

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

\* \* \* \* \*

Bismarck, April 1, 1997

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

The prayer was offered by Sister Kathleen Atkinson, Annunciation Priory, Bismarck.

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

A quorum was declared by the Speaker.

**HOUSE ENGROSSING AND ENROLLING REPORT**

The following bills and resolutions were engrossed and enrolled: HB 1153, HB 1199, HB 1257, HB 1385, HB 1396, HB 1403, HB 1467, HB 1468, HCR 3019, HCR 3026, HCR 3034, HCR 3045.

**HOUSE ENGROSSING AND ENROLLING REPORT**

The following bills were engrossed and enrolled: HB 1002, HB 1011, HB 1016, HB 1027, HB 1036, HB 1046, HB 1074, HB 1075.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2002, SB 2004, SB 2012, SB 2014, SB 2016, SB 2017, and SB 2019 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2002:** Sens. Goetz; Lips; Tallackson  
**SB 2004:** Sens. St. Aubyn; Nalewaja; Tallackson  
**SB 2012:** Sens. Solberg; Lips; Krauter  
**SB 2014:** Sens. Solberg; Nalewaja; Tallackson  
**SB 2016:** Sens. St. Aubyn; Bowman; Robinson  
**SB 2017:** Sens. Holmberg; Nalewaja; Tallackson  
**SB 2019:** Sens. Goetz; St. Aubyn; Robinson

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2064, SB 2353, and SB 2396 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2064:** Sens. Naaden; Solberg; Tallackson  
**SB 2353:** Sens. Naaden; Bowman; Krauter  
**SB 2396:** Sens. Kringstad; Krebsbach; LaFountain

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1164.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1164**

Page 1, line 2, after the sixth comma insert "43-11-24," and after the eighth comma insert "43-11-28,"

Page 1, line 4, replace "; and to repeal sections 43-11-07," with a period

Page 1, remove lines 5 through 7

Page 4, line 11, remove the overstrike over "~~The board~~"

Page 4, line 12, after "~~board~~" insert "shall publish annually the time and place of its regularly scheduled meetings" and remove the overstrike over the period

Page 4, line 13, replace "constitute" with "constitutes"

Page 4, line 19, remove the overstrike over "~~and may not be~~"

Page 4, line 20, remove the overstrike over "~~used for living or sleeping quarters~~"

Page 4, line 28, overstrike "fifty dollars for each day employed in"

Page 4, line 29, overstrike "the actual discharge of official duties, and"

Page 6, line 20, overstrike "and kit rental fee"

Page 7, after line 3, insert:

**"SECTION 11. AMENDMENT.** Section 43-11-24 of the North Dakota Century Code is amended and reenacted as follows:

**43-11-24. Operator's license - When issued - Failure to pass examination - Reexamination - Retraining.** An operator's license must be issued to any person who has:

1. Complied with section 43-11-21; and
2. Passed to the satisfaction of the board, the examination of applicants for a license to practice under this chapter.

If the applicant fails to pass the examination, the examination fee may not be returned. Within one year after failing to pass an examination, the applicant may be examined again with the payment of a reexamination fee ~~and kit rental fee~~ as set forth in section 43-11-28. ~~Anyone~~ A person who fails to pass the reexamination must complete an additional one hundred sixty hours of training at a school of cosmetology ~~prior to before~~ reapplying for examination."

Page 7, line 10, overstrike "and examination fee"

Page 9, after line 5, insert:

**"SECTION 14. AMENDMENT.** Section 43-11-28 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**43-11-28. Fees.**

1. Fees to be paid by applicants for original registrations, original licenses, annual renewals, licenses issued upon reciprocity, and examinations as required under this chapter may not exceed the following amounts:

a. Original registrations, licenses, and annual renewals:	MAXIMUM FEE:
(1) Salons, original registration	\$ 75.00
(2) Salons, annual renewal	\$ 25.00
(3) School of cosmetology, original registration	\$500.00
(4) School of cosmetology, annual renewal	\$200.00
(5) Operator, original license	\$ 10.00
(6) Operator, annual renewal	\$ 10.00
(7) Manager-operator, original license	\$ 20.00
(8) Manager-operator, annual renewal	\$ 15.00
(9) Instructor, original license	\$ 30.00
(10) Instructor, annual renewal	\$ 15.00
(11) Demonstrators, original license	\$ 25.00
(12) Demonstrators, annual renewal	\$ 15.00
(13) Reciprocity license fee	\$100.00

