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1021, 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 1021: Reps. Kunkel, Freier, Aarsvold.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1025, 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 1025: Reps. Wald, Boehm, Wilkie.

**REPORT OF CONFERENCE COMMITTEE**

**REP. CARLSON MOVED** that the conference committee report on HB 1098 be adopted as printed on HJ page 1151, which motion prevailed.

HB 1098, as amended, was placed on the Eleventh order.

**SECOND READING OF HOUSE BILL**

**HB 1098:** A BILL for an Act to amend and reenact section 6-06-07 of the North Dakota Century Code, relating to fields of membership for credit unions.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 91 YEAS, 0 NAYS, 0 EXCUSED, 6 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; Grande; Grosz; Grumbo; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Gorder; Guleson; Kempenich; Kerzman; Lloyd; Renner

HB 1098, as amended, passed and the title was agreed to.

\*\*\*\*\*

**REPORT OF CONFERENCE COMMITTEE**

**REP. DEKREY MOVED** that the conference committee report on Engrossed HB 1182 be adopted as printed on HJ page 1192, which motion prevailed.

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

**SECOND READING OF HOUSE BILL**

**HB 1182:** A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to the private ownership of primates, wolves, wolf hybrids, skunks, and raccoons; 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 76 YEAS, 14 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Byerly; Carlisle; Carlson; Christenson; Christopherson; Coats; DeKrey; Delmore; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grosz; Grumbo; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Oban; Olson; Poolman; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wardner; Warner; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; Brown; Brusegaard; Callahan; Clark; Dalrymple; Delzer; Gulleison; Keiser; Niemeier; Price; Thorpe; Wald; Weisz

**ABSENT AND NOT VOTING:** Gorder; Gunter; Kempenich; Kerzman; Lloyd; Mickelson; Renner

Engrossed HB 1182, as amended, passed and the title was agreed to.

\*\*\*\*\*

#### MOTION

**REP. FREIER MOVED** that the House stand in recess until 4:30 p.m., which motion prevailed.

**THE HOUSE RECONVENED**, with Speaker Timm presiding.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1008, HB 1021, and HB 1025 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1008:** Reps. Tollefson; Gerntholz; Huether

**HB 1021:** Reps. Kunkel; Freier; Aarsvold

**HB 1025:** Reps. Wald; Boehm; Wilkie

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2338 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2338:** Sens. Freborg; Grindberg; Wogsland

#### RECONSIDERATION OF VETOED MEASURE

**HB 1440:** A BILL for an Act to create and enact a new subsection to section 65-01-02 and four new sections to chapter 65-02 of the North Dakota Century Code, relating to a workers compensation board of directors; to amend and reenact section 65-02-01 of the North Dakota Century Code, relating to the director and division directors of the workers compensation bureau; to repeal section 65-02-08.1 of the North Dakota Century Code, relating to the workers compensation state advisory council; and to provide an effective date.

#### 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 80 YEAS, 12 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Grumbo; Gulleison; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kroepflin; Kunkel; Mahoney; Maragos; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Poolman; Price; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; DeKrey; Glassheim; Gunter; Jensen; Kretschmar; Martinson; Oban; Olson; Rose; Tollefson; Weisz

**ABSENT AND NOT VOTING:** Gorder; Kempenich; Kerzman; Lloyd; Renner

The House overrode the Governor's veto on Engrossed HB 1440.

\*\*\*\*\*

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

**MADAM PRESIDENT:** The House has overridden the Governor's veto on HB 1440. The vote was 80 YEAS, 12 NAYS, 5 ABSENT AND NOT VOTING.

**RECONSIDERATION OF VETOED MEASURE**

**HB 1137:** A BILL for an Act to amend and reenact subdivision a of subsection 3 and subdivisions a and e of subsection 4 of section 54-52-17, sections 54-52-17.5, and 54-52-17.10 of the North Dakota Century Code, relating to normal retirement date, computation of benefits, disability retirement benefits, postretirement adjustments, and prior service retiree adjustments under the public employees retirement system.

