

## JOURNAL OF THE HOUSE

## Fifty-fourth Legislative Assembly

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Bismarck, April 4, 1995

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

The prayer was offered by Representative Clark.

The roll was called and all members were present except Representatives Bateman, Carlson, Gunter, Henegar, D., Kerzman, Rydell, and Schimke.

A quorum was declared by the Speaker.

## HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1005, HB 1009, HB 1016, HB 1138, HB 1155, HB 1168, HB 1210, HB 1317, HB 1386, HB 1423, HB 1439, and HB 1488.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on: SB 2211.

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

MR. SPEAKER: The President has appointed Sen. Solberg to replace Sen. Holmberg on the Conference Committee on HB 1007.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2403.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1124.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1002, HB 1014.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2074, SB 2087, SB 2088, SB 2103, SB 2133, SB 2142, SB 2159, SB 2195, SB 2198, SB 2207, SB 2209, SB 2247, SB 2288.

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

MR. SPEAKER: The President has signed: HB 1027, HB 1041, HB 1064, HB 1082, HB 1094, HB 1100, HB 1134, HB 1163, HB 1165, HB 1207, HB 1221, HB 1250, HB 1298, HB 1300, HB 1329, HCR 3009.

## REQUEST

REP. MAHONEY REQUESTED that the House divide Engrossed SB 2067 in the following manner and that recorded roll call votes be taken on each Division, which request was granted.

## DIVISION A

**SECTION 1. Devils Lake Sioux Tribe gaming compact.** The legislative assembly recognizes the gaming compact entered into under the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497, 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Devils Lake Sioux Tribe on October 7, 1992,

and the parimutuel racing addendum to that compact entered into on April 8, 1993.

#### DIVISION B

**SECTION 2. Three Affiliated Tribes gaming compact.** The legislative assembly recognizes the gaming compact entered into under the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497, 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Three Affiliated Tribes on October 7, 1992, and the parimutuel racing addendum to that compact entered into on April 14, 1993.

#### DIVISION C

**SECTION 3. Standing Rock Sioux gaming compact.** The legislative assembly recognizes the gaming compact entered into under the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497, 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Standing Rock Sioux on August 31, 1992.

#### DIVISION D

**SECTION 4. Turtle Mountain Band of Chippewa gaming compact.** The legislative assembly recognizes the gaming compact entered into under the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497, 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Turtle Mountain Band of Chippewa on October 9, 1992, and the parimutuel racing addendum to that compact entered into on April 8, 1993.

#### DIVISION E

**SECTION 5. Sisseton-Wahpeton Sioux Tribe gaming compact.** The legislative assembly recognizes the gaming compact entered into under the Indian Gaming Regulatory Act of 1988 [Pub. L. 100-497, 102 Stat. 2467; 25 U.S.C. 2701 et seq.] between the state and the Sisseton-Wahpeton Sioux Tribe on December 9, 1992, and the parimutuel racing addendum to that compact entered into on May 5, 1994.

#### DIVISION F

**SECTION 6. Tribal gaming records not subject to disclosure - Exceptions.** Except as provided in each tribal gaming compact and except as specified in this section, all tribal gaming records, including trade secret and proprietary information as defined in section 44-04-18.4, submitted to an agency of this state are confidential and are not public records subject to section 44-04-18 and section 6 of article XI of the Constitution of North Dakota. The following tribal gaming records submitted to an agency of this state are subject to section 44-08-18 and section 6 of article XI of the Constitution of North Dakota:

1. Any independent auditor's report, except for specific financial information contained in the auditor's report.
2. Any casino compliance inspection report or other report concerning compliance with the tribal gaming compact, except for specific financial information contained in the report.

#### DIVISION G

**SECTION 7. Set-aside percentage of tribal gaming proceeds - Disclosure of audit reports.** Any audit report submitted by a tribe to an agency of this state containing information on the use and compliance of the tribe's set-aside percentage of gaming revenue to economic development and social welfare purposes is open to the public, except for specific financial information contained in the audit report. With the consent of the tribe, an agency of this state may open to the public information contained in the

audit report which sets forth specific amounts devoted by the tribe to social welfare and economic development purposes.

#### DIVISION H

**SECTION 8. Tribal-state gaming compact - Amendments.** A tribal-state gaming compact executed before the effective date of this Act may not be amended unless the proposed amendment is submitted to the legislative council for approval. If the legislative assembly is in session when the proposal is submitted, the proposal must be submitted to the legislative assembly for approval by concurrent resolution. The legislative council or the legislative assembly must act on the proposal within the time required in the relevant compact. Any proposed amendment to a compact not acted upon by the legislative council or legislative assembly within the time specified in the compact is deemed approved by the legislative council or legislative assembly.

#### ROLL CALL

The question being on the adoption of Division A of Engrossed SB 2067, the roll was called and there were 92 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordor; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; 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:** DeKrey; DeWitz; Holm

**ABSENT AND NOT VOTING:** Carlson; Henegar, D.; Kerzman

Division A of Engrossed SB 2067 passed.

#### ROLL CALL

The question being on the adoption of Division B of Engrossed SB 2067, the roll was called and there were 92 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordor; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; 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:** DeKrey; DeWitz; Holm

**ABSENT AND NOT VOTING:** Carlson; Henegar, D.; Kerzman

Division B of Engrossed SB 2067 passed.

**ROLL CALL**

The question being on the adoption of Division C of Engrossed SB 2067, 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; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

**NAYS:** DeKrey; DeWitz; Holm

**ABSENT AND NOT VOTING:** Carlson; Henegar, D.; Kerzman; Rennerfeldt; Wilkie

Division C of Engrossed SB 2067 passed.

**ROLL CALL**

The question being on the adoption of Division D of Engrossed SB 2067, the roll was called and there were 92 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; 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:** DeKrey; DeWitz; Holm

**ABSENT AND NOT VOTING:** Carlson; Henegar, D.; Kerzman

Division D of Engrossed SB 2067 passed.

**MOTION**

**REP. DORSO MOVED** that House Rule 332, with reference to amending a bill on the floor be suspended, which motion prevailed.

**MOTION**

**REP. DORSO MOVED** that Engrossed SB 2067 be amended in the following manner, which motion prevailed.

Page 2, line 22, replace "44-08-18" with "44-04-18"

Re-number accordingly

**MOTION**

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

**ROLL CALL**

The question being on the adoption of Division E, as amended, of Engrossed SB 2067, the roll was called and there were 92 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; Delmore; Delzer; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gordor; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; Hanson; Hausauer; Henegar, K.; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; 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:** DeKrey; DeWitz; Holm

**ABSENT AND NOT VOTING:** Carlson; Henegar, D.; Kerzman

Division E of Engrossed SB 2067, as amended, passed.

**ROLL CALL**

The question being on the motion to adopt Division F of Engrossed SB 2067, the roll was called and there were 48 YEAS, 47 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Berg; Bernstein; Boehm; Brown; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; Delzer; Dorso; Drovdal; Freier; Froseth; Gerntholz; Gordor; Gorman; Grosz; Gunter; Hausauer; Henegar, K.; Howard; Kelsch; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Mickelson; Monson; Nicholas; Olson; Payne; Poolman; Price; Retzer; Sandvig; Skarphol; Soukup; Stenehjem; Svedjan; Thoreson; Timm; Walker; Wardner

**NAYS:** Aarsvold; Belter; Boucher; Byerly; Carlisle; Christenson; Coats; DeKrey; Delmore; DeWitz; Dobrinski; Galvin; Glassheim; Grumbo; Gulleson; Hagle; Hanson; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kroeber; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mutzenberger; Nichols; Nottestad; Oban; Rennerfeldt; Rydell; Sabby; Schimke; Schmidt; Shide; Sitz; Sveen; Thompson; Tollefson; Torgerson; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Henegar, D.; Kerzman; Wald

Division F of Engrossed SB 2067 failed to pass for want of a Constitutional majority.

