

JOURNAL OF THE HOUSE

Fifty-fourth Legislative Assembly

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Bismarck, March 28, 1995

The House convened at 8:00 a.m., with Speaker Martin presiding.

The prayer was offered by the Rev. Ken Schlock, Jamestown Evangelical Church, Jamestown.

The roll was called and all members were present except Representatives Hagle, D. Henegar, and Koppelman.

A quorum was declared by the Speaker.

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

MADAM PRESIDENT: The Speaker has signed: SB 2533, SB 2535, SCR 4001, SCR 4002, SCR 4018, SCR 4023, SCR 4043, SCR 4059.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4069.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2539.

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

MR. SPEAKER: The conference committee on Engrossed SB 2081 has been dissolved and a new committee has been appointed consisting of Senators Tennefos, Christmann, and Heitkamp.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4069: A concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1995 NCAA Division II national championship.

Was read the first time.

MOTION

REP. DORSO MOVED that the rules be suspended, that SCR 4069 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 passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4069: A concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1995 NCAA Division II national championship.

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

SCR 4069 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1001 as printed on HJ pages 1393-1394 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1001: Reps. Dalrymple, Martinson, Wilkie.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1006 as printed on HJ pages 1378-1380 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1006: Reps. Bateman, Byerly, Huether.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do concur in the Senate amendments to Engrossed HB 1022 as printed on HJ pages 1384-1385, which motion prevailed.

Engrossed HB 1022, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1022: A BILL for an Act making an appropriation for defraying the expenses of the state board for vocational and technical education; to provide a statement of legislative intent; and to allow the transfer of appropriation authority to the salaries and wages line item.

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Kempenich

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed HB 1022, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1019 as printed on HJ pages 1396-1400 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1019: Reps. Byerly, DeWitz, Huether.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. RYDELL MOVED that the House do not concur in the Senate amendments to HB 1154 as printed on HJ pages 1385-1389 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 1154: Reps. Drovdal, Sveen, Glassheim.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. RYDELL MOVED that the House do not concur in the Senate amendments to Engrossed HB 1493 as printed on HJ pages 1392-1393 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1493: Reps. Boehm, Monson, Glassheim.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. RYDELL MOVED that the House do not concur in the Senate amendments to Engrossed HB 1488 as printed on HJ page 1357 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1488: Reps. Boehm, Gorder, Hanson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2016: Reps. Gerntholz, Martinson, Kroeber.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2115: Reps. Dalrymple, Clayburgh, Laughlin.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2288: Reps. Dalrymple, Clayburgh, Kaldor.

MOTION

REP. DORSO MOVED that Engrossed SB 2003 and Engrossed SB 2006 be moved to the top of the Sixth order and that Engrossed SB 2003 and Engrossed SB 2006 be considered separately, which motion prevailed.

SIXTH ORDER OF BUSINESS

SB 2003, as engrossed: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments on HJ pages 1427-1428 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; and to amend and reenact section 54-12-11 and subsection 3 of section 62.1-04-03 of the North Dakota Century Code, relating to the salary of the attorney general and concealed weapons license fees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 88 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grumbo; Gunter; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Aarsvold; Delzer; Glassheim; Grosz; Gulleeson; Hanson; Kroeber; Mutzenberger

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed SB 2003, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

SB 2009, as reengrossed: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments on HJ pages 1429-1432 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of agriculture and soil conservation committee; to provide for a report to the budget section; and to amend and reenact section 4-01-21 of the North Dakota Century Code, relating to the salary of the commissioner of agriculture.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were **90 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.**

YEAS: Aarsvold; Bateman; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Gulleeson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Austin; Belter; Delzer; Gorder; Mickelson; Poolman

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Reengrossed SB 2009, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED that all action taken this morning on bills and the resolution be messaged to the Senate immediately, which motion prevailed.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1001, HB 1006, HB 1007, HB 1019, HB 1154, HB 1488, and HB 1493 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1001: Reps. Dalrymple; Martinson; Wilkie
HB 1006: Reps. Bateman; Byerly; Huether
HB 1007: Reps. Carlisle; DeWitz; Wilkie
HB 1019: Reps. Byerly; DeWitz; Huether
HB 1154: Reps. Drovdal; Sveen; Glassheim
HB 1488: Reps. Boehm; Gorder; Hanson
HB 1493: Reps. Boehm; Monson; Glassheim

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 2016: Reps. Gerntholz; Martinson; Kroeber
SB 2115: Reps. Dalrymple; Clayburgh; Laughlin
SB 2288: Reps. Dalrymple; Clayburgh; Kaldor

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 1022.

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

MADAM PRESIDENT: The House has passed unchanged: SCR 4069.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2003, SB 2009.

MOTION

REP. FREIER MOVED that the House stand in recess until 11:00 a.m., which motion prevailed.

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

REPORT OF CONFERENCE COMMITTEE

HB 1221, as engrossed: Your conference committee (Sens. Mutch, Krebsbach, Scherber and Reps. Keiser, Poolman, Schmidt) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1063-1064, adopt amendments as follows, and place HB 1221 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1063 and 1064 of the House Journal and page 877 of the Senate Journal, and that Engrossed House Bill No. 1221 be amended as follows:

Page 2, line 28, after the period insert "An employer shall give written notice to its employees when the employer makes an initial selection of a preferred provider or changes the selection of the preferred provider. An employer shall give written notice identifying the selected preferred provider to every employee hired after the selection was made."

Page 3, line 4, after "to" insert "give written notice or to" and after "notice" insert "as required under this subsection"

Renumber accordingly

Engrossed HB 1221 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1250, as engrossed: Your conference committee (Sens. Mutch, Krebsbach, Langley and Reps. Skarphol, Kempenich, Grumbo) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1018, adopt amendments as follows, and place HB 1250 on the Seventh order:

That the Senate recede from its amendments as printed on page 1018 of the House Journal and page 896 of the Senate Journal, and that Engrossed House Bill No. 1250 be amended as follows:

Page 1, line 21, replace "the majority leader of" with "two legislators, one appointed by the majority leaders of the senate and the house of representatives and one appointed by the minority leaders of the senate and"

Renumber accordingly

Engrossed HB 1250 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, subsequently passed, and the emergency clause carried: HB 1005.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1005

Page 1, line 3, after the semicolon insert "to provide for a study of the agricultural experiment station and North Dakota state university extension service;"

Page 1, line 16, replace "19,039,731" with "18,949,731"

Page 1, line 17, replace "3,340,300" with "3,330,300"

Page 1, line 19, replace "22,805,031" with "22,705,031"

Page 1, line 20, replace "12,979,180" with "12,479,180"

Page 1, line 21, replace "9,825,851" with "10,225,851"

Page 2, line 4, replace "72,450" with "72,450"

Page 2, after line 4, insert:

"Capital improvements 1,500,000"

Page 2, line 5, replace "920,931" with "2,420,931"

Page 2, line 6, replace "317,557" with "1,817,557"

Page 2, line 10, replace "32,152,867" with "32,428,292"

Page 2, line 11, replace "4,100,080" with "4,353,080"

Page 2, line 12, replace "1,327,746" with "1,357,746"

Page 2, line 13, replace "658,800" with "698,800"

Page 2, line 15, replace "38,539,493" with "39,137,918"

Page 2, line 16, replace "17,104,946" with "16,872,346"

Page 2, line 17, replace "21,434,547" with "22,265,572"

Page 3, line 10, replace "452,413" with "506,413"

Page 3, line 14, replace "819,140" with "873,140"

Page 3, line 16, replace "518,201" with "572,201"

Page 3, line 29, replace "116,200" with "116,200"

Page 3, after line 29, insert:

"Capital improvements 600,000"

Page 4, line 1, replace "811,830" with "1,411,830"

Page 4, line 2, replace "329,100" with "629,100"

Page 4, line 3, replace "482,730" with "782,730"

Page 4, line 26, replace "15,000" with "220,000"

Page 4, line 27, replace "861,485" with "1,066,485"

Page 5, line 1, replace "735,000" with "967,600"

Page 5, line 4, replace "835,000" with "1,067,600"

Page 5, line 5, replace "37,233,389" with "38,358,414"

Page 5, line 6, replace "35,382,848" with "36,887,848"

Page 5, line 7, replace "72,616,237" with "75,246,262"

Page 6, line 4, after "products" insert "or equipment"

Page 6, line 5, replace "\$50,000" with "\$75,000"

Page 6, remove lines 20 through 25

Page 6, line 26, replace "The funds provided in this section" with "There is hereby appropriated from special funds derived from federal funds or other income, the sum of \$80,000"

Page 6, line 27, replace "funds" with "sum" and remove "are hereby appropriated out of any"

Page 6, remove line 28

Page 7, line 3, replace ", as follows:" with a period

Page 7, replace lines 4 through 9 with:

"SECTION 9. LINE ITEM TRANSFERS - EMERGENCY COMMISSION. Notwithstanding any other provision of law, the emergency commission may authorize the entities in subdivisions 4 through 12 of section 1 of this Act to establish a capital improvements line item and to transfer appropriation authority from another line item within the same subdivision to the capital improvements line item for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 10. LEGISLATIVE INTENT - PART-TIME LABOR. It is the intent of the legislative assembly that the board of higher education may authorize transfers for the entities of the agricultural experiment station of up to five percent of a capital improvements line item to salaries and wages for part-time labor costs relating to repairs, maintenance, and improvements at the branch research centers for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 11. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 1995-96 interim, the services provided by the North Dakota state university extension service and the agricultural experiment station, the degree of duplication, their cost and effectiveness, the necessity for their continued existence, and options for consolidation."

Page 7, line 10, replace "9" with "8"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 630 - NDSU EXTENSION SERVICE

SENATE - This amendment makes the following changes:

	HOUSE VERSION	FUNDING SOURCE CHANGE ¹	HETTINGER HEALTH PROJECT ²	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$19,039,731		\$ (90,000)	\$ (90,000)	\$18,949,731
Operating expenses	3,340,300		(10,000)	(10,000)	3,330,300
Equipment	<u>425,000</u>				<u>425,000</u>
Total	\$22,805,031	\$ 0	\$(100,000)	\$(100,000)	\$22,705,031
General fund	\$ 9,825,851	\$ 400,000		\$ 400,000	\$10,225,851
Special funds	<u>12,979,180</u>	<u>(400,000)</u>	<u>\$(100,000)</u>	<u>(500,000)</u>	<u>12,479,180</u>
Total	\$22,805,031	\$ 0	\$(100,000)	\$(100,000)	\$22,705,031
FTE	227		(1)	(1)	226

¹ Increases general fund support by \$400,000 and reduces special funds to be provided by the counties by \$400,000, from \$3,228,793 to \$2,828,793.

