

## JOURNAL OF THE HOUSE

## Fifty-third Legislative Assembly

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Bismarck, April 5, 1993

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

The prayer was offered by Pastor Richard Hagestuen, First Lutheran Church, Mandan.

The roll was called and all members were present except Representatives Boucher, Drovdal, Kilichowski, Poolman, Stenehjem, and Wanzek.

A quorum was declared by the Speaker.

## CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal (Rep. DeWitz, Chairman) has carefully reexamined the Journals of the Fifty-fourth and Sixty-first Days and recommends that they be corrected as follows and when so corrected, recommends that they be approved:

Page 1398, after line 26, insert:

## "ANNOUNCEMENT BY THE SPEAKER

THE CHIEF CLERK ANNOUNCED that the Governor's office delivered to the Speaker vetoed HB 1276, with the Governor's objections to same, at the hour of 3:30 p.m. on March 23, 1993."

Page 1414, lines 8 and 12, remove ", HCR 3030"

Page 1579, line 18, replace "is to be" with "was"

Page 1583, remove lines 2 through 14 and insert:

"YEAS: Aarsvold; Allmaras; Berg, J.; Brodshaug; Christopherson; Cleary; Coats; Dobrinski; Goffe; Grumbo; Gulleon; Hagle; Hanson; Hokana; Kaldor; Kerzman; Kroeber; Laughlin; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Sitz; Stenson; Thorpe; Wilkie

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Clayburgh; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kilichowski; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Bodine; Huether; Stenehjem"

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

## ANNOUNCEMENT BY THE SPEAKER

THE CHIEF CLERK ANNOUNCED that the Governor's office delivered to the Speaker vetoed HB 1302, with the Governor's objections to same, at the hour of 12:16 p.m. on April 2, 1993.

## COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

April 2, 1993

I am returning HB 1302, and regretfully must veto the same.

As you know, I vetoed SB 2446 that was similar legislation which permitted modest payments to members of local airport authorities. HB 1302 allows for similar payments not to exceed \$25.00 per day. Throughout my administration, I will remain vigilant with respect to the cost and the growth of government. That cost diverts funds from the private sector, which may actually impede the growth of our economy.

HB 1302 is permissive legislation, and places control at the local level - a principle with which I concur. Nonetheless, I have vetoed the bill with the following specific objections:

1. The bill presents an innocuous opportunity to spend a substantial amount of local taxpayer funds. North Dakota has 103 libraries, all of which are served by board members that meet throughout the year. Given the inertia of government, and the likelihood of authorizing these payments, I can see this bill costing local taxpayers thousands of dollars in short order.
2. Again, I believe that legislation of this nature is a step in the wrong direction given the number of boards and commissions throughout North Dakota at both the state and local level. Clearly, a good argument exists for modest payments to the North Dakota citizens who give of their time and energies for public service, on the local library board, Airport Authority, Chamber of Commerce, etc., but where do we draw the line?
3. Public service gives rise to another objection I have with the bill, which is whether it is necessary. In other words, is it necessary for North Dakota to permit payment to citizens for their service on the various boards and commissions throughout the state? All of us can think of many organizations, committees, boards, and commissions that the good citizens of North Dakota serve throughout their lifetime because of a personal interest in the program, in honor of civic duty, or service to their community, state or country.

I believe that North Dakotans will continue to provide unselfish service to our local libraries and communities without the financial incentive contemplated by HB 1302. The unselfish example of the board member who serves without remuneration is the one I would hope we as North Dakotans will follow, rather than withholding that commitment for a small financial reward.

For these reasons, I regretfully must return HB 1302 to your chambers.

## ANNOUNCEMENT BY THE SPEAKER

SPEAKER R. BERG ANNOUNCED that the House would stand in recess until 1:00 p.m.