**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 76 YEAS, 16 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Boehm; Boucher; Brandenburg; Byerly; Callahan; Carlisle; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Devlin; Fairfield; Froseth; Galvin; Gerntholz; Glassheim; Grande; Grumbo; Guleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie

**NAYS:** Belter; Berg; Bernstein; Brown; Brusegaard; Carlson; Delzer; Dorso; Drovdal; Freier; Grosz; Jacobs; Johnsen, C.; Skarphol; Tollefson; Speaker Timm

**ABSENT AND NOT VOTING:** Gorder; Kempenich; Kerzman; Lloyd; Renner

The House overrode the Governor's veto on Engrossed HB 1137.

\*\*\*\*\*

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2338: Reps. R. Kelsch, Kunkel, Grumbo.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1004, 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 1004: Reps. Soukup, Tollefson, Huether.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BELTER MOVED** that the House do not concur in the Senate amendments to HB 1068 as printed on HJ page 988 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 1068: Reps. Grosz, Wardner, Schmidt.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1019, 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 1019: Reps. Byerly, Soukup, Wilkie.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1006, 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 1006: 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 1017, 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 1017: Reps. Byerly, Tollefson, Huether.

**MOTION**

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

**MOTION**

**REP. FREIER MOVED** that the House be on the Fifth, Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Tuesday, April 1, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2298, as engrossed: Natural Resources Committee (Rep. Olson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (11 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2298 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "the boards of"

Page 1, line 15, remove "county commissioners of"

Page 1, line 16, remove "by resolution"

Page 1, line 17, replace "sixty-six" with "eighty-five"

Page 1, line 18, replace "resolution of the" with "a vote of the majority of the qualified electors residing within that portion of the county which is within the boundaries of the Devils Lake basin"

Page 1, line 19, remove "board of county commissioners"

Page 3, line 15, remove "at large from counties"

Page 3, line 18, replace "All candidates for election to" with "The qualified electors of that portion of the county which is within the boundaries of the Devils Lake basin are entitled to vote for a director of"

Page 3, remove line 19

Page 3, line 20, remove "one director elected from each of the nine counties"

Page 4, line 8, remove "water resource"

Page 4, line 9, remove "district" and after "board" insert "of county commissioners"

Page 4, line 12, after the underscored period insert "However, notwithstanding any other provision of law, the board of directors may not exercise quick take eminent domain authority."

Page 5, line 22, after "61-16.1" insert ", except that the board of directors may only exercise the power of eminent domain under subsection 2 of section 61-16.1-09 with the consent of the board of county commissioners of the county in which the project is located and notwithstanding any other provision of law may not exercise quick take eminent domain authority"

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE**

**HB 1103, as engrossed:** Your conference committee (Sens. B. Stenehjem, Schobinger, O'Connell and Reps. Skarphol, Sveen, Grumbo) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 988, adopt further amendments as follows, and place HB 1103 on the Seventh order:

That the House accede to the Senate amendments as printed on page 988 of the House Journal and page 761 of the Senate Journal and that Engrossed House Bill No. 1103 be further amended as follows:

Page 1, line 3, remove "and" and after "penalty" insert "; and to provide an expiration date"

Page 5, after line 5, insert:

**"SECTION 12. EXPIRATION DATE.** This Act becomes ineffective on the date the attorney general certifies to the legislative council that the Federal Driver's Privacy Protection Act of 1994 [Pub. L. 103-322; 108 Stat. 2099; 18 USC 2721] has been declared unconstitutional by the United States Supreme Court or is otherwise void."

Renumber accordingly

Engrossed HB 1103 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1163, as engrossed:** Your conference committee (Sens. Kringstad, Urlacher, Tomac and Reps. Belter, Brown, Gulleon) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1008 and place HB 1163 on the Seventh order.