- |                  |  |                      |
|------------------|--|----------------------|
| (14)             | Registration fee for student instructor        | \$ 10.00             |
| (15)             | Duplicate license                              | \$ 5.00              |
| (16)             | Penalty fee for late renewal                   | \$ 10.00             |
| (17)             | Certification fee                              | \$ 15.00             |
| b. Examinations: |  |                      |
| (1)              | Operator                                       | \$ 20.00             |
| (2)              | <del>Operator's kit rental fee</del>           | <del>\$ 45.00</del>  |
| (3)              | <del>Manager-operator</del>                    | <del>\$ 20.00</del>  |
| (4)              | Instructors                                    | \$ 50.00             |
| (5)              | <del>Instructor's kit rental fee</del>         | <del>\$ 100.00</del> |
| (6) (3)          | Reexamination fee, operator's                  |                      |
| (a)              | Practical                                      | \$ 25.00             |
| (b)              | Written  | \$ 15.00             |
| (7)              | <del>Reexamination fee, manager-operator</del> | <del>\$ 20.00</del>  |
| (8) (4)          | Reexamination fee, instructors                 |                      |
| (a)              | Practical                                      | \$ 50.00             |
| (b)              | Written  | \$ 20.00             |
2. Fees are not prorated or returnable. The board may charge a ten dollar penalty for license renewal applications received after December thirty-first. The board may reduce a renewal fee from the maximum amount only if ~~the board~~ applies an equal percentage of reduction to all renewal fees. The board shall sponsor an educational program for licenseholders to carry out the purposes of protecting the public health and safety and maintaining capable and skilled operators, manager-operators, and instructors. The board ~~is directed to shall~~ use such portion of the renewal fees as the board may determine for the purpose of providing the educational program."

Page 10, remove lines 8 through 10

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1028, HB 1482.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1028**

Page 1, line 17, replace "324,172" with "863,481"

Page 1, line 19, replace "349,172" with "888,481"

Page 2, line 14, replace "4,983,712" with "5,523,021"

Page 2, line 16, replace "5,228,712" with "5,768,021"

Page 4, after line 3, insert:

**"SECTION 6. LEGISLATIVE INTENT.** It is the intent of the fifty-fifth legislative assembly that the general fund appropriation of \$863,481 included in subdivision 1 of section 1 of this Act is to be used by the administration division of the office of management and budget to pay the United States department of health and human services for its share of fire and tornado fund money previously transferred to the general fund of the state treasury. If this appropriation is not sufficient to pay the amount due, including interest, the director of the office of management and budget

may request state contingencies funding from the emergency commission, use available general fund moneys appropriated to the fiscal management division of the office of management and budget, or request a deficiency appropriation from the fifty-sixth legislative assembly to obtain funds to pay the remaining amount due."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

SENATE - This amendment increases the funding provided from the general fund for paying the federal government for its proportionate share of the fire and tornado fund money transferred to the general fund during the 1993-95 biennium by \$539,309, from \$324,172 to \$863,481.

A section of legislative intent is added providing that if the \$863,481 is not sufficient to pay the amount due, the Office of Management and Budget may request state contingency funds, use available Facility Management funds, or request a deficiency appropriation from the 1999 Legislative Assembly to obtain funds to pay the remaining amount due.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1482**

In lieu of the amendments adopted by the Senate as printed on page 777 of the Senate Journal, Engrossed House Bill No. 1482 is amended as follows:

Page 1, line 23, replace "provisions for an inlet to Devils Lake and" with "plans"

Page 2, line 22, replace "of one to four" with "most beneficial to the state"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1342.

**SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1342**

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "38-08.1-04.1" insert ", and a new section to chapter 38-08.1"

Page 1, line 3, replace "and to" with a comma

Page 1, line 4, after "permitholders" insert ", and authority of the industrial commission to adopt rules governing geophysical exploration"

Page 1, line 6, replace the first "and" with a comma and after "3" insert ", and 5"

Page 2, line 10, after "drilling" insert "or plugging"

Page 2, line 28, overstrike "bond must remain on file with the" and overstrike "commission so long as the"

Page 2, line 29, overstrike "exploration", remove "or plugging operations", overstrike "covered by the bond", remove "are", and overstrike "carried on or"

Page 2, overstrike line 30

Page 3, line 1, overstrike "however, that the" and after "surety" insert "on the bond"

Page 3, line 3, overstrike "A bond filed pursuant to this section is the sole bond required of persons engaging"

Page 3, line 4, overstrike "in geophysical exploration", remove "and plugging operations", overstrike "within", remove "this", and overstrike "state"

Page 3, line 6, overstrike ". Upon compliance with" and overstrike "sections 38-08.1-01 through"

Page 3, line 7, overstrike "38-08.1-05, any bond", remove "that", and overstrike "may previously have been filed in any county"

Page 3, line 8, remove "must" and overstrike "be released; provided, however, that the surety of any such bond"

Page 3, line 9, overstrike "remains liable under its contract for all actions of its principal", remove "before", and overstrike "the"

Page 3, overstrike line 10

Page 3, line 11, overstrike "4."

Page 3, line 20, replace "5" with "4"

Page 4, line 12, replace "security" with "anniversary"

Page 5, overstrike lines 11 and 12

Page 5, line 13, overstrike "land described in the application."

Page 6, line 3, remove the overstrike over "~~county or~~" and overstrike the third "or"

Page 6, line 4, overstrike "respective surface owner"

Page 6, remove lines 28 and 29

Page 6, line 30, remove "forty-eight hours, a permit for operations within the county" and overstrike ". However, the permit suspension"

Page 6, line 31, overstrike "time period may not be included in the one-year permit period" and insert immediately thereafter "other physical features. For these same reasons, a board of county commissioners, upon notice to the permitholder and the commission, also may suspend, for not longer than forty-eight hours, a permit for operations within the county"

Page 7, line 3, overstrike "- **Request to file**"

Page 7, line 4, overstrike "**location of worksite**"

Page 7, line 20, replace "and" with a comma and after "3" insert ", and 5"

Page 8, after line 8, insert:

"5. The surface around each seismic shot hole must be restored to its original condition insofar as restoration is practicable and all stakes, markers, cables, ropes, wires, primacord, cement or mud stacks, and any other debris or material not native to the area must be removed from the drill site and ~~deposited in a sanitary landfill~~ lawfully disposed of."

Page 9, after line 20, insert:

"**SECTION 11.** A new section to chapter 38-08.1 of the North Dakota Century Code is created and enacted as follows:

**Commission to adopt rules.** The commission may adopt and enforce rules to implement this chapter."

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1041, HB 1179, HB 1431, HB 1433.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1478:** Sens. Fischer; B. Stenehjem; DeMers

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has reconsidered its action whereby it failed to pass and also the action by which it did concur with the House amendments to SB 2372 and subsequently does

not concur with the House amendments to SB 2372, and the President has appointed as a conference committee to meet with a like committee from the House on:

**SB 2372:** Sens. Andrist; Lee; Berg

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

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

**HB 1014:** Sens. St. Aubyn; Solberg; Krauter

**HB 1085:** Sens. Watne; W. Stenehjerm; Berg

**HB 1116:** Sens. Klein; Sand; Lindaas

**HB 1168:** Sens. Lee; Andrist; Mutzenberger

**HB 1297:** Sens. Traynor; W. Stenehjerm; C. Nelson

**HB 1435:** Sens. Grindberg; Lee; Yockim

**HB 1448:** Sens. Mutch; Krebsbach; LaFountain

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: HB 1002, HB 1011, HB 1016, HB 1027, HB 1036, HB 1046, HB 1074, HB 1075.