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

MADAM PRESIDENT: The House has reconsidered SB 2398 pursuant to Article V, Section 9, of the Constitution of North Dakota for the purpose of overriding the Governor's veto. The House failed to pass SB 2398 over the Governor's veto. The vote was 41 YEAS, 53 NAYS, AND 4 ABSENT AND NOT VOTING. Therefore, the Governor's veto was sustained.

## SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1009, HB 1096, HB 1168, HB 1180, HB 1181, HB 1225, HB 1344, HB 1469.

## SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: SB 2245,

SB 2375, SB 2397, SB 2415, SB 2425, SB 2470, SB 2472, SB 2476, SB 2479, SB 2488, SB 2519, SB 2527, SB 2534, SCR 4019.

**MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2085, SB 2222, SB 2223, SB 2228, SB 2244, SB 2305, SB 2308, SB 2339, SB 2360, SB 2361, SB 2370, SB 2400, SB 2418, SB 2449, SCR 4048, SCR 4052, SCR 4057, SCR 4060, SCR 4065, SCR 4068.

**HOUSE ENGROSSING AND ENROLLING REPORT**

The following bills were engrossed and enrolled: HB 1089, HB 1267.

**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 1009, HB 1096, HB 1168, HB 1180, HB 1181, HB 1225, HB 1344, HB 1469.

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

MADAM PRESIDENT: The Speaker has signed: SB 2245, SB 2375, SB 2397, SB 2415, SB 2425, SB 2470, SB 2472, SB 2476, SB 2479, SB 2488, SB 2519, SB 2527, SB 2534, SCR 4019.

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

**MOTION**

REP. FREIER MOVED that the House waive the reading of the title to SB 2217, which motion prevailed.

**SECOND READING OF SENATE BILL**

SB 2217: A BILL for an Act to create and enact two new sections to chapter 15-60 of the North Dakota Century Code, relating to the authority of the board of university and school lands to make loans to school districts out of moneys in the coal development trust fund for school construction and the authority of a school board to issue evidences of indebtedness to repay a loan from the board of university and school lands; to amend and reenact sections 15-35-01.1, 15-60-01, subsection 7 of section 21-03-07, subsection 1 of section 28-32-01, subsection 1 of section 57-15-16, and subsection 1 of section 57-62-02 of the North Dakota Century Code, relating to approval by the superintendent of public instruction of certain school district construction projects, the state school construction fund, the issuance of general obligation bonds for certain projects, exceptions to the Administrative Agencies Practice Act, the use of moneys in the school building fund for the payment of bonds, and authorizing loans to be made from moneys in the coal development trust fund to school districts for school construction; and to repeal sections 15-21-20, 15-60-03, 15-60-06, 15-60-07, and 15-60-08 of the North Dakota Century Code, relating to the creation of and use of moneys in the state school construction fund.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 98 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**NAYS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drowdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordner; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness;

Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzen; Wardner; Wentz; Wilkie; Speaker R. Berg

Engrossed SB 2217 was declared lost.

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### SECOND READING OF SENATE BILL

**SB 2238:** A BILL for an Act to appropriate moneys for foundation aid per-pupil payments by the superintendent of public instruction.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 36 YEAS, 62 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Glassheim; Goffe; Gorder; Grumbo; Gulleson; Hagle; Hanson; Hokana; Huether; Kaldor; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Schindler; Sitz; Stenson; Wilkie

**NAYS:** Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Gorman; Grosz; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Maragos; Martin; Martinson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzen; Wardner; Wentz; Speaker R. Berg

Engrossed SB 2238 was declared lost.

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### MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1015.

### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1015

Page 1, line 2, replace "and" with a comma

Page 1, line 3, replace "; and to amend and reenact sections 1 and 4 of chapter 573 of the" with ", and the centennial trees commission."