² Removes funding for the West River Community Health Project for Rural Research and Education added by the House.

Section 8 of the bill, which was added by the House providing legislative intent regarding county funding for extension programs, is removed.

DEPARTMENT 638 - NORTHERN CROPS INSTITUTE

SENATE - This amendment adds \$1,500,000, \$750,000 of federal funds and \$750,000 of other funds, to be raised by the Northern Crops Institute for a food processing pilot plant. This funding was included in Senate Bill No. 2030.

DEPARTMENT 640 - AGRICULTURAL EXPERIMENT STATION

SENATE - This amendment makes the following changes:

	ALL FUNDS CHANGES						
	HOUSE VERSION	ADD CAPITAL IMPROVEMENTS ¹	RESTORE VACANT POSITIONS	TRANSFER FEDERAL FUNDING ³	OTHER CHANGES	TOTAL CHANGES	SENATE VERSION
Main Research Station	\$39,079,493	\$ 40,000	\$251,025 ²	\$(232,600)	\$80,000 ⁴	\$ 138,425	\$39,217,918
Dickinson Research Center	1,662,650						1,662,650
Central Grasslands Research Center	1,000,604						1,000,604
Hettinger Research Center	819,140				54,000 ⁵	54,000	873,140
Langdon Research Center	777,816						777,816
North Central Research Center	811,830	600,000				600,000	1,411,830
Williston Research Center	1,028,211						1,028,211
Carrington Research Center	2,014,046						2,014,046
Agronomy Seed Farm	861,485	205,000				205,000	1,066,485
Land Reclamation Research Center	<u>835,000</u>			<u>232,600</u>		<u>232,600</u>	<u>1,067,600</u>
Total all funds	\$48,890,275	\$845,000	\$251,025	\$ 0	\$134,000	\$1,230,025	\$50,120,300
FTE	409.27		3.2	0	1 ⁵	4.2	413.47

GENERAL FUND CHANGES

	HOUSE VERSION	ADD CAPITAL IMPROVEMENTS ¹	RESTORE VACANT POSITIONS	OTHER CHANGES	TOTAL CHANGES	SENATE VERSION
Main Research Station	\$21,894,547	\$ 40,000	\$251,025 ²	\$ 80,000 ⁴	\$371,025	\$22,265,572
Dickinson Research Center	1,130,974					1,130,974
Central Grasslands Research Center	549,204					549,204
Hettinger Research Center	518,201			54,000 ⁵	54,000	572,201
Langdon Research Center	603,474					603,474
North Central Research Center	482,730	300,000			300,000	782,730
Williston Research Center	678,386					678,386
Carrington Research Center	946,648					946,648
Agronomy Seed Farm						
Land Reclamation Research Center						
Total general fund	\$26,804,164	\$340,000	\$251,025	\$134,000	\$725,025	\$27,529,189

¹ Provides funding for the following projects which were included in Senate Bill No. 2030:

Main Research Station - Miscellaneous projects	\$ 40,000
North Central Research Center - Headquarters building addition	\$600,000
Agronomy Seed Farm: Bulk seed storage and loading facility	\$150,000
Farm shop	\$ 55,000

² Restores all vacant positions removed by the House.

³ Transfers federal USDA broad form funds from the Main Research Station to the Land Reclamation Research Center, including 3.75 FTE positions.

⁴ Provides additional funding for cereal grain disease and potato breeding research.

⁵ Increases salaries and wages for one FTE position eliminated in the executive budget.

Section 5 of the bill is amended to provide that storage structures authorized by the Board of Higher Education may be used to store both products and equipment and to increase the maximum authorized limit of the cost of a structure by \$25,000, from \$50,000 to \$75,000.

Funding of \$460,000 from the general fund for cereal grain disease and potato breeding research added by the House in an emergency clause section is transferred from the separate section into the Main Research Station's 1995-97 biennial appropriation included in section 1 of the bill. The \$80,000 of special funds for this research remains in the emergency clause section.

A section is added authorizing line item transfers to capital improvements even if a capital improvements line item is not provided for a branch research center.

A section is added allowing five percent of a capital improvements line item to be used for part-time labor costs relating to repairs, maintenance, and improvements at the branch research centers.

A section is added providing for a Legislative Council study of programs and services provided by the NDSU-Extension Service and the Agricultural Experiment Station and options for consolidation.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1002, HB 1013, HB 1014, HB 1021, HB 1131, HB 1284, HB 1376, HB 1439.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1002

Page 1, line 2, replace the first "and" with "to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide for a study of the allocation of unified court revenues and costs;" after "sections" insert "11-17-04, 11-17-05," and after "27-02-02" insert ", 27-03-05,"

Page 1, line 3, after "to" insert "fees charged by the clerks of the district and supreme courts and"

Page 1, line 4, after "judges" insert "; to repeal section 14-06.1-15 of the North Dakota Century Code, relating to the displaced homemakers account; and to provide an effective date"

Page 1, line 15, replace "4,595,056" with "4,617,927"

Page 1, line 16, replace "1,564,240" with "1,707,240"

Page 1, line 18, replace "311,326" with "319,416"

Page 1, line 19, replace "6,596,602" with "6,770,563"

Page 1, line 21, replace "6,540,930" with "6,714,891"

Page 2, line 3, replace "19,497,850" with "19,702,589"

Page 2, line 5, replace "445,562" with "520,562"

Page 2, line 6, replace "950,431" with "974,010"

Page 2, line 7, replace "27,396,330" with "27,699,648"

Page 2, line 9, replace "27,136,789" with "27,440,107"

Page 2, line 18, replace "34,078,854" with "34,556,133"

Page 2, line 20, replace "34,466,067" with "34,943,346"

Page 3, after line 8, insert:

"SECTION 5. LEGISLATIVE COUNCIL STUDY OF ALLOCATION OF UNIFIED COURT REVENUES AND COSTS. The legislative council shall study the unified court system with emphasis on the distribution of court revenues and the allocation of the costs of the system between the counties and the state. The study must include consideration of the allocation of costs and revenues that existed under the county court system and the redistribution of costs and revenues under existing statutes as well as changes that should be made to more equitably handle the funding of the unified court system. The legislative council shall report its findings and recommendations, together with any legislation needed to implement the recommendations, to the fifty-fifth legislative assembly.

SECTION 6. AMENDMENT. Section 11-17-04 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11-17-04. Fees to be charged by the clerk of the district court.

1. The clerk of the district court shall charge and collect the following fees in civil cases:

1- a. For filing a case for decision ~~in district court which that~~ is not a small claims action, ~~twenty eighty~~ dollars.

2- (1) Ten dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund.

(2) For the filing of a petition for dissolution of marriage, annulment, or separation from bed and board, fifty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account created by section 14-06.1-14.

(3) For all other filings, fourteen dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.

b. For filing an answer to a case that is not a small claims action, fifty dollars.

c. For filing a small claims action in district court, ten dollars.

3- d. For filing any matter authorized to be filed in the office of the clerk of court other than ~~a case for decision in subsections 1 and 2 under subdivision a, b, or c,~~ five dollars.

4- e. For preparing, certifying, issuing, or transmitting any document, five dollars; or such lesser fee as may be set by a schedule to be promulgated by the state court administrator.

5- f. For filing a motion to modify an order for alimony, property division, child support, or child custody, ~~twenty thirty~~ dollars. ~~The clerk shall deposit this fee collected under this subsection must be deposited with the county treasurer as provided under section 11-17-05 and thereafter must be deposited with the state treasurer~~

and credited to the state for deposit in the general fund of the state treasury.

~~In addition to the fee required under subsection 1, the clerk of court shall charge and collect a fee of ten dollars. This fee must be deposited with the county treasurer as provided under section 11-17-05 and thereafter must be deposited with the state treasurer and credited to an indigent civil legal services fund in the state treasury.~~

g. For filing an answer to a motion to modify an order for alimony, property division, child support, or child custody, thirty dollars.

2. Section 27-01-07 applies to fees charged under this section. The clerk of court may not charge or collect any fee, prescribed by this or any other section, from the county, or agencies thereof, in which the office of the clerk of court is located nor may the clerk of court charge or collect the additional ten dollar fee prescribed by this section from the state or an agency thereof or from a political subdivision or agency thereof.

SECTION 7. AMENDMENT. Section 11-17-04 of the North Dakota Century Code as amended by section 6 of this Act is amended and reenacted as follows:

11-17-04. Fees to be charged by the clerk of the district court.

1. The clerk of the district court shall charge and collect the following fees in civil cases:
 - a. For filing a case for decision that is not a small claims action, eighty dollars.
 - (1) Ten dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the civil legal services fund.
 - (2) For the filing of a petition for dissolution of marriage, annulment, or separation from bed and board, fifty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the displaced homemaker account created by section 14-06.1-14.
 - (3) For all other filings, ~~fourteen~~ fifty dollars of this fee must be paid by the clerk of court to the state treasurer for deposit in the state general fund.
 - b. For filing an answer to a case that is not a small claims action, fifty dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund in the state treasury.
 - c. For filing a small claims action in district court, ten dollars.
 - d. For filing any matter authorized to be filed in the office of the clerk of court other than under subdivision a, b, or c, five dollars.
 - e. For preparing, certifying, issuing, or transmitting any document, five dollars; or such lesser fee as may be set

by a schedule to be promulgated by the state court administrator.

f. For filing a motion or an answer to a motion to modify an order for alimony, property division, child support, or child custody, thirty dollars. The clerk shall deposit this fee with the state treasurer for deposit in the general fund of the state treasury.

~~g. For filing an answer to a motion to modify an order for alimony, property division, child support, or child custody, thirty dollars.~~

2. Section 27-01-07 applies to fees charged under this section. The clerk of court may not charge or collect any fee, prescribed by this or any other section, from the state or an agency thereof or from a political subdivision or agency thereof.

