

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

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Bismarck, April 2, 1997

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

The prayer was offered by the Rev. David Motta, Calvary United Methodist Church, Fargo.

The roll was called and all members were present except Representatives Gulleson and Gunter.

A quorum was declared by the Speaker.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

The following communication was received from the Governor at 8:00 a.m., Wednesday, April 2, 1997.

This is to inform you that on April 1, 1997, I signed the following: HB 1135, HB 1138, HB 1141, HB 1142, HB 1183, HB 1185, HB 1227, HB 1266, HB 1268, HB 1314, HB 1350, HB 1360, and HB 1410.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2015: Reps. Freier, Lloyd, Wilkie.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1067.

**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 2173.

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

**MR. SPEAKER:** The President has signed: HB 1002, HB 1011, HB 1016, HB 1027, HB 1036, HB 1046, HB 1074, HB 1075, HB 1115, HB 1153, HB 1189, HB 1191, HB 1199, HB 1210, HB 1216, HB 1257, HB 1259, HB 1267, HB 1324, HB 1339, HB 1344, HB 1346, HB 1351, HB 1362, HB 1364, HB 1368, HB 1385, HB 1396, HB 1399, HB 1403, HB 1418, HB 1445, HB 1467, HB 1468, HCR 3019, HCR 3026, HCR 3034, HCR 3045.

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

**MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2005, SB 2007, SB 2011, SB 2020, SB 2149, SB 2234, SB 2318, SB 2362.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1012.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1012**

Page 1, line 3, remove "a new subsection to section 50-06-05.4 and"

Page 1, line 4, remove "the human service council duties and to"

Page 1, line 6, replace "sections 54-14-03.1 and" with "section"

Page 1, line 8, replace "50-06-05.5" with "25-04-20"

Page 1, line 9, replace the first "and" with a comma

Page 1, line 11, after the comma insert "and to amend and reenact section 4 of chapter 561 of the 1991 Session Laws as amended by section 18 of chapter 2 of the 1993 Session Laws and by section 9 of chapter 34 of the 1995 Session Laws,"

Page 1, line 12, after "the" insert "westwood park assets management committee,"

Page 1, line 13, replace "to repeal section 25-04-20 of" with "to provide for a legislative council study and reports to the budget section;"

Page 1, remove line 14

Page 1, line 15, after the semicolon insert "to provide an expiration date;"

Page 2, line 1, replace "8,670,509" with "8,851,202"

Page 2, line 2, replace "6,831,453" with "13,191,666"

Page 2, line 3, replace "25,564" with "87,939"

Page 2, line 6, replace "18,083,959" with "24,687,240"

Page 2, line 7, replace "12,162,731" with "14,208,075"

Page 2, line 8, replace "5,921,228" with "10,479,165"

Page 2, line 12, replace "18,141,716" with "29,299,101"

Page 2, line 13, replace "1,000" with "52,736"

Page 2, remove lines 15 and 16

Page 2, line 17, replace "187,940,292" with "194,255,042"

Page 2, line 18, replace "606,723,360" with "611,089,860"

Page 2, line 19, replace "826,450,739" with "843,541,110"

Page 2, line 20, replace "636,150,543" with "650,438,393"

Page 2, line 21, replace "190,300,196" with "193,102,717"

Page 2, line 24, replace "9,350,702" with "9,528,238"

Page 2, line 25, replace "10,987,311" with "13,589,797"

Page 2, line 26, replace "129,065" with "332,545"

Page 2, line 28, replace "100,266,694" with "101,075,469"

Page 2, line 29, replace "120,735,391" with "124,527,668"

Page 2, line 30, replace "85,402,836" with "88,359,895"

Page 2, line 31, replace "35,332,555" with "36,167,773"

Page 3, line 3, replace "7,486,057" with "7,753,411"

Page 3, line 4, replace "3,741,452" with "3,801,225"

Page 3, line 5, replace "3,744,605" with "3,952,186"

Page 3, line 7, replace "12,252,822" with "12,567,842"

Page 3, line 8, replace "6,494,751" with "6,512,482"

Page 3, line 9, replace "5,758,071" with "6,055,360"

Page 3, line 11, replace "7,012,831" with "7,218,639"

Page 3, line 12, replace "3,193,069" with "3,202,436"

Page 3, line 13, replace "3,819,762" with "4,016,203"

Page 3, line 15, replace "15,378,846" with "15,851,751"

Page 3, line 16, replace "8,365,365" with "8,531,389"

Page 3, line 17, replace "7,013,481" with "7,320,362"

Page 3, line 19, replace "16,404,559" with "16,744,297"

Page 3, line 20, replace "9,781,486" with "9,865,116"

Page 3, line 21, replace "6,623,073" with "6,879,181"

Page 3, line 23, replace "9,022,191" with "9,347,902"

Page 3, line 24, replace "4,338,947" with "4,421,354"

Page 3, line 25, replace "4,683,244" with "4,926,548"

Page 3, line 27, replace "14,479,280" with "14,984,354"

Page 3, line 28, replace "7,895,864" with "7,981,184"

Page 3, line 29, replace "6,583,416" with "7,003,170"

Page 4, line 1, replace "7,959,369" with "8,118,947"

Page 4, line 2, replace "3,821,558" with "3,837,857"

Page 4, line 3, replace "4,137,811" with "4,281,090"