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

**SIXTH ORDER OF BUSINESS**

**SB 2298, as engrossed: REP. OLSON (Natural Resources Committee) MOVED** that the amendments on HJ page 1228 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2298:** A BILL for an Act to provide for creation of the Devils Lake basin water board; and to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to political subdivision audits; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 31 YEAS, 65 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Callahan; Carlisle; Christenson; Coats; Gerntholz; Glassheim; Grumbo; Henegar; Huether; Johnson, D.; Kelsh, S.; Kerzman; Koppelman; Kretschmar; Kunkel; Maragos; Nelson; Nicholas; Niemeier; Nottestad; Oban; Rose; Sabby; Sandvig; Schmidt; Svedjan; Thoreson; Warner; Wentz

**NAYS:** Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gorder; Grande; Grosz; Gulletson; Gunter; Hanson; Hausauer; Hawken; Jacobs; Jensen; Johnsen, C.; Keiser; Kelsch, R.; Kilzer; Klein; Kliniske; Kroeplin; Lloyd; Mahoney; Martinson; Mickelson; Monson; Murphy; Nichols; Olson; Poolman; Price; Renner; Rennerfeldt; Skarphol; Soukup; Stenehjerm; Sveen; Thompson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Kempenich

Engrossed SB 2298, as amended, was declared lost.

\*\*\*\*\*

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. R. KELSCH MOVED** that the House do concur in the Senate amendments to HB 1393 as printed on HJ page 835, which motion prevailed.

HB 1393, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1393:** A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to supplemental payments to high school districts.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 10 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Berg; Callahan; Drovdal; Hawken; Kerzman; Murphy; Nichols; Niemeier; Wilkie

**ABSENT AND NOT VOTING:** Gorder; Kelsh, S.; Kempenich

Engrossed HB 1393, 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 Reengrossed HB 1047, which motion prevailed.

Reengrossed HB 1047, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1047:** A BILL for an Act to create and enact chapter 25-03.3 of the North Dakota Century Code, relating to civil commitment of sexually dangerous individuals.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Callahan; Christenson; Devlin; Fairfield; Glassheim; Murphy; Oban; Rose; Weisz

**ABSENT AND NOT VOTING:** Gorder; Kempenich

Reengrossed HB 1047, as amended, passed and the title was agreed to.

\*\*\*\*\*

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BERG MOVED** that the House do concur in the Senate amendments to HB 1100 as printed on HJ pages 1148-1149, which motion prevailed.

HB 1100, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1100:** A BILL for an Act to amend and reenact sections 14-02.4-21 and 34-05-03 of the North Dakota Century Code, relating to records and information furnished to the labor 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 94 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Gorder; Gulleeson; Kempenich

HB 1100, 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 1111, which motion prevailed.

Engrossed HB 1111, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1111:** A BILL for an Act to amend and reenact subsection 7 of section 39-06-32, sections 39-20-01, 39-20-03.1, 39-20-03.2, subsection 1 of section 39-20-04.1, subsections 2, 3, and 5 of section 39-20-05, subsection 3 of section 39-20-07, and section 39-20-09 of the North Dakota Century Code, relating to the illegal level of alcohol and drug concentration for motor vehicle operators under twenty-one years of age.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 72 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Carlisle; Carlson; Christenson; Christopherson; Coats; Dalrymple; Delmore; Dorso; Drovdal; Fairfield; Froseth; Galvin; Gerntholz; Grande; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Nicholas; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner

**NAYS:** Brown; Brusegaard; Byerly; Callahan; Clark; DeKrey; Delzer; Devlin; Freier; Glassheim; Grosz; Kerzman; Maragos; Monson; Murphy; Nelson; Nichols; Olson; Wald; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Gorder; Kempenich

Engrossed HB 1111, as amended, passed and the title was agreed to.