**ROLL CALL**

The question being on the adoption of Division G of Engrossed SB 2067, the roll was called and there were 54 YEAS, 41 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Gerntholz; Gordor; Gorman; Grosz; Gunter; Hausauer; Henegar, K.; Howard; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Sandvig; Shide;

Skarphol; Soukup; Stenehjelm; Svedjan; Thoreson; Timm; Walker; Wardner; Speaker Martin

**NAYS:** Aarsvold; Boucher; Byerly; Carlisle; Christenson; Coats; DeKrey; Delmore; Dobrinski; Galvin; Glassheim; Grumbo; Gullerson; Hagle; Hanson; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kroeber; Laughlin; Mahoney; Maragos; Martinson; Mutzenberger; Nichols; Oban; Rydell; Sabby; Schimke; Schmidt; Sitz; Sveen; Thompson; Tollefson; Torgerson; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Henegar, D.; Kerzman; Wald

Division G of Engrossed SB 2067 passed.

#### ROLL CALL

The question being on the adoption of Division H of Engrossed SB 2067, the roll was called and there were 77 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Boucher; Christenson; Delmore; Grumbo; Gullerson; Hagle; Hanson; Huether; Johnson; Kaldor; Laughlin; Mahoney; Mutzenberger; Oban; Schmidt; Thompson; Wilkie

**ABSENT AND NOT VOTING:** Henegar, D.; Kerzman; Wald

Division H of Engrossed SB 2067 passed.

#### ROLL CALL

The question then was on the final passage of Engrossed SB 2067, as amended, including Divisions A, B, C, D, E, G, and H, and excluding Division F, the roll was called and there were 58 YEAS, 37 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Gunter; Hausauer; Henegar, K.; Howard; Keiser; Kempenich; Klein; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Maragos; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sandvig; Shide; Skarphol; Soukup; Stenehjelm; Svedjan; Thoreson; Timm; Walker; Wardner; Speaker Martin

**NAYS:** Aarsvold; Boucher; Byerly; Carlisle; Christenson; Coats; DeKrey; Delmore; Dobrinski; Glassheim; Grumbo; Gullerson; Hagle; Hanson; Holm; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kroeber; Laughlin; Mahoney; Martinson; Mutzenberger; Nichols; Oban; Sabby; Schimke; Schmidt; Sitz; Sveen; Thompson; Tollefson; Torgerson; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Henegar, D.; Kerzman; Wald

Engrossed SB 2067, as amended, including Divisions A, B, C, D, E, G, and H, and excluding Division F, with the title amended appropriately and lines, sections, and pages renumbered accordingly, passed.

## MOTION

REP. DORSO MOVED that Engrossed SB 2067, as amended, 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 Engrossed SB 2067 excluding Division F (Section 6).

## MOTION

REP. FREIER MOVED that the House be on the Fifth, Seventh, and Twelfth orders of business and at the conclusion of those orders, the House stand in recess until 1:00 p.m., which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

SB 2403, as engrossed: Your conference committee (Sens. Mutch, Sand, Langley and Reps. Skarphol, Soukup, Coats) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1167-1168, adopt amendments as follows, and place Engrossed SB 2403 on the Seventh order:

That the House recede from its amendments as printed on pages 1167 and 1168 of the Senate Journal and pages 1184 and 1185 of the House Journal and that Engrossed Senate Bill No. 2403 be amended as follows:

Page 1, line 1, replace "section" with "sections 65-04-01 and"

Page 1, line 2, after "to" insert "classification of employments for workers' compensation premium rates and"

Page 1, line 3, replace "retroactive application" with "a legislative council study"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 65-04-01 of the North Dakota Century Code is amended and reenacted as follows:

**65-04-01. Classification of employments - Premium rates - Requirements.**

1. The bureau shall classify employments with respect to their degrees of hazard, determine the risks of different classifications, and fix the rate of premium for each of ~~said~~ the classifications sufficiently high to provide for:
  - 1- a. The payment of the expenses of administration of the bureau;
  - 2- b. The payment of compensation according to the provisions and schedules contained in this title; and
  - 3- c. The maintenance by the fund of adequate reserves and surplus to the end that it may be kept at all times in an entirely solvent condition.
2. In the exercise of the powers and discretion conferred upon it, the bureau shall fix and maintain for each class of occupation, the lowest rate which still will enable it to comply with the other provisions of this section.
3. Before the effective date of any premium rate change, the bureau shall hold a public hearing on the rate change. Chapter 28-32 does not apply to a hearing held by the bureau under this subsection."

Page 1, line 20, replace "reduce the minimum rate assigned to an employer with a" with "amend its experience rating system by emergency rulemaking."

Page 1, remove line 21

Page 2, replace lines 1 through 4 with:

**"SECTION 3. LEGISLATIVE COUNCIL STUDY.** During the 1995-1996 interim, the legislative council shall study the feasibility and desirability of the workers compensation bureau establishing a system through which injured workers whose disability benefits cease upon reaching retirement age under 1995 House Bill No. 1228 would receive a pension or an annuity in lieu of further disability benefits. The legislative council shall review the different methods through which the pension or annuity would be established and paid, who would be responsible for administering the pension or annuity, and to which injured workers the pension or annuity would be paid. The bureau shall provide information to the legislative council necessary to facilitate the study."

Renumber accordingly

Engrossed SB 2403 was placed on the Seventh order of business on the calendar.

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 12:45 p.m., April 4, 1995: HCR 3009.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2430, SB 2439, SB 2463, SB 2480, SB 2520, SB 2524, SCR 4046, SCR 4049.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2035, SB 2349, SB 2391, SB 2442, SB 2453.

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

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4012:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of legislation governing the future negotiation, amendment, and renewal of tribal-state gaming compacts.

The question being on the final passage of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed SCR 4012 was declared adopted on a voice vote.

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#### MOTION

**REP. DORSO MOVED** that SB 2505 be placed at the top of the calendar, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

**REP. GROSZ MOVED** that the conference committee report on Engrossed SB 2505 as printed on HJ pages 1687-1689 be adopted, which motion prevailed.

Engrossed SB 2505, as amended, was placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

**SB 2505:** A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to duties and reports of the state board of animal health; to amend and reenact subsection 1 of section 4-13.2-03, section 4-13.2-04, subsection 43 of section 20.1-01-02, sections 36-01-00.1, 36-01-01, 36-01-03, 36-01-04, 36-01-05, 36-01-06, 36-01-07, 36-01-08, 36-01-10, 36-01-12.1, 36-01-13, 36-01-15, 36-01-17, 36-01-18, 36-01-19, 36-01-29, 36-01-30, 36-05-03, 36-05-09, 36-05-10, 36-05-13, 36-07-01, 36-07-02, 36-07-03, 36-07-09, 36-07-10, 36-14-03, 36-14-05, 36-14-06, 36-14-07, 36-14-09, 36-14-10, 36-14-12, 36-14-15, subsection 1 of section 36-14-19, sections 36-14.1-01, 36-14.1-02, 36-14.1-03, 36-14.1-04, 36-14.1-05, 36-14.1-07, 36-15-09, 36-15-14, 36-15-19, 36-21.1-01, subsection 2 of section 36-21.1-06, sections 36-21.1-11, and 36-21.1-12 of the North Dakota Century Code, relating to transferring certain responsibility from the board of animal health to the commissioner of agriculture and to the membership of the board of animal health; to repeal section 36-01-11 of the North Dakota Century Code, relating to reports by the board of animal health to the office of management and budget and the governor; 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 67 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Austin; Bateman; Boehm; Brown; Byerly; Carlisle; Christenson; Christopherson; Clayburgh; Dalrymple; DeKrey; Delmore; Dobrinski; Dorso; Drovdal; Freier; Galvin; Gerntholz; Glassheim; Gorder; Grumbo; Gulleon; Gunter; Hanson; Hausauer; Henegar, K.; Holm; Howard; Huether; Johnson; Keiser; Kempenich; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Lloyd; Mahoney; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; Payne; Poolman; Rennerfeldt; Rydell; Sabby; Schimke; Schmidt; Sitz; Skarphol; Stenehjem; Svedjan; Thompson; Thoreson; Tollefson; Torgerson; Wald; Walker; Wardner; Wilkie; Speaker Martin

**NAYS:** Aarsvold; Belter; Berg; Bernstein; Boucher; Carlson; Clark; Coats; Delzer; DeWitz; Froseth; Gorman; Grosz; Hagle; Jacobs; Kaldor; Kelsch; Kerzman; Klein; Laughlin; Maragos; Olson; Price; Retzer; Sandvig; Shide; Soukup; Sveen; Timm; Wentz

**ABSENT AND NOT VOTING:** Henegar, D.

Engrossed SB 2505, as amended, passed and the title was agreed to.