SECTION 8. AMENDMENT. Section 11-17-05 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11-17-05. Clerk to keep record of fees - Monthly report to county auditor. The clerk of the district court shall keep a public record of all money received as fees for services rendered as clerk. Within three days after the close of each calendar month and also at the close of the clerk's term of office, the clerk shall file with the county auditor a statement under oath showing the amount of fees received as clerk since the date of the clerk's last report, and within three days thereafter the clerk shall deposit with the county treasurer the total sum of such fees which must be used for facilities, except fees ~~which~~ that the clerk is directed to deposit with the state treasurer or is authorized expressly to retain."

Page 3, line 13, replace "seventy-three" with "seventy-five", replace "seven" with "nine", and replace "two" with "thirty-six"

Page 3, line 14, replace "seventy-five" with "seventy-seven" and replace "nine" with "four"

Page 3, line 15, replace "thirteen" with "forty-eight"

Page 3, line 17, replace "one" with "thirty-six"

Page 3, line 18, replace "sixty-four" with "eighty-four"

Page 3, after line 18, insert:

SECTION 10. AMENDMENT. Section 27-03-05 of the North Dakota Century Code is amended and reenacted as follows:

27-03-05. Fees to be charged and collected by clerk of supreme court. The clerk of the supreme court shall charge and collect in advance a fee of ~~ffty~~ one hundred twenty-five dollars upon the filing in the supreme court of the record in any cause upon appeal, or upon the filing in such court of a petition in any cause seeking the exercise of the original jurisdiction thereof."

Page 3, line 23, replace "sixty-seven" with "seventy", remove "nine", overstrike "hundred", and replace "forty-nine" with "sixty-eight"

Page 3, line 24, replace "sixty-nine" with "seventy-one", overstrike "nine" and insert immediately thereafter "four"

Page 3, line 25, replace "eighty-seven" with "seventy-two"

Page 4, line 3, replace "twenty-nine" with "fifty-six"

Page 4, line 4, replace "seventy-eight" with "ninety-two"

Page 4, after line 4, insert:

"SECTION 12. REPEAL. Section 14-06.1-15 of the North Dakota Century Code is repealed.

SECTION 13. EFFECTIVE DATE. Section 7 of this Act becomes effective on July 1, 1997."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 180 - SUPREME COURT

SENATE - This amendment makes the following changes:

	HOUSE VERSION	JUDICIAL SALARY INCREASES ¹	RESTORE OPERATING FUNDING	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$4,595,056	\$22,871		\$ 22,871	\$4,617,927
Operating expenses	1,564,240		\$143,000	143,000	1,707,240
Equipment	125,980			0	125,980
Judges' retirement	<u>311,326</u>	<u>8,090</u>		<u>8,090</u>	<u>319,416</u>
Total all funds	\$6,596,602	\$30,961	\$143,000	\$173,961	\$6,770,563
Less estimated income	<u>55,672</u>			<u>0</u>	<u>55,672</u>
Total general fund	\$6,540,930	\$30,961	\$143,000	\$173,961	\$6,714,891
FTE	47			0	47

¹ Provides judges with the \$60 per month and the three percent given other state employees during the 1993-95 biennium and also provides for a two percent increase in each year of the 1995-97 biennium. The amendment provides for the following judicial salaries:

	CHIEF JUSTICE	JUSTICES
Current	\$73,595	\$71,555
July 1, 1995	\$78,072	\$75,936
July 1, 1996	\$79,632	\$77,448

This amendment also adds a section providing for a Legislative Council study of the allocation of unified court revenues and costs.

The amendment also increases the Supreme Court filing fee by \$75, from \$50 to \$125. This increase is expected to generate an additional \$28,500 of revenues for the general fund.

The amendment also provides for the following district court filing fee increases and related revenues:

TYPE OF FILING	PRESENT FEE	PROPOSED FEE	PROJECTED ADDITIONAL GENERAL FUND REVENUE	PROJECTED ADDITIONAL COUNTY REVENUE
Divorce	\$80	\$80		
Post Judgment Motions	20	30	\$ 163,240	
General civil	30	80	301,224	\$ 774,576
Probate	30	80	69,636	179,064
Answers-Divorce	0	50		127,080
Answers-Post Judgment Motions	0	30		417,375
Answers-General	0	50		<u>281,850</u>
District court filing fee increases			\$ 534,100	\$1,779,945
Supreme Court filing fee increase			<u>28,500</u>	
Grand total increase			\$ 562,600	

The allocation of the filing fee increases is effective through June 30, 1997, and after that date the increased fees go to the state general fund.

DEPARTMENT 185 - DISTRICT COURTS

SENATE - This amendment makes the following changes::

	HOUSE VERSION	JUDICIAL SALARY INCREASES ¹	RESTORE EQUIPMENT FUNDING	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$19,497,850	\$204,739		\$204,739	\$19,702,589
Operating expenses	6,502,487				6,502,487
Equipment	445,562		\$75,000	75,000	520,562
Judges' retirement	<u>950,431</u>	<u>23,579</u>		<u>23,579</u>	<u>974,010</u>
Total all funds	\$27,396,330	\$228,318	\$75,000	\$303,318	\$27,699,648
Less estimated income	<u>259,541</u>				<u>259,541</u>
Total general fund	\$27,136,789	\$228,318	\$75,000	\$303,318	\$27,440,107
FTE	184.82			0	184.82

¹ Provides judges with the \$60 per month and the three percent given other state employees during the 1993-95 biennium and also provides for a two percent increase in each year of the 1995-97 biennium. The amendment provides for the following judicial salaries:

	PRESIDING JUDGE	JUDGE
Current	\$67,551	\$65,970
July 1, 1995	\$71,724	\$70,068
July 1, 1996	\$73,164	\$71,472

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1013

Page 1, line 2, after "patrol" insert "; to amend and reenact subsection 3 of section 39-04.2-04 and section 39-26-12 of the North Dakota Century Code, relating to the public transportation fund and the abandoned motor vehicle disposal fund; and to provide an effective date"

Page 1, line 9, replace "1,599,382" with "1,639,115"

Page 1, line 10, replace "17,797,238" with "18,264,623"

Page 1, line 11, replace "770,204" with "2,185,888"

Page 1, remove line 12

Page 1, line 13, replace "20,689,626" with "22,089,626"

Page 1, line 14, after "FUNDS" insert "TRANSFER" and replace "There is hereby appropriated in the" with "The total"

Page 1, line 15, after "funds" insert "appropriation", replace the first "of" with "in", and after "Act" insert "includes"

Page 1, line 16, after "fund" insert "that may be transferred at the direction of the superintendent of the highway patrol"

Page 2, after line 13, insert:

SECTION 5. LAW ENFORCEMENT TRAINING ACADEMY ADDITION - SPECIAL FUNDS - TRANSFER. The special funds line item in section 1 of this Act includes the sum of \$630,000 from the public transportation fund, the sum of \$250,000 from the abandoned motor vehicle disposal fund under section 39-26-11, and the sum of \$520,000 from the highway fund, or so much of the sums as may be necessary, that may be transferred at the direction of the superintendent of the highway patrol for the purpose of constructing an addition to the law enforcement training academy for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 6. LEGISLATIVE INTENT - PUBLIC TRANSPORTATION FUND. It is the intent of the legislative assembly that when the cumulative funding transfers from the public transportation fund to the highway fund total at least \$520,000, the director of the department of transportation introduce a bill to the next legislative assembly amending section 39-04.2-04 to change the formula distribution of the public transportation fund by authorizing the director of the department of transportation to distribute all moneys deposited in the fund to public transportation providers.

SECTION 7. AMENDMENT. Subsection 3 of section 39-04.2-04 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. ~~Unless otherwise provided by law, any~~ Any moneys remaining in the fund at the end of each ~~biennium~~ fiscal year in excess of the estimated moneys needed in the fund to provide for the cash flow needs of the fund for the next fiscal year as determined by the director must be ~~put back into the public~~

~~transportation fund for redistribution~~ transferred to the highway fund.

SECTION 8. AMENDMENT. Section 39-26-12 of the North Dakota Century Code is amended and reenacted as follows:

39-26-12. Tax on initial motor vehicle certificates of title - When tax is suspended. There is hereby imposed a tax of two dollars on each initial North Dakota certificate of title issued to a passenger motor vehicle or a truck motor vehicle. The proceeds of such tax must be paid into the abandoned motor vehicle disposal fund in the state treasury. No registration plates or title certificate may be issued unless such tax is paid. Expenses of the fund arising from the provisions of this chapter must be paid from the fund within the limits of legislative appropriation. If on the first day of July in any year the amount of uncommitted money in the abandoned motor vehicle disposal fund is ~~five~~ two hundred ~~fifty~~ thousand dollars or more, the tax must be suspended and the amount in excess of ~~five~~ two hundred ~~fifty~~ thousand dollars must be transferred to the highway fund. If the tax has been suspended and on the first day of July in any year the amount of uncommitted money in the abandoned motor vehicle disposal fund is one hundred thousand dollars or less the tax must be reimposed on and after January first of the succeeding year.

SECTION 9. EFFECTIVE DATE. Section 8 of this Act becomes effective on July 1, 1996."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 504 - HIGHWAY PATROL

SENATE - This amendment makes the following object-code changes:

	HOUSE VERSION	ADD CAPITAL IMPROVEMENTS ¹	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$16,479,654			\$16,479,654
Operating expenses	3,919,972			3,919,972
Equipment	158,000			158,000
Capital improvements	32,000	\$1,400,000	\$1,400,000	1,432,000
Grants	<u>100,000</u>	<u> </u>	<u> </u>	<u>100,000</u>
Total	\$20,689,626	\$1,400,000	\$1,400,000	\$22,089,626
General fund				
Special funds	<u>\$20,689,626</u>	<u>\$1,400,000</u>	<u>\$1,400,000</u>	<u>\$22,089,626</u>
Total	\$20,689,626	\$1,400,000	\$1,400,000	\$22,089,626
FTE	200		0	200

¹ Provides funding for the Law Enforcement Training Academy building addition. Funding of \$630,000 is provided from the public transportation fund, \$250,000 from the abandoned motor vehicle disposal fund, and \$520,000 from the highway fund. The amendment also provides that any excess funds in the public transportation fund, after the \$630,000 has been used for the Law Enforcement Training Academy, are to be transferred to the highway fund to repay it for the highway funds used to construct this addition at the end of each fiscal year. The funding and provisions were included in Senate Bill No. 2030.