\*\*\*\*\*

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. NICHOLAS MOVED** that the House do concur in the Senate amendments to Engrossed HB 1215 as printed on HJ page 1085, which motion prevailed.

Engrossed HB 1215, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1215:** A BILL for an Act to create and enact four new sections to chapter 19-20.2 of the North Dakota Century Code, relating to the use and testing of anhydrous ammonia



storage containers and the bulk delivery of anhydrous ammonia; and to amend and reenact sections 19-20.2-01 and 19-20.2-08.2 of the North Dakota Century Code, relating to safety requirements for the handling and storage of anhydrous ammonia.

#### 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, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Devlin; Kelsch, R.; Kroepelin; Thompson; Warner

**ABSENT AND NOT VOTING:** Fairfield; Gorder; Kempenich

Engrossed HB 1215, 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 1373, which motion prevailed on a voice vote.

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

#### SECOND READING OF HOUSE BILL

**HB 1373:** A BILL for an Act to create and enact a new section to chapter 12.1-08 of the North Dakota Century Code, relating to the penalty for fleeing a peace officer.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; 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.; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Fairfield; Gorder; Kempenich

Engrossed HB 1373, 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 2353: Reps. Rennerfeldt, Mickelson, Kroepelin.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2372: Reps. Keiser, Jensen, Mahoney.

#### MOTION

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

**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 1047, HB 1100, HB 1111, HB 1215, HB 1373, HB 1393.

**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 2353:** Reps. Rennerfeldt; Mickelson; Kroeplin

**SB 2372:** Reps. Keiser; Jensen; Mahoney

**REPORT OF CONFERENCE COMMITTEE**

**HB 1301:** Your conference committee (Sens. Kringstad, Schobinger, Kinnoin and Reps. D. Johnson, Brusegaard, Kroeplin) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 835, adopt amendments as follows, and place HB 1301 on the Seventh order:

That the Senate recede from its amendments as printed on page 835 of the House Journal and page 648 of the Senate Journal and that House Bill No. 1301 be amended as follows:

Page 3, line 10, replace "forty-five" with "forty"

Renumber accordingly

HB 1301 was placed on the Seventh order of business on the calendar.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SB 2218, SB 2270, SB 2315, SB 2366, SCR 4059, SCR 4060, SCR 4061.

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

**MR. SPEAKER:** The President has signed: HB 1051, HB 1262, HCR 3012, HCR 3015, HCR 3025, HCR 3049.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 10:34 a.m., April 1, 1997: HCR 3012, HCR 3015, HCR 3025, HCR 3049.

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

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolutions: HB 1153, HB 1199, HB 1257, HB 1385, HB 1396, HB 1403, HB 1467, HB 1468, HCR 3019, HCR 3026, HCR 3034, HCR 3045.

**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 1153, HB 1199, HB 1257, HB 1385, HB 1396, HB 1403, HB 1467, HB 1468, HCR 3019, HCR 3026, HCR 3034, HCR 3045.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills and resolutions: SB 2218, SB 2270, SB 2315, SB 2366, SCR 4059, SCR 4060, SCR 4061.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2218, SB 2270, SB 2315, SB 2366, SCR 4059, SCR 4060, SCR 4061.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: HB 1115, HB 1189, HB 1191, HB 1210, HB 1216, HB 1259, HB 1267, HB 1324, HB 1339, HB 1344, HB 1346, HB 1351, HB 1362, HB 1364, HB 1368, HB 1399, HB 1418, HB 1445.

**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 1115, HB 1189, HB 1191, HB 1210, HB 1216, HB 1259, HB 1267, HB 1324, HB 1339, HB 1344, HB 1346, HB 1351, HB 1362, HB 1364, HB 1368, HB 1399, HB 1418, HB 1445.