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## THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative Robert Wells.

## MOTION

**REP. CARLSON MOVED** that the House reconsider its action whereby Reengrossed SB 2149 passed.

## REQUEST

**REP. CLAYBURGH REQUESTED** a verification vote on the motion to reconsider the action whereby Reengrossed SB 2149 passed, which request was granted.

The motion to reconsider the action whereby Reengrossed SB 2149 passed prevailed on a verification vote.

## MOTION

**REP. DORSO MOVED** that the House reconsider its action whereby the conference

committee report was accepted and Reengrossed SB 2149 was placed on the Seventh order of business on the calendar, which motion prevailed.

#### MOTION

REP. DORSO MOVED that Reengrossed SB 2149 be rereferred to the conference committee, which motion prevailed. Pursuant to Rep. Dorso's motion, Reengrossed SB 2149 was rereferred.

#### REPORT OF CONFERENCE COMMITTEE

REP. BATEMAN MOVED that the conference committee report on Engrossed HB 1006 as printed on HJ pages 1675-1678 be adopted, which motion prevailed.

Engrossed HB 1006, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health and consolidated laboratories and to provide for a study of the licensing of home health care providers.

#### ROLL CALL

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

YEAS: Aarsvold; 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; Hagle; Hanson; 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; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hausauer; Henegar, D.; Sabby

Engrossed HB 1006, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. MONSON MOVED that the conference committee report on Engrossed HB 1178 as printed on HJ page 1678 be adopted, which motion prevailed.

Engrossed HB 1178, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1178: A BILL for an Act relating to the implementation of weapons policies and the expulsion of a student for possessing a firearm on school property; and to amend and reenact subsection 13 of section 15-29-08 of the North Dakota Century Code, relating to the suspension or expulsion of a student from school.

#### MOTION

REP. WALD 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 51 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Boucher; Byerly; Carlisle; Christenson; Clayburgh; Coats; Dalrymple; Delmore; DeWitz; Drovdal; Froseth; Glassheim; Grumbo; Hagle; Hanson; Hausauer; Henegar, K.; Holm; Huether; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nicholas; Nottestad; Oban; Olson; Rennerfeldt; Rydell; Sandvig; Schmidt; Skarphol; Stenehjøm; Svedjan; Sveen; Torgerson; Wentz; Wilkie

**NAYS:** Bateman; Belter; Berg; Bernstein; Boehm; Brown; Carlson; Christopherson; Clark; DeKrey; Delzer; Dobrinski; Dorso; Freier; Galvin; Gerntholz; Gorder; Gorman; Grosz; Guleson; Gunter; Howard; Jacobs; Klein; Kliniske; Koppelman; Lloyd; Mickelson; Nichols; Payne; Poolman; Retzer; Sabby; Schimke; Shide; Sitz; Soukup; Thompson; Thoreson; Timm; Tollefson; Wald; Walker; Wardner; Speaker Martin

**ABSENT AND NOT VOTING:** Henegar, D.; Price

Engrossed HB 1178, as amended, passed and the title was agreed to.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2013 and SB 2015 and the President has appointed as a conference committee to act with a like committee from the House on:

- SB 2013:** Sens. Goetz; Solberg; Lindaas
- SB 2015:** Sens. Nething; G. Nelson; Robinson

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SCR 4063.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report on: SB 2455.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report on SB 2081.

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

**MADAM PRESIDENT:** The House has reconsidered its action whereby it passed SB 2149, reconsidered adoption of the Conference Committee report and rereferred SB 2149 back to Conference Committee.

**MOTION**

**REP. FREIER MOVED** that the House be on the Fourth, Fifth, and Seventh orders of business and at the conclusion of those orders, the House stand in recess until 4:00 p.m., which motion prevailed.

**HOUSE ENGROSSING AND ENROLLING REPORT**

The following bills were engrossed and enrolled: HB 1131, HB 1152, and HB 1362.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1392, as engrossed:** Your conference committee (Sens. B. Stenehjøm, Mutch, Kelsh and Reps. Timm, Price, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1278-1279, adopt amendments as follows, and place Engrossed HB 1392 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1278 and 1279 of the House Journal and pages 1089 and 1090 of the Senate Journal and that Engrossed House Bill No. 1392 be amended as follows:

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, remove "; and to provide an effective date"

Page 1, line 8, after "Common" insert "household goods"

Page 1, line 9, replace "motor" with "household goods"

Page 1, line 11, replace "property" with "household goods"

Page 1, remove lines 16 through 21

Page 2, remove lines 1 through 12

Page 2, line 14, remove "or passenger motor"

Page 2, line 20, remove "and passenger"

Page 2, line 21, replace "shall" with "may", remove "all", and replace "household goods or" with "motor carriers of household goods except for transportation provided wholly within a city in this state or within a distance beyond the corporate limits of a city as determined by the department and:"

Page 2, remove lines 22 through 24

Page 2, line 25, replace "2. Require" with "1. May require"

Page 2, line 26, replace "3. Supervise and regulate" with "2. Shall supervise" and replace "motor" with "household goods"

Page 3, line 1, replace "and passenger" with "goods"

Page 3, line 4, replace "and passenger" with "goods"

Page 3, line 5, remove "or passenger"

Page 3, line 9, replace ", a list of equipment used by the carrier, a" with a period

Page 3, remove lines 10 and 11

Page 3, line 12, replace "hearing" with "comment"

Page 3, line 14, replace "hearing" with "comment"

Page 3, line 15, replace "interested parties requesting the notice" with "the North Dakota motor carriers association and may send notice to appropriate news media"

Page 3, line 17, remove "1." and remove "or"

Page 3, line 18, remove "passenger" and replace the colon with "the"

Page 3, remove lines 19 through 22

Page 3, line 23, remove "c. The" and remove the semicolon

Page 3, line 24, replace "d. Any" with "any"

Page 3, remove lines 25 through 29

Page 4, line 2, after "offer" insert "written" and remove "at an oral hearing"

Page 4, line 3, remove "and request for hearing with the department and the applicant"

Page 4, line 5, remove ", the party's witnesses, and the time needed to present the case" and remove "A"

Page 4, remove line 6

Page 4, line 9, replace "and passenger" with "goods"

Page 4, line 10, remove "and passenger" and remove the comma

Page 4, line 11, remove "uniform for similar service,"

Page 4, line 21, remove "opportunity for hearing and" and after "to" insert "and opportunity for comment by"

Page 4, line 23, replace "or passenger" with "goods" and remove "or"

Page 4, line 24, remove "passenger"

Page 4, line 25, remove "and thereafter before January"

Page 4, line 26, remove "first of each year," and remove "not less than eighty-five dollars nor"

Page 4, line 27, remove "more than", remove "fifty", and remove ", as determined by the department"

Page 5, replace lines 4 through 14 with:

**"Insurance required of carrier - Liability of insurer.** The department, before granting a certificate to any common motor carrier, shall require the owner or operator to procure public liability insurance. The conditions of the liability insurance must guarantee the payment of any loss or damage to property or on account of the death or injury to any person resulting from the negligence of the carrier. The carrier shall file the insurance policy with the department and the policy must be kept in full force. Upon failure of a carrier to maintain insurance required by this section, the department shall cancel the certificate. A certificate of any company authorized to write liability or property damage insurance in the state, in a form approved by the department and certifying that there is in effect a liability insurance policy required by this section, may be filed instead of the policy."