The funding provided for each Highway Patrol program is as follows:

	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Administration	\$ 1,599,382	\$ 39,733	\$ 1,639,115
Field operations	17,797,238	467,385	18,264,623
Law enforcement	770,204	1,415,684	2,185,888
training academy			
Salary and benefit adjustment	<u>522,802</u>	<u>(522,802)*</u>	<u> </u>
Total	\$20,689,626	\$1,400,000	\$22,089,626

* Funding in the salaries and benefit adjustment line item is allocated to the appropriate program line items to reflect each program's funding level.

A section is added amending Section 39-26-12 to reduce the maximum balance allowed in the abandoned motor vehicle disposal fund before the \$2 motor vehicle title tax is suspended and any excess moneys in the fund are transferred to the highway fund by \$250,000, from \$500,000 to \$250,000. The section is effective on July 1, 1996.

A section of legislative intent is added providing that when the highway fund is repaid for the use of \$520,000 for the Law Enforcement Training Academy addition, the director of the Department of Transportation introduce a bill to provide that all moneys deposited in the public transportation fund be distributed to public transportation providers.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1014

Page 1, line 3, after "transportation" insert "; and to create and enact a new section to chapter 49-17.1 of the North Dakota Century Code, relating to local rail projects not eligible for federal funds"

Page 1, line 11, replace "33,832,794" with "34,081,243"

Page 1, line 12, replace "5,868,770" with "6,057,097"

Page 1, line 13, replace "12,274,776" with "12,396,125"

Page 1, line 14, replace "371,472,707" with "349,164,404"

Page 1, line 15, replace "22,327,315" with "28,408,218"

Page 1, remove line 16

Page 1, line 17, replace "448,491,507" with "430,107,087"

Page 2, after line 2, insert:

"SECTION 3. A new section to chapter 49-17.1 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

Department may authorize local rail projects. For the purpose of promoting the public interest and local economic development, the department may utilize revenue generated under this chapter for the construction or improvement of railway freight transportation projects not otherwise eligible for assistance under the Railroad Revitalization and Regulatory Reform Act of 1976 [Pub. L. 94-210; 90 Stat. 149; 49 U.S.C. 1651 et seq.] and which meet standards and specifications developed by the department."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 801 - DEPARTMENT OF TRANSPORTATION

SENATE - This amendment makes the following object code changes:

	HOUSE VERSION	ADD CAPITAL IMPROVEMENTS	ADD UNIVERSITY SYSTEM FLEET ²	RESTORE VACANT POSITIONS	REDUCE HIGHWAY CONSTRUCTION FUNDS	EFFECT OF SENATE BILL NO. 2416 ³	OTHER CHARGES	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$ 79,782,158		\$ 325,000	\$753,580 ¹		\$ 74,000		\$ 1,152,588	\$ 88,934,738
Operating expenses	75,165,710		4,675,000			25,000		4,700,000	79,865,710
Equipment	18,993,818		3,000,000			6,000		3,006,000	21,999,818
Capital improvements	248,728,921	\$5,557,000 ¹			\$(32,800,000) ⁴			(27,243,000)	221,485,921
Grants	<u>25,821,760</u>								<u>25,821,760</u>
Total special funds	\$448,491,507	\$5,557,000	\$8,000,000	\$753,580	\$(32,800,000)	\$105,000	\$0	\$(18,384,420)	\$438,107,087
Highway fund	\$179,567,144	\$2,112,200	\$2,000,000	\$385,749				\$ 4,497,949	\$184,065,093
Federal funds	239,134,048	3,444,800		367,831	\$(32,800,000)			(28,987,369)	210,146,679
Other special funds	<u>29,790,315</u>		<u>6,000,000</u>			<u>\$105,000</u>		<u>6,105,000</u>	<u>35,895,315</u>
Total special funds	\$448,491,507	\$5,557,000	\$8,000,000	\$753,580	\$(32,800,000)	\$105,000	\$0	\$(18,384,420)	\$438,107,087
FTE	1,057		5	12		2	2 ⁴	21	1,078

¹ Provides funding for the following projects which the executive budget and the House had included in Senate Bill No. 2030:

	HIGHWAY FUND	FEDERAL FUNDS	TOTAL
Salt/sand storage buildings	\$ 450,000		\$ 450,000
Right-of-way purchases	861,200	\$3,444,800	4,306,000
New section buildings (Fargo district)	300,000		300,000
New building and remodel existing space (Fargo district)	250,000		250,000
Building addition (Valley City district)	40,000		40,000
New storage building (Valley City district)	11,000		11,000
Cold storage buildings	100,000		100,000
Demolish and remove old lab building (Bismarck district)	100,000		100,000
Total	\$2,112,200	\$3,444,800	\$5,557,000

² Provides \$6 million to Fleet Services and \$2 million to the highways program as a result of the provisions of House Bill No. 1493 which bring the university system fleet under the control of the Department of Transportation.

³ Restores 12 of the 16 vacant FTE positions removed by the House in the highways program.

⁴ Reduces federal highway construction funds in the highways program in this bill due to the contingent appropriation of \$65.5 million included in House Bill No. 1094 (the gas tax trigger bill).

⁵ Provides \$185,000 to the motor vehicle program as a result of provisions of Senate Bill No. 2416 which require motor vehicle seller's certificates.

⁶ Adds two FTE attorney positions in the administration program as a result of provisions of House Bill No. 1439 which provide that the Department of Transportation may hire its own attorneys rather than receive legal services from the Attorney General's office. Funding for the positions is available from the fees which would have been paid to the Attorney General's office. One FTE attorney position which was assigned to the Department of Transportation is eliminated in the Attorney General's office.

A section is added authorizing the Department of Transportation to use revenue generated from the federal local rail assistance program for railway freight transportation projects not otherwise eligible for federal funding.

The funding provided for each Department of Transportation program is as follows:

	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Administration	\$ 33,832,794	\$ 248,449	\$ 34,081,243
Motor Vehicle	5,868,770	188,327	6,057,097
Driver's License	12,274,776	121,349	12,396,125
Highways	371,472,707	(22,308,303)	349,164,404
Fleet Services	22,327,315	6,080,903	28,408,218
Salaries and benefit adjustments	<u>2,715,145</u>	<u>(2,715,145)*</u>	<u> </u>
Total special funds	\$448,491,507	\$(18,384,420)	\$430,107,087

* Funding in the salaries and benefit adjustments line item is allocated to the appropriate program line items to reflect each program's funding level.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1021

Page 1, replace line 19 with:

"Salaries and wages	\$2,082,536
Operating expenses	1,382,035
Equipment	24,500
Grants	1,365,400
General allocation grants	500,000
Technology transfer, incorporated	1,454,000
Development fund	<u>2,218,750</u>
Total all funds	<u>\$9,027,221"</u>

Page 1, line 20, replace "6,071,339" with "95,000"

Page 1, line 21, replace "9,364,123" with "8,932,221"

Page 2, line 2, replace "\$3,218,750" with "2,218,750"

Page 2, line 3, remove "for nonrural projects"

Page 2, replace lines 8 through 13 with "All moneys in the regional rural development revolving loan fund totaling approximately \$6,000,000 and any investment, contract, partnership, or any other business transaction of the regional rural development revolving loan fund are transferred to the North Dakota development fund on the effective date of this Act and are deemed to be an asset of the North Dakota development fund."

Page 2, line 15, replace "\$9,218,750" with "\$8,218,750"

Page 2, line 22, replace "\$3,218,750" with "\$2,218,750"

Page 2, line 23, replace "in the other areas of the state" with "as follows: forty percent businesses in rural areas, forty percent businesses in urban areas, and twenty percent North Dakota American Indian businesses. Any unused funds in any category may be transferred to another category during the second year of the biennium under rules adopted by the director of the department of economic development and finance"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - ECONOMIC DEVELOPMENT AND FINANCE

SENATE - The following is a summary of the Senate changes:

	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$ 2,014,438	\$ 68,098 ¹	\$2,082,536
Operating expenses	1,358,374	23,661 ²	1,382,035
Equipment	24,500		24,500
Grants	1,365,400		1,365,400
Technology transfer, incorporated	1,454,000		1,454,000
General allocation grants		500,000	500,000
Development fund	<u>9,218,750</u>	<u>(7,000,000)</u> ³	<u>2,218,750</u>
Total all funds	\$15,435,462	\$(6,408,241)	\$9,027,221
Less estimated income	<u>6,071,339</u>	<u>(5,976,339)</u>	<u>95,000</u>
Total general fund	\$ 9,364,123	\$ (431,902)	\$8,932,221
FTE positions	26	1	27

¹ Restores data processing center specialist II (\$68,098 - general fund) removed by the House.

² Adds \$23,661 of income from the sale of research reports.

³ Removes \$1 million from the general fund for the development fund. Also, the \$6 million of other funds is removed from the specific appropriation line item as it is appropriated subject to Section 8 of the bill.

This amendment also:

- Restores object code-based line items.
- Provides a general allocation of \$500,000.
- Provides \$2,218,750 from the general fund for the development fund to be allocated:
 - 40% rural projects
 - 40% nonrural projects
 - 20% Native American Indian projects
- Provides after the first year of the biennium the director may transfer unused amounts from the allocations listed above.

Although the line item contained in the bill is changed to object code-based line items, the agency is expected to monitor and strive to achieve its performance measure goals and objectives.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1131

In lieu of the amendments to Reengrossed House Bill No. 1131 as printed on page 914 of the Senate Journal, Reengrossed House Bill No. 1131 is amended as follows:

Page 1, line 3, replace "; to provide an" with a period

Page 1, remove line 4

Page 1, line 20, remove "as follows:"

Page 1, line 21, remove "eighty percent" and remove "and twenty percent in the general"

Page 2, line 1, remove "fund of the county in which the matter arose"

Page 2, remove lines 9 through 29

Page 3, remove lines 1 and 2

Page 3, remove lines 27 and 28

Page 4, remove lines 1 and 2

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1131

Page 3, after line 12, insert:

"SECTION 4. AMENDMENT. Section 29-27-02.1 of the North Dakota Century Code is amended and reenacted as follows:

29-27-02.1. Disposition of statutory fees, fines, forfeitures, pecuniary penalties, and bond forfeitures. All Except as otherwise provided by law, all statutory fees, fines, forfeitures, and pecuniary penalties prescribed for a violation of state laws, when collected, must be paid into the treasury of the proper county to be added to the state school fund. When any bail bond or other property or money deposited as bail is forfeited to the state, eighty percent of the proceeds collected therefrom must be paid over to the treasurer of the county whose officers originally instituted the action and credited to the general fund of the county. In the event that the attorney general of the state of North Dakota originally instituted the action, the bail bond, money, or other property forfeited must be paid over to the proper state official and credited to the state school general fund and twenty percent must be deposited in the general fund of the county in which the forfeiture occurred."