**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representative Robert Muhs

**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Representative Michael Schatz

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2002: Reps. Byerly, Gerntholz, Huether.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2004: Reps. Delzer, Bernstein, Nichols.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2012: Reps. Soukup, Martinson, Huether.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2014: Reps. Svedjan, Delzer, Nichols.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2016: Reps. Carlisle, Delzer, Nichols.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2017: Reps. Martinson, R. Kelsch, Huether.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2019: Reps. Dalrymple, Byerly, Nichols.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2064: Reps. Dalrymple, Lloyd, Aarsvold.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2396: Reps. Wardner, Stenehjem, 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 2002:** Reps. Byerly; Gerntholz; Huether

**SB 2004:** Reps. Delzer; Bernstein; Nichols

**SB 2012:** Reps. Soukup; Martinson; Huether

**SB 2014:** Reps. Svedjan; Delzer; Nichols

**SB 2016:** Reps. Carlisle; Delzer; Nichols

**SB 2017:** Reps. Martinson; R. Kelsch; Huether

**SB 2019:** Reps. Dalrymple; Byerly; Nichols

**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 2064:** Reps. Dalrymple; Lloyd; Aarsvold

**SB 2396:** Reps. Wardner; Stenehjem; Schmidt

**MOTION**

**REP. DORSO MOVED** that Engrossed HB 1274 be moved to the top of the calendar, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. BELTER MOVED** that the conference committee report on Engrossed HB 1274 as printed on HJ pages 1202-1204 be adopted.

**REQUEST**

**REP. GULLESON REQUESTED** a verification vote on the motion to adopt the conference committee report on Engrossed HB 1274, which request was not granted as a recorded roll call request was granted.

**REQUEST**

**REP. THORPE REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1274, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on Engrossed HB 1274, the roll was called and there were 73 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Grumbo; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

**NAYS:** Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Fairfield; Glassheim; Gulleason; Hanson; Kerzman; Kroepflin; Mahoney; Nichols; Niemeier; Oban; Rose; Sandvig; Schmidt; Thorpe; Warner; Wilkie

**ABSENT AND NOT VOTING:** Gorder; Kempenich

The conference committee report on Engrossed HB 1274 was adopted.

**SECOND READING OF HOUSE BILL**

**HB 1274:** A BILL for an Act to create and enact two new sections to chapter 51-14 of the North Dakota Century Code, relating to additional charges on revolving charge accounts 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.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 72 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Grumbo; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

**NAYS:** Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Fairfield; Glassheim; Gulleason; Hanson; Kerzman; Kroepflin; Mahoney; Murphy; Nichols; Niemeier; Oban; Rose; Sandvig; Schmidt; Thorpe; Warner; Wilkie

**ABSENT AND NOT VOTING:** Gorder; Kempenich

Engrossed HB 1274, as amended, passed and the title was agreed to.

\*\*\*\*\*

**REPORT OF CONFERENCE COMMITTEE**

**REP. SKARPHOL MOVED** that the conference committee report on Engrossed HB 1103 be adopted as printed on HJ pages 1228-1229, which motion prevailed.

Engrossed HB 1103, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1103:** A BILL for an Act to provide for the privacy of driver and motor vehicle records; to amend and reenact section 39-02-05 of the North Dakota Century Code, relating to records of the department; to provide a penalty; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; 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.; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Brusegaard

**ABSENT AND NOT VOTING:** Gorder; Kempenich

Engrossed HB 1103, as amended, passed and the title was agreed to.

\*\*\*\*\*

**REPORT OF CONFERENCE COMMITTEE**

**REP. BELTER MOVED** that the conference committee report on Engrossed HB 1163 be adopted as printed on HJ page 1229, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. KILZER MOVED** that the conference committee report on HB 1240 be adopted, which motion prevailed.

HB 1240, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1240:** A BILL for an Act to amend and reenact sections 40-49-21 and 40-49-22 and subsection 1 of section 57-15-12.2 of the North Dakota Century Code, relating to park district pension plans.