Page 5, line 16, replace "general" with "highway"

Page 5, remove lines 26 through 29

Re-number accordingly

Engrossed HB 1392 was placed on the Seventh order of business on the calendar.

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

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

The Speaker signed the following enrolled bills: HB 1155, HB 1210, HB 1386.

## 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 1155, HB 1210, HB 1386.

## MOTION

REP. DORSO MOVED that Engrossed HB 1246 be placed at the top of the Eleventh order, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1246: A BILL for an Act to amend and reenact section 21-06-07 of the North Dakota Century Code, relating to investment of funds by political subdivisions.

## ROLL CALL

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

YEAS: Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleston; Gunter; Hagle; 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; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Dalrymple; Henegar, D.; Retzer

Engrossed HB 1246, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. KEISER MOVED that the conference committee report on HB 1289 be adopted, which motion prevailed.

HB 1289, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1289: A BILL for an Act to create and enact two new sections to chapter 10-30.4 of the North Dakota Century Code, relating to the establishment of the technology transfer economic development fund and the authority of technology transfer, incorporated; to amend and reenact sections 4-01-19, 6-09.10-02.1, 10-30.3-11, and 10-30.4-03 of the North Dakota Century Code, relating to an agriculture marketing bureau, the duties of the credit review board, the income level requirement of the North Dakota future fund, and the organization and management of technology transfer, incorporated; and to provide a continuing appropriation.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 72 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Berg; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Gunter; Hagle; Hausauer; Henegar, K.; Holm; Howard;

Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kliniske; Kretschmar; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Speaker Martin

**NAYS:** Aarsvold; Boucher; Christenson; Coats; DeKrey; Delmore; Delzer; Dobrinski; Glassheim; Gulleon; Hanson; Kaldor; Kerzman; Koppelman; Kroeber; Laughlin; Mahoney; Mutzenberger; Nichols; Oban; Sandvig; Schimke; Schmidt; Sitz; Wilkie

**ABSENT AND NOT VOTING:** Henegar, D.

Engrossed HB 1289, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. TIMM MOVED** that the conference committee report on Engrossed HB 1392 be adopted, which motion prevailed.

Engrossed HB 1392, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1392:** A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to motor carrier regulation by the department of transportation and enforcement by the highway patrol; 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 97 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Gertholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleon; Gunter; Hagle; 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; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Henegar, D.

Engrossed HB 1392, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. CLAYBURGH MOVED** that the conference committee report on SB 2006 be adopted, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

**REP. CLAYBURGH MOVED** that the conference committee report on Engrossed SB 2029 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. FREIER MOVED** that the conference committee report on SB 2305 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. BYERLY MOVED** that the conference committee report on Reengrossed SB 2313 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. FROSETH MOVED** that the conference committee report on Engrossed SB 2425 be adopted, which motion prevailed.

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

**MR. SPEAKER:** The Senate has reconsidered its action whereby it passed SB 2149, reconsidered its action whereby it adopted the conference committee report, and rereferred SB 2149 back to conference committee.

**REPORT OF CONFERENCE COMMITTEE**

**REP. DEWITZ MOVED** that the conference committee report on Engrossed SB 2428 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. BATEMAN MOVED** that the conference committee report on Engrossed SB 2475 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. GERNTOLZ MOVED** that the conference committee report on Engrossed SB 2016 be adopted, which motion prevailed.

Engrossed SB 2016, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2016:** A BILL for an Act to provide an appropriation for defraying the expenses of the division of emergency management.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 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; Froseth; Galvin; Gerntoliz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Gunter; Hagle; 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; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Freier; Henegar, D.

Engrossed SB 2016, as amended, passed and the title was agreed to.

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**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2013: Reps. Hausauer, Wald, Wilkie.

**APPOINTMENT OF CONFERENCE COMMITTEE**

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2015: Reps. Dorso, Dalrymple, Kroeber.

**MOTION**

REP. DORSO MOVED that all legislative action taken this afternoon, with the exception of Engrossed HB 1178, be messaged to the Senate immediately, which motion prevailed.

**MOTION**

REP. DORSO MOVED that the House be on the Fourth, Seventh, and Twelfth orders of business and at the conclusion of those orders, the House stand in recess until 6:00 p.m., which motion prevailed.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

The following communication was received from the Governor at 4:45 p.m., April 4, 1995.

This is to inform you that on April 4, 1995, I signed the following: HB 1051, HB 1243, HB 1337, HB 1339, HB 1342, HB 1343, HB 1349, HB 1356, HB 1374, HB 1385, HB 1419, HB 1194, HB 1228, HB 1355, and HB 1459.

**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 1246.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1006, HB 1289, HB 1392.

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

MADAM PRESIDENT: The House has passed unchanged: SCR 4012.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2006, SB 2029, SB 2305, SB 2313, SB 2425, SB 2428, SB 2475.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2016, SB 2505.

**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 2013: Reps. Hausauer; Wald; Wilkie

SB 2015: Reps. Dorso; Dalrymple; Kroeber

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 5:25 p.m., April 4, 1995: HB 1027, HB 1041, HB 1064, HB 1082, HB 1094, HB 1100, HB 1134, HB 1163, HB 1165, HB 1207, HB 1221, HB 1250, HB 1298, HB 1300, HB 1329, HB 1379, HB 1407, HB 1432, HB 1436, HB 1452, HB 1463, HB 1473, HB 1478, HB 1492, HB 1493, HB 1500, HB 1502.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2017.

**REPORT OF CONFERENCE COMMITTEE**

SB 2017, as engrossed: Your conference committee (Sens. Lips, Nalewaja, Redlin and Reps. Martinson, Bernstein, Kroeber) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1143-1146, adopt

amendments as follows, and place Engrossed SB 2017 on the Seventh order:

That the House recede from its amendments as printed on pages 1143-1146 of the Senate Journal and pages 1178-1181 of the House Journal and that Engrossed Senate Bill No. 2017 be amended as follows:

Page 1, line 3, after "cemetery" insert "; to provide for a transfer from the veterans' postwar trust fund; to amend and reenact section 54-45-03 of the North Dakota Century Code, relating to the administration of the civil air patrol by the adjutant general; and to provide an effective date"

Page 1, line 13, replace "2,435,834" with "2,753,889"

Page 1, line 17, replace "410,720" with "373,950"

Page 1, line 19, replace "6,395,570" with "6,738,800"

Page 1, line 20, replace "923,250" with "1,223,250"

Page 1, line 21, replace "4,235,227" with "5,082,300"

Page 1, after line 21, insert:

"Civil air patrol 92,454"

Page 2, line 1, replace "16,830,365" with "18,694,407"

Page 2, line 2, replace "9,940,126" with "11,502,180"

Page 2, line 3, replace "6,890,239" with "7,192,227"

Page 2, line 4, replace "\$130,000" with "\$330,000"

Page 2, after line 15, insert:

**SECTION 4. SPECIAL FUNDS.** The amount of \$100,000, or so much of the amount as is necessary, included in the estimated income line item in section 1 of this Act is to be spent from earnings of the veterans' postwar trust fund for the tuition programs provided for in chapters 37-07.1 and 37-07.2 for the biennium beginning July 1, 1995, and ending June 30, 1997. It is the intent that the \$100,000 be used for tuition payments for veterans as defined by section 37-01-40.