Page 3, line 27, replace "Section" with "Sections", after "2" insert "and 5", and replace "becomes" with "become"

Page 3, line 28, replace "July" with "January" and replace "1997" with "1998"

Page 4, line 1, replace "Section" with "Sections", after "1" insert "and 4", and replace "is" with "are"

Page 4, line 2, replace "June 30" with "December 31" and replace "is" with "are"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1284

Page 2, line 13, after "rules" insert "is void from the time provided" and remove "is void from the time"

Page 2, line 14, remove "of adoption"

Page 3, line 16, after "If" insert "within ninety days after the effective date of a nonemergency rule change"

Page 3, line 17, replace "a" with "the nonemergency"

Page 3, line 20, remove "from the time of adoption and must be"

Page 3, line 21, remove "removed from the administrative code"

Page 3, line 22, after the first "a" insert "nonemergency" and after the second "a" insert "nonemergency"

Page 3, line 27, after "with" insert "express", after "or" insert "to substantially meet", and replace "provisions" with "procedural requirements"

Page 3, line 28, after "chapter" insert "for adoption of the rule"

Page 4, remove lines 1 and 2

Page 4, line 3, replace "f" with "e", replace the first underscored comma with "and", and replace ", or imposition of an undue" with an underscored period

Page 4, remove lines 4 through 6

Page 4, line 7, after "2." insert "Within three business days after the committee on administrative rules finds that a rule is void, the office of the legislative council shall provide written notice of that finding and the committee's specific finding under subdivisions a through e of subsection 1 to the adopting agency and to the chairman of the legislative council. Within fourteen days after receipt of the notice, the adopting agency may file a petition with the chairman of the legislative council for review by the legislative council of the decision of the committee on administrative rules. If within sixty days after receipt of the petition from the adopting agency the legislative council has not approved by motion the finding of the committee on administrative rules, the finding of the committee on administrative rules is void and the rule is reinstated."

3."

Page 5, line 14, replace "3" with "4"

Page 5, line 17, after "creation" insert "does not substantially affect the substantive or procedural rights or duties of any segment of the public and"

Page 6, line 1, after "If" insert "within ninety days after the effective date of a rule change"

Page 6, line 3, after "a" insert "nonemergency"

Page 6, line 7, remove "regular"

Page 6, line 12, after the first "a" insert "nonemergency" and after the second "a" insert "nonemergency"

Page 6, line 17, after "with" insert "express", after "or" insert "to substantially meet", and replace "provisions" with "procedural requirements"

Page 6, line 18, after "chapter" insert "for adoption of the rule"

Page 6, remove lines 20 and 21

Page 6, line 22, replace "f" with "e", replace the first underscored comma with "and", and replace ", or imposition of an undue" with an underscored period

Page 6, remove lines 23 through 25

Page 6, line 26, after "2." insert "Within three business days after the committee on administrative rules suspends a rule, the office of the legislative council shall provide written notice of that suspension and the committee's specific finding under subdivisions a through e of subsection 1 to the adopting agency and to the chairman of the

legislative council. Within fourteen days after receipt of the notice, the adopting agency may file a petition with the chairman of the legislative council for review by the legislative council of the decision of the committee on administrative rules. After receipt of the petition and before the next session of the legislative assembly, the legislative council by motion may lift the suspension and reinstate the rule's effectiveness.

3."

Page 8, line 6, after "creation" insert "does not substantially affect the substantive or procedural rights or duties of any segment of the public and"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1376

In lieu of the amendments adopted by the Senate as printed on pages 957-959 of the Senate Journal, House Bill No. 1376 is amended as follows:

Page 1, line 1, after "to" insert "create and enact a new section to chapter 25-10 of the North Dakota Century Code, relating to a unified mental health delivery system; and to" and replace "section" with "sections 25-01-03, 25-02-01.1, and"

Page 1, line 2, after "qualifications" insert "and appointment" and after "superintendent" insert "and the medical director"

Page 1, line 3, after "hospital" insert "and requirements for the formation of a state hospital governing body and delivery of mental health services"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 25-01-03 of the North Dakota Century Code is amended and reenacted as follows:

25-01-03. Supervising officer to appoint superintendent of institutions - Salaries - Removal. The supervising officer shall appoint a superintendent for each of the institutions under its control, except for the state hospital, where the supervising officer shall appoint a superintendent and a medical director in consultation with a state hospital governing body. The tenure of office of each ~~such~~ superintendent is two years from the date of ~~his~~ the superintendent's appointment, and ~~he shall~~ the superintendent must possess ~~such~~ qualifications ~~as are~~ required by ~~the provisions of~~ this title. Any ~~such~~ superintendent may be removed by the supervising officer for misconduct, neglect of duty, incompetency, or other proper cause showing ~~his~~ the superintendent's inability or refusal properly to perform the duties of ~~his~~ his office, but ~~such a~~ removal at a time other than a termination of ~~his~~ the superintendent's two-year tenure may be had only after an opportunity is given to ~~such~~ the person to be heard before a board consisting of the governor, attorney general, and supervising officer of ~~such~~ the institution on preferred written charges. A removal when made, however, is final. The supervising officer shall fix the compensation of each ~~such~~ superintendent within the limits prescribed in this title and within the appropriations made by the legislative assembly for ~~such~~ compensation.

SECTION 2. AMENDMENT. Section 25-02-01.1 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

25-02-01.1. Maintenance of state hospital accreditation - Governing body membership - Rulemaking authority.

1. The department of human services shall seek appropriations and resources sufficient to ensure maintenance of the state hospital's accreditation by the joint commission on accreditation of health care organizations and certification by the health care financing administration or by similar accrediting and certifying organizations and agencies possessing hospital standards recognized by the health care industry and accepted by the department.
2. The department, in consultation with the state hospital, shall create a state hospital governing body and shall by rules describe the powers and duties of the governing body. The department shall compensate and reimburse members not employed by the department in the same manner and amount as members of the legislative council are compensated and reimbursed under section 54-35-10.
3. The governing body must be composed of the executive director of the department of human services; the director of the division of mental health services of the department, who shall serve as chairman of the governing body; the state hospital superintendent; the state hospital medical director; the performance improvement coordinator; a representative of the fiscal management of the state hospital; a mental health services consumer selected by the mental health association; and a legislator selected by the legislative council. The governing body may include other persons as appointed by the governing body."

Page 1, line 7, replace "Clinical" with "Medical"

Page 1, line 20, replace "clinical" with "medical"

Page 1, line 22, replace "psychologists" with "clinical staff"

Page 2, line 3, replace "clinical" with "medical"

Page 2, line 4, replace "clinical" with "medical"

Page 2, after line 10, insert:

"SECTION 4. A new section to chapter 25-10 of the North Dakota Century Code is created and enacted as follows:

Unified mental health delivery system. The division of mental health services shall plan, develop, implement, and supervise a unified mental health delivery system. The system must include the mental health services provided by the regional human service centers, the state hospital, and contracted services with providers in accordance with the state mental health plan."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1376

Page 1, line 1, replace "section" with "sections 25-01-03, 25-02-01.1, and"

Page 1, line 2, after "qualifications" insert "and appointment" and after "superintendent" insert "and the medical director"

Page 1, line 3, after "hospital" insert "and requirements for the formation of a state hospital governing body"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 25-01-03 of the North Dakota Century Code is amended and reenacted as follows:

25-01-03. Supervising officer to appoint superintendent of institutions - Salaries - Removal. The supervising officer shall appoint a superintendent for each of the institutions under its control, except for the state hospital where the supervising officer shall appoint a superintendent and a medical director in consultation with a state hospital governing body if the body is created under section 25-02-01.1. The tenure of office of each ~~such~~ superintendent is two years from the date of ~~his~~ the superintendent's appointment, and ~~he~~ the superintendent shall possess ~~such~~ the qualifications ~~as are~~ required by ~~the provisions of~~ this title. ~~Any such~~ The superintendent may be removed by the supervising officer for misconduct, neglect of duty, incompetency, or other proper cause showing ~~his~~ the superintendent's inability or refusal properly to perform the duties of ~~his~~ the office, but ~~such~~ the removal at a time other than a termination of ~~his~~ the superintendent's two-year tenure may be had only after an opportunity is given to ~~such~~ the person to be heard before a board consisting of the governor, attorney general, and supervising officer of ~~such~~ the institution on preferred written charges. A removal when made, however, is final. The supervising officer shall fix the compensation of each ~~such~~ superintendent within the limits prescribed in this title and within the appropriations made by the legislative assembly for ~~such~~ the compensation.

SECTION 2. AMENDMENT. Section 25-02-01.1 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

25-02-01.1. Maintenance of state hospital accreditation. The department of human services shall seek appropriations and resources sufficient to ensure maintenance of the state hospital's accreditation by the joint commission on accreditation of health care organizations and certification by the health care financing administration or by similar accrediting and certifying organizations and agencies possessing hospital standards recognized by the health care industry and accepted by the department. If required for accreditation, the state hospital shall create a governing body and governance bylaws."

Page 1, line 7, replace "Clinical" with "Medical"

Page 1, line 19, after the second "and" insert "with professional training and experience" and after "relating" insert "directly"

Page 1, line 20, replace "clinical" with "medical"

Page 1, line 22, replace "psychologists" with "clinical staff"

Page 2, line 3, replace "clinical" with "medical"

Page 2, line 4, replace "clinical" with "medical"

Page 2, line 8, overstrike "such"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1439

Page 1, line 11, replace "shall" with "may"

Page 1, line 12, replace "that are selected by the affected entity" with "to represent the state board, commission, committee, or agency"

Page 1, line 13, remove "and are licensed to practice law in this state"

Page 1, line 19, after the overstruck period insert "The workers compensation bureau, the department of transportation, the state tax commissioner, the public service commission, the commissioner of insurance, the board of higher education, and the securities commissioner may employ attorneys to represent them. These entities shall pay the salaries and expenses of the attorneys they employ within the limits of legislative appropriations. The attorneys that represent these entities must be special assistant attorneys general appointed by the attorney general pursuant to this section. Absent good cause, the attorney general shall appoint as special assistant attorneys general licensed attorneys selected by these entities. Good cause includes an inadequate level of experience, competence, or ethical standards."