Page 1, remove lines 4 and 5

Page 1, line 11, replace "and" with a comma

Page 1, line 12, after "committee" insert ", and the centennial trees commission"

Page 1, line 17, replace "7,012,249" with "7,173,154"

Page 1, line 18, replace "87,192" with "94,716"

Page 1, line 19, replace "7,631,320" with "7,478,650"

Page 2, line 3, replace "53,904,620" with "53,920,379"

Page 2, line 4, replace "48,394,524" with "48,258,894"

Page 2, line 5, replace "5,510,096" with "5,661,485"

Page 2, line 8, replace "472,157" with "423,161"

Page 2, line 9, replace "8,665" with "7,327"

Page 2, line 10, replace "180,386" with "60,558"

Page 2, line 12, replace "785,386" with "745,386"

Page 2, remove line 13

Page 2, line 14, replace "all funds" with "general fund appropriation" and replace "1,507,594" with "1,237,432"

Page 2, replace lines 15 and 16 with:

"Subdivision 3.

CENTENNIAL TREES COMMISSION

Salaries and wages	\$105,368
Information services	2,145
Operating expenses	<u>47,758</u>
Total special funds appropriation	\$155,271"

Page 2, line 17, replace "6,751,073" with "6,898,917"

Page 2, line 18, replace "48,661,141" with "48,414,165"

Page 2, line 19, replace "55,412,214" with "55,313,082"

Page 2, line 29, after "in" insert "subdivision 1 of"

Page 3, line 23, replace "estimated income" with "total special funds appropriation" and replace "2" with "3"

Page 3, line 24, replace "\$214,131" with "\$155,271"

Page 3, line 26, remove "and the soil conservation committee"

Page 3, line 27, remove "The amounts appropriated"

Page 3, remove lines 28 and 29

Page 4, replace lines 1 through 3 with:

**"SECTION 10. CENTENNIAL TREES COMMISSION - PRIVATIZATION.** The centennial trees commission, during the biennium beginning July 1, 1993, and ending June 30, 1995, shall study the feasibility of creating a private, nonprofit organization to conduct the programs and activities of the centennial trees commission and methods of funding these programs and activities. The commission shall present a report of the commission's recommendations together with any legislation required to implement the commission's recommendations to the fifty-fourth legislative assembly."

Page 4, remove lines 8 through 28

Page 5, remove lines 1 through 24

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 710 - SOIL CONSERVATION COMMITTEE

SENATE - This amendment removes funding added by the House for the Centennial Trees Commission operations as follows (Centennial Trees Commission is provided a separate appropriation):

Salaries and wages (1 FTE)	\$ (59,165)
Information services	(1,962)
Operating expenses	(105,490)
Grants	(40,000)
Grants to state agencies	<u>(60,000)</u>
Total special funds	\$(266,617)

The salaries and wages line item is increased by \$10,169 from the general fund to reflect Governor Sinner's salary increase recommendation for state employees.

The information services line item is increased by \$624 from the general fund to restore a portion of the funding reduced by the House. The funding level provided reflects information services rate reductions.

Funding from the general fund of \$57,840 added in the House for indirect cost allocation payments to the Office of Management and Budget is removed from the operating expenses line item because the agency will not be charged indirect costs during the 1993-95 biennium because it receives funding only from the general fund.

The operating expenses line item is increased by \$43,502 from the general fund for operating costs of the Soil Conservation Committee which would have been paid for from special funds relating to the Centennial Trees Commission.

In total, this amendment reduces funding for the Soil Conservation Committee by \$270,162, \$3,545 of which is from the general fund and \$266,617 from special funds.

#### DEPARTMENT 712 - CENTENNIAL TREES COMMISSION

SENATE - This amendment provides that the Centennial Trees Commission not be under the supervision of the Soil Conservation Committee and continue in existence until June 30, 2001. The amendment provides a separate appropriation for the Centennial Trees Commission as follows:

Salaries and wages (1 FTE)	\$105,368
Information services	2,145
Operating expenses	<u>47,758</u>
Total funding from centennial trees program trust fund	\$155,271

In comparison to the House funding for the Centennial Trees Commission, this amendment makes the following changes:

Federal funding of \$50,000 which is not expected to be received is removed including one FTE volunteer coordinator position relating to the America the Beautiful tree program.