**SECTION 5. SPECIAL FUNDS.** The amount of \$130,000, or so much of the amount as is necessary, included in the estimated income line item in section 1 of this Act is to be spent from earnings of the veterans' postwar trust fund for the operations and maintenance of the veterans' cemetery for the biennium beginning July 1, 1995, and ending June 30, 1997.

**SECTION 6. CONTINGENT TRANSFER - APPROPRIATION.** Notwithstanding the provisions of section 37-14-14, and contingent upon the governor's budget recommendation for the 1997-99 biennium identifying and requesting an appropriation from the veterans' postwar trust fund, there is hereby appropriated and the state treasurer shall transfer as provided by this section the sum of \$2,250,000 from the principal balance of the veterans' postwar trust fund as follows: \$1,000,000 to the adjutant general for deposit in the North Dakota militia foundation for the purpose of establishing a permanent endowment fund for the operations of the veterans' cemetery and \$1,250,000 to the veterans' home for deposit in a permanent endowment fund for the future operations of the veterans' home.

These transfers shall take place immediately after the adjournment of the December 1996 organizational session if the executive budget, as presented by the governor to the legislative assembly during the December 1996 organizational session, identifies and requests any appropriations from the veterans' postwar trust fund. If there are no transfers from the veterans' postwar trust fund in the governor's budget recommendation for the 1997-99 biennium, the transfers authorized in this section shall not take place.

All interest accruing on the transfers in this section from the time of the transfer through June 30, 1997, must be deposited in the veterans' postwar trust fund.

**SECTION 7. AMENDMENT.** Section 54-45-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-45-03. Expenditure of funds - Limitation.** The commanding officer, North Dakota wing, civil air patrol, may expend appropriated grant funds as administered by the ~~aeronautics-commission~~ adjutant general. A report of expenditure of grant funds must be issued to the ~~aeronautics-commission~~ adjutant general annually. A general fund grant line item must be appropriated within the ~~aeronautics-commission's~~ adjutant general's budget. These funds may be expended to support the mission of the civil air patrol as determined by the commanding officer. No funds may be expended for uniforms or personal equipment of any member of the civil air patrol. All state equipment on inventory with the civil air patrol on July 7, 1991, and related to the mission of the civil air patrol must be transferred to the North Dakota wing of the civil air patrol.

**SECTION 8. EFFECTIVE DATE.** Sections 4, 5, and 6 of this Act are effective on December 31, 1995."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 540 - ADJUTANT GENERAL

HOUSE - This amendment makes the following changes:

	ENGROSSED BILL	RESTORE VACANT POSITIONS <sup>1</sup>	MOVE CIVIL AIR PATROL TO A SEPARATE LINE	VETERANS' CEMETERY	TUITION WAIVER PROGRAM <sup>2</sup>	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION
Salaries and wages	\$ 2,435,834	\$ 243,739	\$(55,684)	\$130,000		\$ 318,055	\$ 2,753,889
Operating expenses	2,350,464						2,350,464
Equipment	52,800						52,800
Capital improvements	25,000						25,000
Grants	410,720		(36,770)			(36,770)	373,950
Inauguration	1,500						1,500
Army Guard contract	6,395,570	343,230				343,230	6,738,800
Tuition and enlistment compensation	923,250				\$300,000	300,000	1,223,250
Air Guard contract	4,235,227	847,073				847,073	5,082,300
Civil Air Patrol			92,454			92,454	92,454
Total all funds	\$16,830,365	\$1,434,042		\$130,000	\$300,000	\$1,864,042	\$18,694,407
Less estimated income	<u>9,940,126</u>	<u>1,132,054</u>		<u>130,000</u>	<u>300,000</u>	<u>1,562,054</u>	<u>11,502,180</u>
Total general fund	\$ 6,890,239	\$ 301,988	\$ 0	\$ 0	\$ 0	\$ 301,988	\$ 7,192,227
FTE	112	23				23	135

<sup>1</sup> Restores all 23 vacant FTE positions and the related funding.

<sup>2</sup> House Bill No. 1249 (1995) increases the tuition waiver from 75 percent to 100 percent. The total increase of \$300,000 includes \$200,000 from the National Guard tuition trust fund and \$100,000 from the earnings on the veterans' postwar trust fund.

The amendment also adds a section providing for a contingent transfer of \$2,250,000 from the veterans' postwar trust fund as follows:

\$1,000,000 to the North Dakota Militia Foundation to establish a permanent endowment fund for the operations of the Veterans' Cemetery; and

\$1,250,000 to the Veterans' Home for deposit in a permanent endowment fund for the future operations of the Veterans' Home.

The transfers are contingent upon the Governor's budget recommendation for the 1997-99 biennium identifying and requesting an appropriation from the veterans' postwar trust fund.

The amendment also amends North Dakota Century Code Section 54-45-03 relating to the administration of the Civil Air Patrol by the Adjutant General instead of the Aeronautics Commission.

Engrossed SB 2017 was placed on the Seventh order of business on the calendar.

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

#### SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1131, HB 1152, HB 1362.

#### 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 1131, HB 1152, HB 1362.

#### SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2074, SB 2087, SB 2088, SB 2103, SB 2133, SB 2142, SB 2159, SB 2195, SB 2198, SB 2207, SB 2209, SB 2247, SB 2288.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2074, SB 2087, SB 2088, SB 2103, SB 2133, SB 2142, SB 2159, SB 2195, SB 2198, SB 2207, SB 2209, SB 2247, SB 2288.

#### SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1005, HB 1009, HB 1016, HB 1138, HB 1168, HB 1317, HB 1423, HB 1439, HB 1488.

#### 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 1005, HB 1009, HB 1016, HB 1138, HB 1168, HB 1317, HB 1423, HB 1439, HB 1488.

#### MOTION

**REP. KEMPENICH MOVED** that the House reconsider its action whereby Engrossed HB 1178 passed, which motion failed on a verification vote.

#### REPORT OF CONFERENCE COMMITTEE

**REP. KLEIN MOVED** that the conference committee report on Engrossed SB 2066 as printed on HJ page 1560 be adopted, which motion prevailed.

Engrossed SB 2066, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2066:** A BILL for an Act to establish the international trade coordinating council; and to provide an appropriation.

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

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; 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; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; Nichols; Nottestad; Oban; 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:** Christenson; Kroeber; Lloyd; Sandvig; Schimke; Wilkie

**ABSENT AND NOT VOTING:** Hagle; Henegar, D.

Engrossed SB 2066, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

**REP. DALRYMPLE MOVED** that the conference committee report on SB 2115 as printed on HJ page 1665 be adopted, which motion prevailed.

SB 2115, as amended, was placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

**SB 2115:** A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to transfer of municipal court cases to district court when a jury trial is not waived.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 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; 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; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**ABSENT AND NOT VOTING:** Hagle; Henegar, D.

SB 2115, as amended, passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. THORSON MOVED that the conference committee report on Engrossed SB 2181 as printed on HJ pages 1665-1667 be adopted, which motion prevailed.

Engrossed SB 2181, as amended, was placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

SB 2181: A BILL for an Act to create and enact section 50-06-05.6, a new section to chapter 50-06.1, a new section to chapter 54-34.3, and a new subsection to section 54-44.3-20 of the North Dakota Century Code, relating to the commission on aging, the committee on employment of people with disabilities, the commission on the status of women, and positions exempt from the central personnel system; to amend and reenact subsection 5 of section 39-01-15, sections 50-06-01.4, 50-27-01, and 50-27-03, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to parking certificates for the mobility impaired and to the children's trust fund administration; and to repeal chapter 50-26 of the North Dakota Century Code, relating to the governor's council on human resources.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 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; Gulleason; 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; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed SB 2181, as amended, passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1249.