Page 1, line 21, overstrike "when", after "~~such~~" insert "unless", and overstrike "not"

Page 2, line 1, remove the overstrike over "~~at the pleasure of~~", remove "by" and remove "only if the assistant or"

Page 2, remove line 2

Page 2, line 3, remove "state"

Page 2, line 12, after "services" insert "provided by the attorneys employed by the attorney general."

Page 2, remove lines 15 through 21

Page 2, line 24, after "full-time" insert "special"

Page 3, line 4, after "appointed" insert "special"

Page 3, line 5, after "each" insert "special"

Renumber accordingly

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2017, SB 2029, and SB 2475 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2017: Sens. Lips; Nalewaja; Redlin

SB 2029: Sens. Lips; Nalewaja; Redlin

SB 2475: Sens. Lips; Nalewaja; Redlin

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 1016: Sens. Solberg; Holmberg; Robinson

HB 1256: Sens. B. Stenehjem; Schobinger; O'Connell

HB 1423: Sens. Grindberg; W. Stenehjem; C. Nelson

HB 1501: Sens. Krebsbach; W. Stenehjem; Scherber

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4064.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolutions: SB 2005, SB 2018, SB 2187, SB 2538, SCR 4014, SCR 4034, SCR 4065, SCR 4066.

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

MADAM PRESIDENT: The Speaker has signed: SB 2005, SB 2018, SB 2187, SB 2538, SCR 4014, SCR 4034, SCR 4065, SCR 4066.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1004, HB 1008, HB 1010, HB 1026, HB 1116, HB 1172, HB 1214, HB 1220.

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 1004, HB 1008, HB 1010, HB 1026, HB 1116, HB 1172, HB 1214, HB 1220.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1031, HB 1036, HB 1050, HB 1083, HB 1176, HB 1223, HB 1225, HB 1227, HB 1235, HB 1245, HB 1254, HB 1257, HB 1313, HB 1339, HB 1342, HB 1343, HB 1349, HB 1356, HB 1366, HB 1373, HB 1374, HB 1385, HB 1394, HB 1419, HB 1435, HB 1459.

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 1031, HB 1036, HB 1050, HB 1083, HB 1176, HB 1223, HB 1225, HB 1227, HB 1235, HB 1245, HB 1254, HB 1257, HB 1313, HB 1339, HB 1342, HB 1343, HB 1349, HB 1356, HB 1366, HB 1373, HB 1374, HB 1385, HB 1394, HB 1419, HB 1435, HB 1459.

FIRST READING OF SENATE BILL

SB 2539: A BILL for an Act to provide for restrictions on the use of public funds for abortion; and to repeal section 14-02.3-01 of the North Dakota Century Code, relating to restrictions on abortion. Was read the first time and referred to the **Human Services Committee**.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4064: A concurrent resolution directing the Legislative Council to study the North Dakota Educational Telecommunications Council. Was read the first time and referred to the **Education Committee**.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 27, 1995

I am returning House Bill 1180, and hereby veto.

The bill seeks to allow Adult Amateur Athletic teams affiliated with public entities to apply for, and receive a permit to run a raffle. Incidentally, it would allow them also to run sports pools and bingo activity. I believe this to be an expansion of gaming by public entities.

I have, therefore, vetoed the bill and respectfully return the same to the House Chambers.

MOTION

REP. DORSO MOVED that HB 1180 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 1180 be placed on the Eleventh order, which motion prevailed.

REQUEST

REP. KEMPENICH REQUESTED that the record show that he intended to vote "Yea" on HB 1022, which request was granted.

MOTION

REP. DORSO MOVED that Engrossed SB 2506 be placed at the top of the Sixth order, which motion prevailed.

SIXTH ORDER OF BUSINESS

SB 2506, as reengrossed: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments on HJ pages 1369-1371 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2506: A BILL for an Act to amend and reenact section 25-01.3-02 and subsection 13 of section 25-01.3-06 of the North Dakota Century Code, relating to the members of the committee on protection and advocacy and the authority of the project; to provide for a report to the budget section of the Legislative Council; and to provide for application of this Act.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 72 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Gunter; Hausauer; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Mickelson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Aarsvold; Boucher; Christenson; Coats; Delmore; Dobrinski; Glasheim; Grumbo; Gulleeson; Hanson; Henegar, K.; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Martinson; Monson; Mutzenberger; Nichols; Oban; Sandvig; Schmidt; Sitz

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed SB 2506, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

SB 2014, as engrossed: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments on HJ page 1301 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

REP. OBAN MOVED that Engrossed SB 2014, as amended, be rereferred to the Committee on Appropriations.

REQUEST

REP. OBAN REQUESTED a recorded roll call vote on the motion that Engrossed SB 2014 as amended, be rereferred to the Committee on Appropriations, which request was granted.

ROLL CALL

The question being on the motion that Engrossed SB 2014, as amended be rereferred to the Committee on Appropriations, the roll was called and there were 25 YEAS, 71 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Christenson; Coats; Delmore; Dobrinski; Glasheim; Grumbo; Gulleeson; Hanson; Huether; Kaldor; Kerzman; Kretschmar; Kroeber; Laughlin; Mahoney; Mutzenberger; Nichols; Oban; Sandvig; Schmidt; Sitz; Sveen; Wilkie

NAYS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Gunter; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nicholas;

Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjøm; Svedjan; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.

The motion that Engrossed SB 2014, as amended, be rereferred to the Committee on Appropriations, failed.

REQUEST

REP. OBAN REQUESTED the unanimous consent of the House to further amend Engrossed SB 2014 as follows:

- "1. Add \$240,000 - DD advocate in each region
2. Add \$260,000 Computer (as per audit report)
\$500,000"

MAJORITY LEADER DORSO objected to the proposed amendment to Engrossed SB 2014, therefore the request was denied for lack of unanimous consent.

SECOND READING OF SENATE BILL

SB 2014: A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 73 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delzer; DeWitz; Dorso; Drovda; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Gunter; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

NAYS: Aarsvold; Boucher; Christenson; Coats; Delmore; Dobrinski; Glassheim; Grumbo; Gulleson; Hanson; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Maragos; Mutzenberger; Nichols; Oban; Sandvig; Schmidt; Sitz; Wilkie

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed SB 2014, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

SB 2499, as engrossed: REP. SVEDJAN (Human Services Committee) MOVED that the amendments on HJ pages 1367-1369 be adopted and then be placed on the Fourteenth order **WITHOUT RECOMMENDATION**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2499: A BILL for an Act to create and enact a new chapter to title 26.1 of the North Dakota Century Code, relating to health provider cooperatives; and to provide a penalty.

MOTION

REP. HOWARD MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and was placed on the calendar **WITHOUT RECOMMENDATION**, the roll was called and there were 50 YEAS, 44 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Boucher; Byerly; Christenson; Clark; Coats; DeKrey; Delmore; DeWitz; Dobrinski; Dorso; Freier; Glassheim; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Howard; Huether; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; Kliniske; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Poolman; Sandvig; Schmidt; Sitz; Skarphol; Stenehjøm; Svedjan; Thoreson; Wald; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Austin; Bateman; Berg; Bernstein; Boehm; Brown; Carlisle; Carlson; Christopherson; Clayburgh; Delzer; Drovda; Froseth; Galvin; Gerntholz; Gordor; Gorman; Grosz; Henegar, K.; Holm; Jacobs; Keiser; Klein; Koppelman; Lloyd; Martinson; Mickelson; Monson; Olson; Payne; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Soukup; Sveen; Thompson; Timm; Tollefson; Torgerson; Walker

ABSENT AND NOT VOTING: Dalrymple; Hagle; Henegar, D.; Kunkel

Engrossed SB 2499, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED all legislative action taken this morning, with the exception of Engrossed SB 2499, be messaged to the Senate immediately, which motion prevailed.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2014, SB 2506.

MOTION

REP. DORSO MOVED that the House stand in recess until 1:15 p.m., which motion prevailed.

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

MOTION

REP. CLAYBURGH MOVED that the House reconsider its action whereby Engrossed HB 1432 failed to pass.

REQUEST

REP. AUSTIN REQUESTED a recorded roll call vote on the motion to reconsider the action whereby Engrossed HB 1432 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby Engrossed HB 1432 failed to pass, the roll was called and there were 66 YEAS, 28 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Carlisle; Christopherson; Clark; Clayburgh; DeKrey; Delmore; Delzer; DeWitz; Drovda; Froseth; Galvin; Gerntholz; Gordor; Gorman; Grosz; Gunter; Hausauer; Henegar, K.; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Mickelson; Monson; Nicholas; Nottestad; Olson; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schimke; Shide; Skarphol; Soukup; Stenehjøm; Svedjan; Sveen; Thompson; Thoreson; Timm; Torgerson; Wald; Wardner; Wentz; Speaker Martin

NAYS: Boucher; Byerly; Carlson; Christenson; Coats; Dobrinski; Dorso; Freier; Glassheim; Grumbo; Gulleson; Hanson; Huether; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Mutzenberger; Nichols; Oban; Payne; Sandvig; Schmidt; Sitz; Tollefson; Walker; Wilkie

ABSENT AND NOT VOTING: Dalrymple; Hagle; Henegar, D.; Martinson

So the motion to reconsider the action whereby Engrossed HB 1432 failed to pass, prevailed.

SECOND READING OF HOUSE BILL

HB 1432: A BILL for an Act to create and enact two new sections to chapter 16.1-11 and a new subdivision to subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the conduct of a presidential preference contest and exceptions from the definition of administrative agency; to amend and reenact sections 16.1-11-02, 16.1-11-03, 16.1-11-04, 16.1-11-07, 16.1-11-23, 16.1-11-34, and subsection 2 of section 16.1-12-02.2, relating to the date of the presidential preference contest; to provide an appropriation; to provide for application; and to provide an expiration date.

MOTION

REP. DEKREY MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 63 YEAS, 31 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Berg; Bernstein; Boehm; Brown; Carlisle; Christopherson; Clark; Clayburgh; DeKrey; DeLmore; DeWitz; Drovdal; Froseth; Galvin; Glassheim; Gorder; Gorman; Gunter; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Mickelson; Monson; Nicholas; Nottestad; Olson; Poolman; Price; Retzer; Rydell; Sabby; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

NAYS: Aarsvold; Belter; Boucher; Byerly; Carlson; Christenson; Coats; Delzer; Dobrinski; Dorso; Freier; Gerntholz; Grosz; Grumbo; Gulleson; Hanson; Kaldor; Kerzman; Kroeber; Laughlin; Mutzenberger; Nichols; Oban; Payne; Rennerfeldt; Sandvig; Schimke; Schmidt; Sitz; Tollefson; Wilkie

ABSENT AND NOT VOTING: Dalrymple; Hagle; Henegar, D.; Martinson

Engrossed HB 1432, as amended, passed and the title was agreed to.