Funding for salaries, wages, and benefits of \$105,368 is provided for one FTE director position of \$90,912 and for temporary salaries of \$14,456.

Funding for information services is increased by \$183 from special funds to restore a portion of the funding reduced by the House. The funding level provided reflects information services rate reductions.

The indirect cost allocation payments of \$12,430 are removed from the operating expenses line item.

Funding for grants of \$100,000 is removed.

## DEPARTMENT 770 - STATE WATER COMMISSION

SENATE - This amendment makes the following changes:

	GENERAL FUNDS	OTHER FUNDS	TOTAL
Salaries and wages are adjusted to restore salary increase to Governor Sinner's level	\$ 152,093		\$ 152,093
Restore House reduction made to reduce the number of Water Commission meetings from 3 to 2 days per month, will allow funds for reclassification of a clerk position to an accountant	8,812		8,812
Total	<u>\$ 160,905</u>	<u>\$ 0</u>	<u>\$ 160,905</u>
Information services is increased to restore a portion of the House reduction (The House cut a total of \$9,688.)	<u>\$ 7,524</u>	<u>\$ 0</u>	<u>\$ 7,524</u>
Operating expenses are reduced to adjust costs for indirect cost allocation (allows a total of \$23,806 from other funds for indirect costs, including \$10,278 in the original executive budget. The House had added a total of \$166,198, including \$17,040 from the general fund.)	<u>\$ (17,040)</u>	<u>\$ (135,630)</u>	<u>\$ (152,670)</u>
Total changes to Engrossed House Bill No. 1015	<u>\$ 151,389</u>	<u>\$ (135,630)</u>	<u>\$ 15,759</u>
Senate version House Bill No. 1015 - State Water Commission	\$5,661,485	\$48,258,894	\$53,920,379

**MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1187, HB 1188, HB 1304, HB 1438, HB 1462, HB 1479, HB 1490.

**MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1019, HB 1079, HB 1111, HB 1238, HB 1239, HB 1374.

**MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2403.

**MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2279.

**SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR**

SCR 4072: A concurrent resolution urging the Garrison Diversion Conservancy District, with the cooperation of the State Water Commission, the Governor, the Garrison Diversion Overview Committee, and each member of the North Dakota Congressional Delegation, to attempt to negotiate

promptly, with the appropriate federal officials, a greater role for the state in the development, construction, operation, and maintenance of the Garrison Diversion Project.

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

SCR 4072 was declared adopted on a voice vote.

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#### MOTION

REP. MARTINSON MOVED that Enrolled HB 1302 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 Enrolled HB 1302 be placed on the Eleventh order, which motion prevailed.

#### MOTION

REP. MARTINSON MOVED that the House do not concur in the Senate amendments to HB 1004, HB 1018, and HB 1511 and that conference committees be appointed to meet with like committees from the Senate, which motion prevailed.

#### MOTION

REP. MARTINSON MOVED that the House clinch all legislative action of the Session thus far, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

REP. POOLMAN MOVED that the conference committee report on SB 2289 as printed on HJ pages 1586-1587 be adopted, which motion prevailed.

SB 2289 was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2289: A BILL for an Act to amend and reenact section 11-28.2-01 of the North Dakota Century Code, relating to establishment of recreation service districts.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzenk; Wardner; Wentz; Wilkie; Speaker R. Berg

SB 2289 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. NICHOLAS MOVED that the conference committee report on Engrossed SB 2320 as printed on HJ pages 1587-1588 be adopted, which motion prevailed.