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

MR. SPEAKER: The Senate has adopted the conference committee report on: HB 1289.

## REPORT OF CONFERENCE COMMITTEE

REP. KELSCH MOVED that the conference committee report on Engrossed SB 2264 as printed on HJ pages 1667-1669 be adopted, which motion prevailed.

Engrossed SB 2264, as amended, was placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILL

SB 2264: A BILL for an Act to create and enact a new chapter to title 12.1, a new subsection to section 12.1-34-02, a new section to chapter 26.1-40, four new sections to chapter 27-20, a new subsection to section 27-20-31, and a new section to chapter 39-06 of the North

Dakota Century Code, relating to criminal street gangs and street crime, fair treatment of victims and witnesses in juvenile court proceedings, a juvenile's suspension of driving privileges, suspension of driving privileges by delinquent children, juvenile court's exercise of contempt authority over parents ordered to participate in the treatment of a child, authority of the juvenile court to order the parents of a juvenile adjudicated delinquent to make restitution to the victim, disclosure of identifying information about a juvenile, disposition of a delinquent child, and a juvenile delinquent's suspension of driving privileges; to amend and reenact subsections 1 and 2 of section 12.1-06.1-01, sections 12.1-06.1-02 and 12.1-06.1-03, subsection 1 of section 12.1-32-02, subsection 5 of section 27-20-02, sections 27-20-26, 27-20-34, 27-20-51, 27-20-52, 27-20-53, and 62.1-02-01 of the North Dakota Century Code, relating to criminal associations and racketeering, leading a criminal association, illegal control of an enterprise, sentencing alternatives, definition of a deprived child, right to counsel for juveniles under the Uniform Juvenile Court Act, transfer of juveniles to other courts, inspection of court files and records, law enforcement records, fingerprinting and photographing of juveniles, and possession of firearms; to repeal section 29-01-28 of the North Dakota Century Code, relating to exclusion of spectators from trials of minors; 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 92 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Dalrymple; DeKrey; Delmore; 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; Nicholas; Nichols; Nottestad; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

**NAYS:** Coats; Mutzenberger; Oban

**ABSENT AND NOT VOTING:** Delzer; Hagle; Henegar, D.

Engrossed SB 2264, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. JOHNSON MOVED** that the conference committee report on SCR 4026 as printed on HJ page 1659 be adopted, which motion prevailed.

SCR 4026, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4026:** A concurrent resolution directing the Legislative Council to study the present and future role of the State Mill and Elevator.

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

SCR 4026, as amended, was declared adopted on a voice vote.

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#### REPORT OF CONFERENCE COMMITTEE

REP. RETZER MOVED that the conference committee report on Engrossed SB 2355 as printed on HJ pages 1685-1686 be adopted, which motion prevailed.

Engrossed SB 2355, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2355: A BILL for an Act to authorize the state board of higher education to sell certain land.

#### 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, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; 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; Kliniske; Koppelman; Kretschmar; Kroeber; Kunkel; Laughlin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Mutzenberger; Nicholas; 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: Berg; Dobrinski; Nichols

ABSENT AND NOT VOTING: Hagle; Henegar, D.

Engrossed SB 2355, as amended, passed and the title was agreed to.

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#### POINT OF PERSONAL PRIVILEGE

REP. KOPPELMAN: Mr. Speaker: I rise on a point of personal privilege and request that my remarks be printed in the Journal, which request was granted.

#### REMARKS OF REP. KOPPELMAN

Mr Speaker, I rise on a point of personal privilege and request that my remarks be printed in the Journal.

As the legislative session winds down, perhaps we all become reflective upon what we do here and upon the people we serve, as we go about the state's business.

It's been said about North Dakota that you can find more beautiful scenery elsewhere and that you can certainly find better climates, but that you can't find finer people. I think that's very true. I'd like us to pause to reflect upon the people we serve and to pay special tribute, posthumously, to one of them today.

Sudden and tragic events often help us refocus our priorities, by considering what's really important. The sudden, unexpected passing of my aunt on Sunday was just such an event for my family and me.

My aunt, Marcella Wasvick, was typical of many people in the great state of North Dakota, yet she also exemplified that which is best in all of us. She never achieved great wealth, fame, or position - the things that many spend their lives striving for. Instead, she lived a life that exemplified the things which really are important. She worked as a farmer, a businesswoman, and an employee. She was a wife, a mother, a grandmother, and a great-grandmother. She loved her God, her family, and her neighbors.

Though she lived her entire life in Richland County, North Dakota, the lives she touched are far-reaching.

She was honest, trustworthy, caring, and fun-loving. She thought of others before she thought of herself.

She set a worthy example for us all. As we, the family that loved her, lay her to rest tomorrow, we will be challenged by her example. I hope each of us here is also challenged to strive for these simple, basic virtues which made one woman a great woman in our eyes and which far outweigh the loftiest of worldly accomplishments.

Thank you, Mr. Speaker.

#### REPORT OF CONFERENCE COMMITTEE

REP. CARLSON MOVED that the conference committee report on SB 2466 as printed on HJ pages 1686-1687 be adopted, which motion prevailed.

SB 2466, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2466: A BILL for an Act to amend and reenact subsection 3 of section 52-04-05 and subsection 3 of section 52-04-06 of the North Dakota Century Code, relating to determination of contribution rates and variations in the standard rate of contributions for unemployment compensation purposes.

#### ROLL CALL

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

YEAS: Aarsvold; 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; Guleson; 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; Nichols; Nottestad; Oban; Olson; Payne; Poolman; Price; Rennerfeldt; Retzer; Rydell; Sabby; Sandvig; Schimke; Schmidt; Shide; Sitz; Skarphol; Soukup; Stenehjelm; Svedjan; Sveen; Thompson; Thoreson; Timm; Tollefson; Torgerson; Wald; Walker; Wardner; Wentz; Wilkie; Speaker Martin

ABSENT AND NOT VOTING: Hagle; Henegar, D.; Nicholas

SB 2466, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. SKARPHOL MOVED that the conference committee report on Engrossed SB 2403 be adopted, which motion prevailed.

Engrossed SB 2403, as amended, was placed on the Fourteenth order of business on the calendar.

### SECOND READING OF SENATE BILL

**SB 2403:** A BILL for an Act to amend and reenact sections 65-04-01 and 65-04-17 of the North Dakota Century Code, relating to classification of employments for workers' compensation premium rates and the experience rating of employers by the workers compensation bureau; and to provide for a legislative council study.

### 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; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; 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; 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

**ABSENT AND NOT VOTING:** Bernstein; Hagle; Henegar, D.; Nicholas

Engrossed SB 2403, as amended, passed and the title was agreed to.

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### REPORT OF CONFERENCE COMMITTEE

**REP. MARTINSON MOVED** that the conference committee report on Engrossed SB 2017 be adopted, which motion prevailed.

Engrossed SB 2017, as amended, was placed on the Fourteenth order of business on the calendar.