MOTION

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

HOUSE ENROSSING AND ENROLLING REPORT

The following bills were enrolled: HB 1011, HB 1090, HB 1305, HB 1322.

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

MR. SPEAKER: The President has signed: HB 1031, HB 1036, HB 1050, HB 1083, HB 1176, HB 1223, HB 1225, HB 1227, HB 1235, HB 1245, HB 1254, HB 1257, HB 1313, HB 1339, HB 1342, HB 1343, HB 1349, HB 1356, HB 1366, HB 1373, HB 1374, HB 1385, HB 1394, HB 1419, HB 1435, HB 1459.

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

MR. SPEAKER: The President has signed: HB 1004, HB 1008, HB 1010, HB 1026, HB 1116, HB 1172, HB 1214, HB 1220.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3001, HCR 3004, HCR 3005, HCR 3019, HCR 3021, HCR 3026, HCR 3043.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3003, HCR 3023.

SENATE AMENDMENTS TO HOUSE CONCURRENT RESOLUTION NO. 3003

Page 1, line 3, after "system" insert "and any anticipated impact on the health and welfare of the child"

Page 2, line 5, after "system" insert "and any anticipated impact on the health and welfare of the child"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 3023

Page 1, line 2, replace "and" with a comma and after "coverage" insert ", and regulation"

Page 1, line 9, remove "fraudulent"

Page 1, after line 12, insert:

"WHEREAS, medical savings accounts may be used to finance long-term care; and"

Page 1, line 14, remove "skilled", after "nursing" insert "facility", and replace "intermediate" with "swing bed"

Page 1, line 15, remove "care"

Page 1, after line 19, insert:

"WHEREAS, purchasers of long-term care insurance may be protected by state regulation; and"

Page 2, line 3, replace "and" with a comma and after "coverage" insert ", and regulation"

Renumber accordingly

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1011, HB 1090, HB 1305, HB 1322.

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 1011, HB 1090, HB 1305, HB 1322.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. WARDNER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1284 as printed on HJ pages 1460-1463 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1284: Reps. Wardner, Thoreson, Christenson.

MOTION

REP. RYDELL MOVED that the House reconsider its action whereby the House did not concur in the Senate amendments to Engrossed HB 1493, and that the House do concur in the Senate amendments to Engrossed HB 1493, and that the Conference Committee be dissolved, which motion prevailed.

ANNOUNCEMENT

SPEAKER MARTIN ANNOUNCED that the Conference Committee was dissolved and Engrossed HB 1493, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1493: A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to a fleet committee to represent the board of higher education's interests in state-owned motor vehicles; to amend and reenact sections 24-02-03.3 and 24-02-03.4 of the North Dakota Century Code, relating to the central management system for state-owned motor vehicles and the transfer of titles; 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 59 YEAS, 30 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christopherson; Delzer; DeWitz; Dorso; Drovdal; Galvin; Gertholz; Gordier; Gorman; Grosz; Gunter; Hausauer; Henegar, K.; Holm; Jacobs; Johnson; Kelsch; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Monson; Nicholas; Payne; Rennerfeldt; Retzer; Rydell; Sabby; Schmidt; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Walker; Wardner; Wilkie; Speaker Martin

NAYS: Aarsvold; Christenson; Clark; Clayburgh; Coats; Delmore; Dobrinski; Froseth; Glassheim; Grumbo; Gulleon; Hanson; Huether; Kaldor; Keiser; Kliniske; Kroeber; Laughlin; Mickelson; Mutzenberger; Nichols; Nottestad; Oban; Olson; Poolman; Price; Sandvig; Shide; Sitz; Svedjan

ABSENT AND NOT VOTING: Dalrymple; DeKrey; Freier; Hagle; Henegar, D.; Howard; Schimke; Wald; Wentz

Engrossed HB 1493, as amended, passed and the title was agreed to.

MOTION

REP. STENEHJEM MOVED that the House reconsider its action whereby the House did not concur in the Senate amendments to Engrossed HB 1032, and that the House do concur in the Senate amendments to Engrossed HB 1032, and that the Conference Committee be dissolved, which motion prevailed.

ANNOUNCEMENT

SPEAKER MARTIN ANNOUNCED that the Conference Committee on Engrossed HB 1032 was dissolved, and Engrossed HB 1032, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1032: A BILL for an Act to create and enact a new chapter to title 14 and a new section to chapter 14-09 of the North Dakota Century Code, relating to the establishment of paternity; to amend and reenact section 14-17-11 of the North Dakota Century Code, relating to the use of genetic tests in paternity proceedings; to provide an effective date; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: DeKrey; Hagle; Henegar, D.; Howard; Schimke

Engrossed HB 1032, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. MONSON MOVED that the House reconsider its action whereby the House did not concur in the Senate amendments to Engrossed HB 1151 as printed on HJ page 1273, and that the House do concur in the Senate amendments to Engrossed HB 1151, and that the Conference Committee be dissolved, which motion prevailed.

ANNOUNCEMENT

SPEAKER MARTIN ANNOUNCED that the Conference Committee on Engrossed HB 1151 was dissolved and that Engrossed HB 1151, as amended, was placed on the Eleventh order on today's calendar.

SECOND READING OF HOUSE BILL

HB 1151: A BILL for an Act to amend and reenact subsection 10 of section 27-20-02 and section 39-20-01 of the North Dakota Century Code, relating to the definition of unruly child and to implied consent to determine alcohol and drug content of blood.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: DeKrey; Hagle; Henegar, D.; Howard; Schimke

Engrossed HB 1151, as amended, passed and the title was agreed to.

MOTION

REP. KELSCH MOVED that the House reconsider its action whereby the House did not concur in the Senate amendments to HB 1436, and that the House do concur in the Senate amendments to HB 1436, and that the Conference Committee be dissolved, which motion prevailed.

ANNOUNCEMENT

SPEAKER MARTIN ANNOUNCED that the Conference Committee on HB 1436 was dissolved and that HB 1436, as amended, was placed on the Eleventh order on today's calendar.

SECOND READING OF HOUSE BILL

HB 1436: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 12.1-23-05 of the North Dakota Century Code, relating to theft offenses that are class C felonies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjerm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: DeKrey; Hagle; Henegar, D.; Schimke

HB 1436, as amended, passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

SB 2006, as engrossed: **REP. DALRYMPLE (Appropriations Committee) MOVED** that the amendments on HJ page 1429 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

REQUEST

REP. KALDOR REQUESTED that Section 3 be divided out and voted on separately, which request was denied as the Speaker ruled that Divisions of amendments need to be presented to the House Desk twenty-four hours before adoption.

SECOND READING OF HOUSE BILL

SB 2006: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner; and to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the salary of the state tax commissioner.

ROLL CALL

The question being on the final passage of the amended bill, which has been

read, and has committee recommendation of DO PASS, the roll was called and there were 80 YEAS, 13 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Austin; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

NAYS: Aarsvold; Boucher; Christenson; Glassheim; Kaldor; Kerzman; Kroeber; Laughlin; Mahoney; Mutzenberger; Oban; Sandvig; Wilkie

ABSENT AND NOT VOTING: Bateman; DeKrey; Hagle; Henegar, D.; Schimke

Engrossed SB 2006, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KRETSCHMAR MOVED that the House do not concur in the Senate amendments to HB 1439 as printed on HJ pages 1464-1465 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 1439: Reps. Kelsch, Kretschmar, Mahoney.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do concur in the Senate amendments to Engrossed HB 1015 as printed on HJ pages 1380-1383, which motion prevailed.

Engrossed HB 1015, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1015: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Bateman; DeKrey; Hagle; Henegar, D.; Schimke

Engrossed HB 1015, 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 1017 as printed on HJ pages 1394-1396, which motion prevailed on a voice vote.

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

SECOND READING OF HOUSE BILL

HB 1017: A BILL for an Act to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to authorize transfers; to amend and reenact subsection 2 of section 57-61-01.5 of the North Dakota Century Code, relating to deposits in the lignite research fund; to repeal section 14 of chapter 38 of the 1993 Session Laws, relating to transfers from the Bank of North Dakota; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Bateman; DeKrey; Hagle; Henegar, D.; Schimke

Engrossed HB 1017, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. FREIER MOVED that the House reconsider its action whereby Engrossed SB 2499 passed.

REQUEST

REP. CARLISLE REQUESTED a recorded roll call vote on the motion to reconsider the action whereby Engrossed SB 2499 passed, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby Engrossed SB 2499 passed, the roll was called and there were 44 YEAS, 49 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Carlisle; Carlson; Christopherson; Clayburgh; Delzer; DeWitz; Drovdal; Freier; Froseth; Galvin; Gorman; Grosz; Gunter; Henegar, K.; Holm; Howard;

Keiser; Klein; Koppelman; Lloyd; Martinson; Mickelson; Monson; Price; Retzer; Rydell; Sabby; Shide; Skarphol; Soukup; Sveen; Timm; Tollefson; Wald; Walker; Wardner; Wentz

NAYS: Aarsvold; Boucher; Byerly; Christenson; Clark; Coats; Dalrymple; Delmore; Dobrinski; Dorso; Gerntholz; Glassheim; Gorder; Grumbo; Gulleson; Hanson; Hausauer; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kempenich; Kerzman; Kliniske; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Poolman; Rennerfeldt; Sandvig; Schmidt; Sitz; Stenehjelm; Svedjan; Thompson; Thoreson; Torgerson; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: DeKrey; Hagle; Henegar, D.; Payne; Schimke

So the motion to reconsider the action whereby Engrossed SB 2499 passed, failed.

REPORT OF CONFERENCE COMMITTEE

REP. TIMM MOVED that the conference committee report on Engrossed HB 1094 as printed on HJ pages 1360-1361 be adopted, which motion prevailed.