Engrossed HB 1163 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1243:** Your conference committee (Sens. Schobinger, Cook, Lindaas and Reps. Skarphol, Kempenich, Thorpe) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1006-1007, adopt further amendments as follows, and place HB 1243 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1006 and 1007 of the House Journal and page 776 of the Senate Journal and that House Bill No. 1243 be amended as follows:

Page 1, line 1, replace "section" with "sections" and after "39-05-17.2" insert "and 39-05-20.2"

Page 1, line 2, after "disclosure" insert "and salvage certificate of title", remove "and", and after "penalty" insert "; and to declare an emergency"

Page 1, line 15, replace "four" with "seven"

Page 1, line 16, replace "five" with "eight"

Page 1, line 23, replace "fifty" with "the greater of five thousand dollars or forty"

Page 2, after line 3, insert:

"4. A person repairing, replacing parts, or performing body work on a motor vehicle that is less than eight years old shall provide a statement to the owner of the motor vehicle when the motor vehicle has sustained motor vehicle damage requiring disclosure under this section. The owner shall disclose this damage when ownership of the motor vehicle is transferred. When a vehicle is damaged in excess of seventy-five percent of its retail value as determined by the national automobile dealers association official used car guide, the person repairing, replacing parts, or performing body work on the motor vehicle that is less than eight years old shall also advise the owner of the motor vehicle that the owner of the vehicle must comply with section 39-05-20.2.

5. The amount of damage to a motor vehicle is determined by adding the retail value of all labor, parts, and material used in repairing the damage. When the retail value of labor has not been determined by a purchase in the ordinary course of business, for example when the labor is performed by the owner of the vehicle, the retail value of the labor is presumed to be the product of the repair time, as provided in a generally accepted autobody repair flat rate manual, multiplied by thirty-five dollars."

Page 2, line 4, replace "4" with "6" and after "violates" insert "this section or"

Page 2, after line 5, insert:

"**SECTION 2. AMENDMENT.** Section 39-05-20.2 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-05-20.2. Issuance of salvage certificate of title.** ~~Any person or organization who completely destroys or completely dismantles a vehicle so as to cause that vehicle to lose its identity.~~ The owner of a vehicle that is damaged in excess of seventy-five percent of its retail value as determined by the national automobile dealers association official used car guide, shall forward the title for that vehicle to the department within ten days and the department shall issue a salvage certificate of title.

If a vehicle for which a salvage certificate of title has been issued is reconstructed, a regular certificate of title may be obtained by completing an application for the certificate. The applicant shall include with the application a certificate of inspection in the form required by the department, the salvage certificate of title, and a five dollar fee. The department shall place on the regular certificate of title and on all subsequent certificates of title issued for the vehicle, a notation that damage disclosure information is available from the department. The department may not issue a new certificate unless the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application, or unless other proof of the identity of the vehicle has been provided to the satisfaction of the department.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

HB 1243 was placed on the Seventh order of business on the calendar.

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

The Speaker signed the following enrolled bills: SB 2290, SB 2359.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2290, SB 2359.

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

The Speaker signed the following enrolled bills and resolutions: SB 2029, SB 2083, SB 2101, SB 2113, SB 2115, SB 2147, SB 2208, SB 2221, SB 2235, SB 2238, SB 2239, SB 2272, SB 2279, SB 2281, SB 2323, SB 2333, SB 2339, SB 2343, SB 2361, SB 2368, SB 2384, SCR 4007, SCR 4016.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2029, SB 2083, SB 2101, SB 2113, SB 2115, SB 2147, SB 2208, SB 2221, SB 2235, SB 2238, SB 2239, SB 2272, SB 2279, SB 2281, SB 2323, SB 2333, SB 2339, SB 2343, SB 2361, SB 2368, SB 2384, SCR 4007, SCR 4016.

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

The Speaker signed the following enrolled bills: SB 2210, SB 2331.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2210, SB 2331.

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

The Speaker signed the following enrolled bills and resolutions: HB 1051, HB 1262, HCR 3012, HCR 3015, HCR 3025, HCR 3049.

#### **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 1051, HB 1262, HCR 3012, HCR 3015, HCR 3025, HCR 3049.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1004, HB 1006, HB 1017, HB 1019, and HB 1068 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1004:** Reps. Soukup; Tollefson; Huether

**HB 1006:** Reps. Gerntholz; Byerly; Huether

**HB 1017:** Reps. Byerly; Tollefson; Huether

**HB 1019:** Reps. Byerly; Soukup; Wilkie

**HB 1068:** Reps. Grosz; Wardner; Schmidt

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

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

**SB 2338:** Reps. R. Kelsch; Kunkel; Grumbo

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

**ROY GILBREATH, Chief Clerk**