### SECOND READING OF SENATE BILL

**SB 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general and for operation of the North Dakota veterans' cemetery; to provide for a transfer from the veterans' postwar trust fund; to amend and reenact section 54-45-03 of the North Dakota Century Code, relating to the administration of the civil air patrol by the adjutant general; 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 91 YEAS, 1 NAY, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Austin; Bateman; Belter; Berg; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Clayburgh; Coats; Dalrymple; DeKrey; Delmore; Delzer; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Glasheim; Gorder; 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; 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

**NAYS:** Nichols

**ABSENT AND NOT VOTING:** Bernstein; Gorman; Hagle; Henegar, D.; Nicholas; Speaker Martin

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

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**MOTION**

**REP. DORSO MOVED** that all legislative action taken this afternoon 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 Seventh and Twelfth orders of business and at the conclusion of those orders, the House stand adjourned until 8:00 a.m., Wednesday, April 5, 1995, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1089, as engrossed:** Your conference committee (Sens. Traynor, W. Stenehjem, C. Nelson and Reps. Kelsch, DeKrey, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1081-1087, adopt amendments as follows, and place HB 1089 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1215-1221 of the House Journal and pages 1081-1087 of the Senate Journal and that Engrossed House Bill No. 1089 be amended as follows:

Page 1, line 1, after "28-32" insert ", a new subdivision to subsection 2 of section 51-19-09, and a new subsection to section 51-23-20"

Page 1, line 2, replace "hearing officers" with "administrative law judges and hearings held by the securities commissioner"

Page 1, line 3, after "reenact" insert "section 10-04-12, subsection 1 of section 10-04-16, subsection 5 of section 28-32-01, subsection 1 of section 28-32-08.1, subsections 3 and 5 of section 54-57-01," and remove "subsection 1 of section"

Page 1, line 4, remove "section" and after "to" insert "administrative hearings and the"

Page 1, line 5, replace "hearing officers" with "law judges", remove "and", and replace "section" with "sections 10-04-13 and"

Page 1, line 6, after "to" insert "appeals from orders of the securities commissioner and to"

Page 1, line 7, after "hearings" insert "; and to provide for a legislative council study"

Page 1, after line 8, insert:

**"SECTION 1. AMENDMENT.** Section 10-04-12 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-04-12. Hearings. Before entering an order revoking the registration of any securities as provided in section 10-04-09, the commissioner shall send to the issuer of ~~such~~ the securities, and if the application for registration of ~~such~~ the securities was filed by a registered dealer, to ~~such~~ the registered dealer, a notice of opportunity for hearing. Before entering an order refusing to register any person as a dealer, salesman, investment adviser, or investment adviser representative, as provided in section 10-04-10, or revoking the registration of any person as a registered dealer, salesman, investment adviser, or investment adviser representative as provided in section 10-04-11, the commissioner shall send to ~~such~~ that person, and if ~~such~~ that person is a salesman or investment adviser representative or an applicant for registration as a salesman or investment adviser representative, to the registered dealer or investment adviser who employs or proposes to employ ~~such~~ that salesman or investment adviser representative, a notice of opportunity for hearing.

1. Notices of opportunity for hearing must be sent by registered ~~or certified~~ mail, returned receipt requested, to the addressee's business address, and ~~such~~ the notice shall must state:
  - a. The order ~~which~~ the commissioner proposes to issue.
  - b. The grounds for issuing ~~such~~ the proposed order.
  - c. That the person to whom ~~such~~ the notice is sent will may be afforded a hearing upon request to the commissioner if ~~such~~ the request is made within ten days after receipt of the notice.
2. Whenever a person requests a hearing in accordance with ~~the provisions of~~ this section, the commissioner shall immediately set a date, time, and place for ~~such~~ the hearing and shall forthwith notify the person requesting ~~such~~ the hearing ~~thereof~~. The date set for ~~such~~ the hearing must be within fifteen days, but not earlier than five days, after the request for hearing has been made, unless otherwise agreed to by both the commissioner and the person requesting ~~such~~ the hearing.
3. ~~For the purpose of conducting any hearing as provided in this section, the commissioner shall have the power to call any party to testify under oath at such hearings, to require the attendance of witnesses, the production of books, records, and papers, and to take the depositions of witnesses; and for that purpose the commissioner is authorized, at the request of the person requesting such hearing or upon his own initiative, to issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers, directed to the sheriff of the county where such witness resides or is found, which shall be served and returned. The fees and mileage of the sheriff and witnesses must be paid from the fund in the state treasury for the use of the commissioner in the same manner that other expenses of the commissioner are paid.~~
- 4- ~~At any Any hearing conducted under this section, a party or an affected person may appear in his own behalf or may be represented by an attorney. A stenographic record of the testimony and other evidence submitted must be taken unless the commissioner and the person requesting such hearing shall agree that such a stenographic record of the testimony shall not be taken. The commissioner shall pass upon the admissibility of evidence, but a party may at any time make~~

~~objections to the rulings of the commissioner thereon, and if the commissioner refuses to admit evidence the party offering the same shall make a proffer thereof and such proffer must be made a part of the record of such hearing.~~

- ~~5. In any hearing under this section, the commissioner may conduct such hearing or he may appoint a referee who shall have the same powers and authority in conducting such hearings as are in this section granted to the commissioner. Such referee shall have been admitted to the practice of law in this state and be possessed of such additional qualifications as the commissioner may require. If a hearing is conducted by a referee such referee shall submit to the commissioner a written report setting forth his findings of fact and conclusions of law and a recommendation of the action to be taken by the commissioner. A copy of such written report and recommendations must within five days of the time of filing thereof be served upon the person who requested the hearing, or his attorney or other representative of record, by registered or certified mail. That person or his attorney may, within ten days of receipt of the copy of such written report and recommendations, file with the commissioner written objections to the report and recommendations which must be considered by the commissioner before entering an order. No recommendations of the referee may be approved, modified, or disapproved by the commissioner until after ten days after service of such report and recommendations as herein provided. The recommendations of the referee may be approved, modified, or disapproved by the commissioner. The commissioner may order additional testimony to be taken or permit the introduction of further documentary evidence. A transcript of testimony and evidence, objections, if any, of the parties, and additional testimony and evidence, if any, shall have the same force and effect as if such hearing or hearings had been conducted by the commissioner. All recommendations of the referee to the commissioner are advisory only and do not have the effect of an order of the commissioner must be conducted in accordance with chapter 28-32.~~

- ~~6- 4. If the commissioner does not receive a request for a hearing within the prescribed time, he the commissioner may enter the proposed a final order. ~~If a hearing is requested and conducted with respect to a proposed order, the commissioner shall issue a written order which must set forth his the findings with respect to the matters involved and enter an order in accordance with his findings.~~~~

**SECTION 2. AMENDMENT.** Subsection 1 of section 10-04-16 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Issue any order including, ~~but not limited to,~~ cease and desist, stop, and suspension orders, which the commissioner deems necessary or appropriate in the public interest or for the protection of investors. The commissioner may, in addition to any other remedy authorized by this chapter, impose by order and collect a civil penalty against any person found in an administrative action to have violated any provision of this chapter, or any ~~regulation, rule, or order~~ adopted or issued under this chapter, in an amount not to exceed ten thousand dollars for each violation. The attorney general, upon the commissioner's request, may bring actions to recover penalties pursuant to this section in district court. However, any person aggrieved by an order issued

pursuant to this subsection may request a hearing before the commissioner if ~~such~~ the request is made within ten days after receipt of the order. The provisions of subsections 2, 3, ~~and 4, and 5~~ of section 10-04-12 apply to any hearing conducted ~~hereunder~~ under this subsection. If, after a hearing, the commissioner ~~shall sustain~~ sustains an order previously issued, the sustaining order is subject to appeal to the district court of Burleigh County by serving on the commissioner within twenty days after the date of entry of the sustaining order a written notice of appeal signed by the appellant stating:

- a. The order of the commissioner from which the appeal is taken.
- b. The grounds upon which a reversal or modification of ~~such~~ the order is sought.
- c. A demand for a certified transcript of the record of ~~such~~ the order.

~~The provisions of subdivisions a and b of subsection 3 of section 10-04-12 apply to an appeal hereunder."~~

Page 2, after line 17, insert:

"SECTION 4. AMENDMENT. Subsection 5 of section 28-32-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. "Hearing officer" means any agency head or one or more members of the agency head when presiding in an administrative proceeding, or, unless prohibited by law, one or more other persons designated by the agency head to preside in an administrative proceeding, an administrative law judge from the office of administrative hearings, or any other person duly assigned, appointed, or designated to preside in an administrative proceeding pursuant to statute or rule.