Engrossed SB 2320 was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2320:** A BILL for an Act to create and enact two new sections to chapter 4-12.2 of the North Dakota Century Code, relating to Africanized honeybees; to amend and reenact section 4-12.2-01, subsection 2 of section 4-12.2-04, sections 4-12.2-06, 4-12.2-07, 4-12.2-16, 4-12.2-18, 4-12.2-20, 4-12.2-21, and 4-12.2-23 of the North Dakota Century Code, relating to beekeeping; to repeal sections 4-12.2-03, 4-12.2-17, and 4-12.2-19 of the North Dakota Century Code, relating to the issuance of emergency orders and rules regarding beekeeping, the maintenance of bees in movable frames, and the sale or exposure of infected bees and equipment; 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 84 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Allmaras; Austin; Bateman; Belter; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Nelson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Aarsvold; Berg, J.; Dobrinski; Kaldor; Kerzman; Kilichowski; Kroeber; Mutzenberger; Ness; Nichols; Oban; Ring; Thorpe

**ABSENT AND NOT VOTING:** Hausauer

Engrossed SB 2320 passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. TOLLEFSON MOVED** that the conference committee report on SB 2328 as printed on HJ page 1588 be adopted, which motion prevailed.

SB 2328, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2328:** A BILL for an Act to create and enact a new subsection to section 26.1-34-01 of the North Dakota Century Code, relating to required annuity contract provisions.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson;

Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**NAYS:** Payne

**ABSENT AND NOT VOTING:** Hausauer

SB 2328 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. A. CARLSON MOVED** that the conference committee report on Engrossed SB 2362 as printed on HJ pages 1588-1589 be adopted, which motion prevailed.

Engrossed SB 2362, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2362:** A BILL for an Act relating to consumer credit counseling services; and providing 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

**ABSENT AND NOT VOTING:** Hausauer

Engrossed SB 2362 passed and the title was agreed to.

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#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1004: Reps. Byerly, Payne, Wilkie.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1018: Reps. Dalrymple, DeWitz, Wilkie.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1511: Reps. Stenehjem, Henegar, Boucher.

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

MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried on SB 2320.

**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 2289, SB 2328, SB 2362.

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

MADAM PRESIDENT: The House has passed unchanged: SCR 4072.

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

MADAM PRESIDENT: The House has failed to pass: SB 2217, SB 2238.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 3:00 p.m., April 5, 1993: HB 1024, HB 1062, HB 1085, HB 1113, HB 1114, HB 1161, HB 1162, HB 1164, HB 1166, HB 1167, HB 1169, HB 1170, HB 1193, HB 1218, HB 1270, HB 1278, HB 1283, HB 1296, HB 1310, HB 1353, HB 1362, HB 1367, HB 1379, HB 1407, HB 1409, HB 1412, HB 1415, HB 1427, HB 1437, HB 1455, HB 1456, HB 1457, HB 1483, HB 1492, HB 1501.

**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 1018, and HB 1511 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1004: Reps. Byerly; Payne; Wilkie  
HB 1018: Reps. Dalrymple; DeWitz; Wilkie  
HB 1511: Reps. Stenehjem; Henegar; Boucher

**MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

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

HB 1399: Sens. Dotzenrod; Tomac; Tennesfos

**MOTION**

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

**MOTION**

REP. FREIER MOVED that the House be on the Fifth and Seventh orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Tuesday, April 6, 1993, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

SCR 4073: Industry, Business and Labor Committee (Rep. Dorso, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4073 was placed on the Tenth order on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

HB 1126, as engrossed: Your conference committee (Sens. Dotzenrod, Tomac, Tennesfos and Reps. A. Carlson, A. Olson, Hokana) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 971-972 and place HB 1126 on the Seventh order.

Engrossed HB 1126 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

SB 2279, as engrossed: Your conference committee (Sens. Dotzenrod, Kinnoin, Urlacher and Reps. Wardner, Timm, Hokana) recommends that the SENATE ACCEDE to the House amendments on HJ page 1085 and place SB 2279 on the Seventh order.

Engrossed SB 2279 was placed on the Seventh order of business on the calendar.

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

**ROY GILBREATH, Chief Clerk**