**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, 5 NAYS, 0 EXCUSED, 2 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; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepflin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Speaker Timm

**NAYS:** Henegar; Keiser; Soukup; Thorpe; Wilkie

**ABSENT AND NOT VOTING:** Gorder; Kempenich

HB 1240, as amended, passed and the title was agreed to.

\*\*\*\*\*

**REPORT OF CONFERENCE COMMITTEE**

**REP. SKARPHOL MOVED** that the conference committee report on HB 1243 as printed on HJ pages 1229-1230, which motion prevailed.

HB 1243, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1243:** A BILL for an Act to amend and reenact sections 39-05-17.2 and 39-05-20.2 of the North Dakota Century Code, relating to motor vehicle body damage disclosure and salvage certificate of title; to provide a penalty; 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 94 YEAS, 1 NAY, 0 EXCUSED, 2 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; Gulleson; Gunter; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsch, S.; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Kliniske

**ABSENT AND NOT VOTING:** Gorder; Kempenich

Engrossed HB 1243, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**REPORT OF CONFERENCE COMMITTEE**

**REP. BELTER MOVED** that the conference committee report on Engrossed SB 2037, as printed on HJ page 1204, be adopted, which motion prevailed.

Engrossed SB 2037, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2037:** A BILL for an Act to create and enact a new section to chapter 32-03 and a new section to chapter 49-10.1 of the North Dakota Century Code, relating to the liability of the owner or operator of a railroad for injury of an individual riding on a locomotive or railroad car without authority from the owner or operator and to the determination of train speeds; to amend and reenact sections 49-05-06, 49-06-01, 49-09-04.2, 49-09-04.4, and 49-11-21 of the North Dakota Century Code, relating to the regulation of railroads; and to repeal sections 49-09-04.1, 49-09-05, 49-09-08, 49-09-09, 49-09-11.1, 49-09-11.2, 49-09-11.3, 49-09-11.4, 49-09-11.5, 49-09-11.6, 49-09-11.7, 49-10.1-04, 49-10.1-06, 49-10.1-09, 49-11-10, 49-11-11, 49-11-12, 49-16-11, and 49-17.2-31 of the North Dakota Century Code, relating to the regulation of railroads.

**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, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; 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.; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Oban; Olson; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; Coats; Kelsh, S.; Kliniske; Niemeier; Poolman

**ABSENT AND NOT VOTING:** Gorder; Kempenich

Engrossed SB 2037, as amended, passed and the title was agreed to.

\*\*\*\*\*

#### **REPORT OF CONFERENCE COMMITTEE**

**REP. KLINISKE MOVED** that the conference committee report on Reengrossed SB 2042 as printed on HJ page 1204, be adopted, which motion prevailed.

#### **MOTION**

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

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on SB 2042.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on HB 1163.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2037.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1103, HB 1240, HB 1243, HB 1274.

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

**MADAM PRESIDENT:** The House has overridden the Governor's veto on HB 1137. The vote was 76 YEAS, 16 NAYS, 5 ABSENT AND NOT VOTING.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2015 and SB 2214 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2015:** Sens. Goetz; Holmberg; Robinson

**SB 2214:** Sens. Goetz; Naaden; Krauter

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

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

**HB 1004:** Sens. Nalewaja; Lips; Robinson

**HB 1006:** Sens. Nalewaja; Lips; Krauter

**HB 1008:** Sens. Naaden; Bowman; Robinson

**HB 1017:** Sens. Bowman; Holmberg; Krauter

**HB 1019:** Sens. Goetz; St. Aubyn; Robinson

**HB 1021:** Sens. Nalewaja; Goetz; Krauter

**HB 1025:** Sens. Goetz; Solberg; Robinson

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

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

The following communication was received from the Governor at 3:05 p.m., Tuesday, April 1, 1997.

This is to inform you that on April 1, 1997, I signed the following: HB 1311.