SECTION 5. AMENDMENT. Subsection 1 of section 28-32-08.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Any person or persons presiding for the agency in an administrative proceeding must be referred to individually or collectively as hearing officer. Any person from the office of administrative hearings presiding for the agency as a hearing officer in an administrative proceeding must be referred to as an administrative law judge.

SECTION 6. A new subdivision to subsection 2 of section 51-19-09 of the North Dakota Century Code is created and enacted as follows:

If a hearing is requested or ordered under this section, it must be conducted in accordance with chapter 28-32.

SECTION 7. A new subsection to section 51-23-20 of the North Dakota Century Code is created and enacted as follows:

If a hearing is requested or ordered under this section, it must be conducted in accordance with chapter 28-32.

SECTION 8. AMENDMENT. Subsections 3 and 5 of section 54-57-01 of the 1993 Supplement to the North Dakota Century Code are amended and reenacted as follows:

3. The director of administrative hearings may preside as an administrative law judge at administrative hearings and may employ or appoint additional administrative ~~hearings officers~~ law judges to serve in the office as necessary to fulfill the duties of office as described in section 54-57-04 and section 3 of this Act and to provide administrative ~~hearings officers~~ law judges to preside at administrative hearings as requested by agencies. After the effective date of this Act, the director of administrative hearings may employ or appoint only such additional administrative law judges who are attorneys at law in good standing, admitted to the bar in the state, and currently licensed by the state bar board. The director may delegate to an employee the exercise of a specific statutory power or duty as deemed advisable, subject to the director's control, including the powers and duties of a deputy director. All administrative ~~hearings officers~~ law judges must be classified employees, except that the director of administrative hearings must be an unclassified employee who only may be removed, during a term of office, for cause. Each administrative ~~hearings officer~~ law judge must have a demonstrated knowledge of administrative practices and procedures and must be free of any association that would impair the ~~officer's~~ person's ability to function officially in a fair and objective manner.
5. The director of administrative hearings shall develop categories of positions in the classified service under class titles for the appointment or employment of ~~hearings officers~~ administrative law judges and support staff in consultation with and approved by the director of the central personnel division, including the salary to be paid for each position or category of position."

Page 2, line 20, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 2, line 21, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 2, line 23, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 2, line 24, replace "hearing officers" with "law judges"

Page 2, line 28, overstrike "hearings officers" and insert thereafter immediately thereafter "law judges"

Page 3, line 26, overstrike "a hearings officer" and insert immediately thereafter "an administrative law judge"

Page 3, line 27, overstrike "a"

Page 3, line 28, overstrike "hearings officer" and insert immediately thereafter "an administrative law judge"

Page 4, line 5, overstrike "a hearings officer" and insert immediately thereafter "an administrative law judge"

Page 4, line 11, overstrike "hearings officer" and insert immediately thereafter "administrative law judge"

Page 4, line 14, overstrike "a hearings"

Page 4, line 15, overstrike "officer" and insert immediately thereafter "an administrative law judge"

Page 4, line 16, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 4, line 18, overstrike "a hearings officer" and insert immediately thereafter "an administrative law judge"

Page 4, line 21, overstrike "hearings officer" and insert immediately thereafter "law judge"

Page 4, after line 27, insert:

"6. No administrative penalty for violation of section 39-08-01 or equivalent ordinance or section 39-20-01 or 39-20-14 may be imposed for a violation occurring after July 30, 1997. Penalties for violations of section 39-08-01 or equivalent ordinance or section 39-20-01 or 39-20-14 occurring after July 30, 1997, may be imposed only by municipal or district courts."

Page 5, line 1, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 5, line 2, overstrike "hearings officers" and insert immediately thereafter "law judges"

Page 6, line 3, replace "1" with "3"

Page 6, line 7, replace "Subsection 1 of section" with "Section"

Page 6, after line 9, insert:

"54-57-05. Uniform rules of administrative practice or procedure - Effective date - ~~Hearings officer~~ Administrative law judge rules."

Page 6, after line 21, insert:

"2. The director of administrative hearings may adopt rules to further establish qualifications for ~~hearings officers~~ administrative law judges; to establish procedures for requesting and designating ~~hearings officers~~ administrative law judges; and to facilitate the performance of duties and responsibilities conferred by this chapter. Any rules adopted by the director of administrative hearings pursuant to this subsection must be adopted in accordance with chapter 28-32."

Page 6, line 24, overstrike "hearings officers" and insert immediately thereafter "administrative law judges"

Page 6, line 27, overstrike "hearings officer" and insert immediately thereafter "law judge"

Page 7, line 4, overstrike "hearings officer" and insert immediately thereafter "administrative law judge"

Page 7, line 9, overstrike the second "hearings"

Page 7, line 10, overstrike "officer" and insert immediately thereafter "law judge"

Page 7, line 15, overstrike "hearings officer" and insert immediately thereafter "law judge"

- Page 8, line 2, overstrike "hearings officers" and insert immediately thereafter "law judges"
- Page 8, line 6, overstrike "hearings officer" and insert immediately thereafter "law judge"
- Page 8, line 11, overstrike "hearings officers" and insert immediately thereafter "law judges"
- Page 8, line 13, overstrike "hearings officers" and insert immediately thereafter "law judges"
- Page 8, line 17, overstrike "hearings officers" and insert immediately thereafter "administrative law judges"
- Page 8, line 19, after "Section" insert "10-04-13 of the North Dakota Century Code and section"
- Page 8, line 20, replace "is" with "are"
- Page 8, after line 20, insert:

"SECTION 15. LEGISLATIVE COUNCIL STUDY OF ADMINISTRATIVE VERSUS COURT PROCEEDINGS IN DRIVING OFFENSES. The legislative council shall consider studying the proper role of the administrative hearings process in suspension or revocation of motor vehicle operators' licenses in light of recent court decisions on double jeopardy issues. The legislative council shall report its findings and recommendations, and any legislation necessary to implement the recommendations, to the fifty-fifth legislative assembly."

Renumber accordingly

Engrossed HB 1089 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

HCR 3017: Your conference committee (Sens. Traynor, Watne, LaFountain and Reps. Koppelman, Klein, Christenson) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1145-1146, adopt amendments as follows, and place HCR 3017 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1145 and 1146 of the House Journal and page 959 of the Senate Journal and that House Concurrent Resolution No. 3017 be amended as follows:

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "urging Congress and the President to consider carefully the burden, consequences, and impact of federal legislation upon states and political subdivisions and to immediately cease all mandates.

WHEREAS, the power of the federal government is that which is delegated to it by the Constitution of the United States, the Tenth Amendment to the Constitution of the United States established the roles of the federal government and state governments, and the federal government was created as an agent of the states; and

WHEREAS, the traditional role of the federal government as the unified voice of the several states is subverted when Congress and the President enact laws that unnecessarily mandate the activities of state and local governments and violate the spirit of the Tenth Amendment of the Constitution of the United States and are beyond the federal government's constitutionally delegated authority; and

WHEREAS, states and political subdivisions are struggling under the burden of federal legislative and regulatory requirements that increase the fiscal pressures on state and local governments and reduce the ability of state and local governments to meet the needs and wishes of their constituents;

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

That the Fifty-fourth Legislative Assembly urges the Congress and the President of the United States to consider carefully the substantial legislative and regulatory burden and consequences that have been imposed by the federal government upon states and political subdivisions and to immediately cease all mandates; and

**BE IT FURTHER RESOLVED**, that the Secretary of State forward copies of this resolution to members of the North Dakota Congressional Delegation and the President of the United States."

Renumber accordingly

HCR 3017 was placed on the Seventh order of business on the calendar.

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

**ROY GILBREATH, Chief Clerk**