Engrossed HB 1094, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1094: A BILL for an Act to create and enact a new section to chapter 57-43.1 and a new section to chapter 57-43.2 of the North Dakota Century Code, relating to additional motor vehicle fuels taxes and special fuels taxes to be imposed if additional federal highway matching funds become available; to repeal sections 1 and 2 of chapter 573 of the 1993 Session Laws, relating to additional motor vehicle and special fuels taxes; to provide an appropriation; to provide an effective date; 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 80 YEAS, 14 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christopherson; Clayburgh; Coats; Dalrymple; Delmore; DeWitz; Dobrinski; Dorso; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grumbo; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Shide; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

NAYS: Christenson; Clark; Delzer; Drovdal; Grosz; Gulleson; Kerzman; Mutzenberger; Nichols; Oban; Sandvig; Schmidt; Sitz; Wilkie

ABSENT AND NOT VOTING: DeKrey; Hagle; Henegar, D.; Schimke

Engrossed HB 1094, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. KELSCH MOVED that the conference committee report on Engrossed HB 1165 as printed on HJ page 1361 be adopted, which motion prevailed.

Engrossed HB 1165, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1165: A BILL for an Act to create and enact a new subsection to section 10-04-09, a new subsection to section 10-04-10.1, a new subsection to section 10-04-11, a new subsection to section 10-04-15, a new subsection to section 10-04-18, a new subsection to section 43-10.1-06.1, a new section to chapter 43-10.1, a new subsection to section 51-19-09, a new subsection to section 51-19-11, a new subsection to section 51-19-13, a new subsection to section 51-23-07, a new subsection to section 51-23-20, and a new section to chapter 51-23 of the North Dakota Century Code, relating to statutes of limitations and civil remedies for certain commodities activities; to amend and reenact section 10-04-16, subsection 1 of section 10-04-17, subsection 1 of section 43-10.1-06.2, sections 43-10.1-07, 43-10.1-08, subsection 5 of section 51-19-12, subdivisions f, g, and h of subsection 2 of section 51-19-13, and section 51-19-14 of the North Dakota Century Code, relating to statutes of limitations for certain securities and commodities activities and civil remedies for violations of certain pre-need funeral activities and franchise investment activities; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: DeKrey; Hagle; Henegar, D.; Schimke

Engrossed HB 1165, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. MARAGOS MOVED that the conference committee report on HB 1027 as printed on HJ page 1360 be adopted, which motion prevailed.

HB 1027, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1027: A BILL for an Act to provide for the sentencing of offenders to the custody of the department of corrections and rehabilitation and to rename the state industrial school the North Dakota youth correctional center; to create and enact a new subsection to section 1-01-49 and a new section to chapter 12-47 of the North Dakota Century Code, relating to the definition of penitentiary and the authority of the warden; to amend and reenact sections 11-15-25, 12-46-13, 12-46-15, 12-46-17, 12-46-18, 12-47-11, 12-47-12, 12-47-17, 12-47-21, 12-48-01, 12-55-31, 12-59-16, 12.1-32-02, 19-03.1-23, subsection 5 of section

27-20-31, section 27-20-32, subsection 2 of section 27-20-36, subsection 2 of section 27-20-37, and section 44-04-04 of the North Dakota Century Code, relating to commitment of offenders to custody of the department of corrections and rehabilitation; and to repeal chapter 12-51 of the North Dakota Century Code, relating to the Missouri River correctional center.

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

NAYS: Kliniske; Mutzenberger; Oban

ABSENT AND NOT VOTING: DeKrey; DeWitz; Hagle; Henegar, D.; Schimke

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

REPORT OF CONFERENCE COMMITTEE

REP. BELTER MOVED that the conference committee report on Engrossed HB 1064 as printed on HJ page 1360 be adopted, which motion prevailed on a verification vote.

Engrossed HB 1064, as amended, was placed on the Eleventh order of business on today's calendar.

SECOND READING OF HOUSE BILL

HB 1064: A BILL for an Act to amend and reenact sections 39-04-10.3, 39-04-36, 39-04-39.2, and 39-04-44 of the North Dakota Century Code, relating to the retention of number plates by an owner when a vehicle is transferred or assigned; 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 60 YEAS, 32 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Christenson; Clark; Dalrymple; Delmore; Dorso; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gunter; Hausauer; Henegar, K.; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Lloyd; Mahoney; Martinson; Monson; Nicholas; Nottestad; Olson; Payne; Rennerfeldt; Rydell; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Torgerson; Wald; Wardner; Wentz; Speaker Martin

NAYS: Aarsvold; Boucher; Carlson; Clayburgh; Coats; Delzer; Dobrinski; Drovdal; Freier; Glassheim; Gulleson; Hanson; Kaldor; Kerzman; Kliniske; Koppelman; Kroeber; Laughlin; Maragos; Mickelson;

Mutzenberger; Nichols; Oban; Poolman; Price; Retzer; Shide; Sitz; Timm; Tollefson; Walker; Wilkie

ABSENT AND NOT VOTING: Christopherson; DeKrey; DeWitz; Hagle; Henegar, D.; Schimke

Engrossed HB 1064, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED that all legislative action taken this afternoon, with the exception of Engrossed SB 2499, be messaged to the Senate immediately, which motion prevailed.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Third, Fourth, Fifth, Seventh, Twelfth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Wednesday, March 29, 1995, which motion prevailed.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1404, line 17, delete "Austin" and insert "Olson"

Page 1406, after line 38, insert:

DIVISION D

Those portions of SECTIONS 1 and 2 relating to \$430,000 for a parking lot at Bismarck State College

SECTION 3

Bismarck state college	Science and mathematics center	\$8,060,000
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SECTION 4

Bismarck state college project		\$1,060,000
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DIVISION E

Those portions of SECTIONS 1 and 2 relating to \$4,000,000 for campus networking at the institutions of higher education

DIVISION F

The remainder of the amendments

Re-number and correct totals accordingly

Page 1406, delete lines 39 through 45

Page 1407, delete lines 2 through 4

Page 1411, line 47, delete "Froseth" and insert "Grosz"

Page 1432, line 14, delete ", adopt amendments as"

Page 1432, line 15, delete "follows,"

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

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 2:15 p.m., March 28, 1995.

This is to inform you that on March 27, 1995, I signed the following: HB 1012, HB 1020, HB 1145, HB 1177, HB 1217, HB 1346, HB 1368, HB 1388, HB 1474, HB 1496. Also, on March 28, 1995, I signed the following: HB 1055 and HB 1469.

REPORT OF STANDING COMMITTEE

SB 2313, as reengrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed SB 2313 was placed on the Sixth order on the calendar.

In lieu of the amendments to Reengrossed Senate Bill No. 2313 as printed on pages 1264 and 1265 of the House Journal, Reengrossed Senate Bill No. 2313 is amended as follows:

Page 1, line 1, replace "section" with "sections" and after "1" insert "and 3"

Page 1, line 3, remove the semicolon and remove "repeal section 3 of chapter 411"

Page 1, line 4, remove "of the 1993 Session Laws, relating to"

Page 1, line 5, after "system" insert "; and to provide an appropriation"

Page 1, line 16, remove the overstrike over "~~deposited into~~", after "general" insert "a special", remove the overstrike over "~~fund~~", and replace "~~allocated~~" with "in the state treasury for allocation, after appropriation by the legislative assembly,"

Page 1, line 17, replace "of centralized automation through training, software" with "and maintenance of the central filing system by the secretary of state,"

Page 1, line 18, remove "development, and equipment purchases"

Page 1, line 19, replace "REPEAL" with "AMENDMENT"

Page 1, line 20, replace "repealed." with "amended and reenacted as follows:

SECTION 3. EXPIRATION DATE. Section 1 of this Act is effective through ~~June 30, 1995~~ December 31, 1996, and after that date is ineffective.

SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the special fund in the state treasury, established in section 1 of this Act and not otherwise appropriated, the sum of \$250,000, or so much of the sum as may be necessary, to the secretary of state for the purpose of carrying out section 1 of this Act, for the biennium beginning July 1, 1995, and ending December 31, 1996."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2539, as engrossed: Human Services Committee (Rep. Svedjan, Chairman) A MAJORITY of your committee (Reps. Svedjan, Christopherson, Galvin,

Thoreson, Walker, Boucher) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 2, line 5, remove "within forty-eight hours"

Page 2, line 7, remove "within"

Page 2, line 8, remove "forty-eight hours"

Re-number accordingly

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF STANDING COMMITTEE

SB 2539, as engrossed: Human Services Committee (Rep. Svedjan, Chairman) A **MINORITY** of your committee (Reps. Price, K. Henegar, Kerzman, Mutzenberger, Sandvig) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**.

Page 2, line 10, remove "The state shall establish"

Page 2, line 11, remove lines 11 through 15

Re-number accordingly

The reports of the majority and the minority were placed on the Seventh order of business on the calendar for the succeeding legislative day.

REPORT OF CONFERENCE COMMITTEE

HB 1155, as engrossed: Your conference committee (Sens. Sand, Krebsbach, Scherber and Reps. Kempenich, Skarphol, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1091-1092, adopt amendments as follows, and place HB 1155 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1091 and 1092 of the House Journal and pages 919 and 920 of the Senate Journal, and that Engrossed House Bill No. 1155 be amended as follows:

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

Page 3, line 10, after "**requirements**" insert "**- Penalty**"

Page 4, after line 13, insert:

"6. A person may not act as or hold oneself out to be a viatical settlement provider unless licensed under this chapter. Any person willfully violating this section is guilty of a class C felony."

Re-number accordingly

Engrossed HB 1155 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1210, as engrossed: Your conference committee (Sens. Traynor, Yockim, Kringstad and Reps. Brown, Drovdal, Gulleston) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1221 and place HB 1210 on the Seventh order.

REPORT OF CONFERENCE COMMITTEE

HB 1260, as engrossed: Your conference committee (Sens. Traynor, Freborg, Krauter and Reps. Carlson, Torgerson, Mutzenberger) recommends that the

HOUSE ACCEDE to the Senate amendments on HJ pages 1356-1357 and place HB 1260 on the Seventh order.

Engrossed HB 1260 was placed on the Seventh order of business on the calendar.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 5:20 p.m., March 28, 1995: HB 1004, HB 1008, HB 1010, HB 1026, HB 1031, HB 1036, HB 1083, HB 1116, HB 1172, HB 1176, HB 1214, HB 1220, HB 1223, HB 1225, HB 1227, HB 1235, HB 1245, HB 1254, HB 1366, HB 1373.

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

ROY GILBREATH, Chief Clerk