#### **HOUSE ENGROSSING AND ENROLLING REPORT**

The following bills were engrossed and enrolled: HB 1047, HB 1100, HB 1111, HB 1215, HB 1373, and HB 1393.

#### **HOUSE ENROLLING REPORT**

The following bills were enrolled: HB 1041, HB 1179, HB 1431, and HB 1433.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. OLSON MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1482, 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 1482: Reps. Grosz, Brown, Hanson.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2214: Reps. Gerntholz, Byerly, Huether.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1482 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1482:** Reps. Grosz; Brown; Hanson

**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 2214:** Reps. Gerntholz; Byerly; Huether

**MOTION**

**REP. DORSO MOVED** that SB 2068 be placed at the bottom of the calendar, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. NOTTESTAD MOVED** that the conference committee report on Engrossed SB 2112 as printed on HJ pages 1204-1205 be adopted, which motion prevailed.

Engrossed SB 2112, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2112:** A BILL for an Act to provide for extradition proceedings regarding those subject to tribal arrest warrants; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 2 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.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Gorder; Wald

Engrossed SB 2112, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

**MOTION**

**REP. DORSO MOVED** that Reengrossed SCR 4010 be placed at the top of the calendar, which motion prevailed.



**REPORT OF CONFERENCE COMMITTEE**

**REP. DEKREY MOVED** that the conference committee report on Reengrossed SCR 4010 as printed on HJ page 1205 be adopted.

**REQUEST**

**REP. AARSVOLD REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on Reengrossed SCR 4010, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on Reengrossed SCR 4010, the roll was called and there were 52 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Dorso; Drovdal; Freier; Galvin; Grande; Grosz; Gunter; Hawken; Henegar; Huether; Jacobs; Johnsen, C.; Keiser; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Lloyd; Mickelson; Murphy; Nelson; Nicholas; Poolman; Price; Renner; Rennerfeldt; Skarphol; Soukup; Svedjan; Torgerson; Wald; Wardner; Weisz; Speaker Timm

**NAYS:** Aarsvold; Boucher; Callahan; Christenson; Coats; Delmore; Devlin; Fairfield; Froseth; Gerntholz; Glassheim; Grumbo; Gulleson; Hanson; Hausauer; Jensen; Johnson, D.; Kelsh, S.; Kerzman; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Monson; Nichols; Niemeier; Nottestad; Oban; Olson; Rose; Sabby; Sandvig; Schmidt; Stenehjem; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Warner; Wentz; Wilkie

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

The conference committee report on Reengrossed SCR 4010 was adopted.

Reengrossed SCR 4010 was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4010:** A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the names, locations, and missions of the institutions of higher education.

**ROLL CALL**

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 50 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Dorso; Drovdal; Freier; Galvin; Grande; Grosz; Gunter; Hawken; Henegar; Huether; Johnsen, C.; Keiser; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Lloyd; Mickelson; Murphy; Nelson; Nicholas; Poolman; Price; Renner; Rennerfeldt; Skarphol; Soukup; Svedjan; Torgerson; Wald; Wardner; Weisz

**NAYS:** Aarsvold; Boucher; Callahan; Christenson; Coats; Delmore; Devlin; Fairfield; Froseth; Gerntholz; Glassheim; Grumbo; Gulleson; Hanson; Hausauer; Jacobs; Jensen; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Kroeplin; Kunkel; Mahoney; Maragos; Martinson; Monson; Nichols; Niemeier; Nottestad; Oban; Olson; Rose; Sabby; Sandvig; Schmidt; Stenehjem; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Warner; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Gorder

Reengrossed SCR 4010 was declared adopted on a roll call vote.

\*\*\*\*\*

**MOTION**

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

**MOTION**

**REP. FREIER MOVED** that the House be on the Seventh, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Wednesday, April 2, 1997, which motion prevailed.

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

**MADAM PRESIDENT:** The House has amended and failed to pass: SB 2298.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2112.

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

**ROY GILBREATH, Chief Clerk**