Page 4, line 5, replace "52,338,902" with "54,618,607"

Page 4, line 7, replace "54,240,302" with "56,520,007"

Page 4, line 8, replace "18,566,061" with "19,038,738"

Page 4, line 9, replace "35,674,241" with "37,481,269"

Page 4, line 11, replace "38,824,692" with "39,233,420"

Page 4, line 13, replace "39,086,692" with "39,495,420"

Page 4, line 14, replace "30,132,445" with "30,158,522"

Page 4, line 15, replace "8,954,247" with "9,336,898"

Page 4, remove lines 16 through 19

Page 4, line 20, replace "184,647,837" with "188,602,570"

Page 4, line 21, replace "96,330,998" with "97,350,303"

Page 4, line 22, replace "88,316,839" with "91,252,267"

Page 4, line 25, replace "32,263,866" with "9,341,240"

Page 4, line 26, replace "19,263,866" with "3,530,403"

Page 4, line 27, replace "13,000,000" with "5,810,837"

Page 4, line 28, replace "332,870,818" with "336,812,759"

Page 4, line 29, replace "849,310,974" with "853,887,069"

Page 4, line 30, replace "1,182,181,792" with "1,190,699,828"

Page 5, line 21, after the period insert "The transfers from human service centers require prior consultation with the regional human service center advisory boards."

Page 5, remove lines 26 through 31

Page 6, remove lines 1 through 11

Page 6, line 12, after "CENTER" insert "AND INSTITUTIONAL"

Page 6, line 14, after the first "centers" insert "and institutions" and after the second "centers" insert "and institutions"

Page 6, line 16, remove "and" and after "practices" insert ", and core services"

Page 6, line 20, remove "essential"

Page 6, line 21, after "enhancements" insert "in consultation with the central office"

Page 6, remove lines 22 through 24

Page 6, line 25, replace "5" with "4"

Page 6, line 26, replace "to reallocate for performance incentives and" with "or"

Page 6, after line 27, insert "Human service centers are to provide appropriate community services to continue the trend of fewer state hospital and developmental center admissions in order to serve clients, to the extent possible, in a least restrictive environment."

Page 6, line 29, replace "EMERGENCY COMMISSION APPROVAL" with "REPORTS TO THE BUDGET SECTION AND THE LEGISLATIVE COUNCIL"

Page 6, line 30, remove "emergency commission approve requests submitted by a" and replace "center" with "centers"

Page 6, line 31, replace "or" with "and" and replace "for authorization to hire" with "report to the budget section and the legislative council, or its designee, on the hiring of any"

Page 7, line 1, replace "that are associated with an approved request for funding from the supplemental fund" with "in addition to those authorized by the legislative assembly"

Page 7, remove line 2

Page 7, remove lines 12 through 19

Page 7, line 21, remove "and the welfare reform"

Page 7, line 22, remove "contingency line item in subdivision 2" and remove "The"

Page 7, line 23, remove "welfare reform contingency may only be spent with prior budget section approval."

Page 7, line 26, after "fall" insert "1998 and"

Page 7, line 27, replace "meeting" with "meetings"

Page 7, replace lines 28 and 29 with:

**"SECTION 10. AMENDMENT.** Section 25-04-20 of the North Dakota Century Code is amended and reenacted as follows:

**25-04-20. Westwood park assets management committee.** The westwood park assets management committee consists of eleven members appointed by the governor as follows: three members of the senate, two from the majority faction and one from the minority faction, and three members of the house of representatives, two from the majority faction and one from the minority faction; a representative of the department of human services; a representative of the department of economic development and finance; a representative of the attorney general's office; the mayor of Grafton; and the governor or the governor's designee. ~~The officers of the westwood park assets management committee must be elected annually.~~ The governor shall appoint a chairman. Any state agency may serve in an advisory capacity to the westwood park assets management committee at the discretion of the committee. The committee shall meet at ~~least twice each year and at other~~ such times as the committee or its chairman may direct. The legislative members of the committee are entitled to receive the same compensation per day as provided in section 54-35-10 for members of the legislative council and the necessary mileage and travel expenses provided in sections 44-08-04 and 54-06-09 while attending committee meetings or in the

performance of such special duties as the committee may direct. The compensation provided for in this section may not be paid to any member of the committee who received salary or other compensation as a regular employee of the state, or any of its political subdivisions, or any institution or industry operated by the state. The westwood park assets management committee shall act when the legislative assembly is not in session to sell, lease, and otherwise manage the property of westwood park, subject to prior budget section approval. The department of human services shall provide staff services for the westwood park assets committee. Any conveyance made by the committee under this section is exempt from sections 54-01-05.2 and 54-01-05.5."

Page 8, remove lines 1 through 24

Page 9, line 11, remove "containing up to ten beds"

Page 10, line 7, after "gross" insert "licensed" and after "beds" insert ", adjusted by any reduction in beds before July 31, 1997,"

Page 10, line 8, after "1999" insert ". Transfers of existing beds from one municipality to another municipality may be approved during the period August 1, 1997, to July 31, 1999, only to the extent that for each bed transfer approved the total number of licensed beds in the state is reduced by the same number transferred"

Page 10, line 18, after "gross" insert "licensed" and replace "twenty-four" with "forty"

Page 10, line 19, after "beds" insert ", adjusted by any reduction in beds before July 31, 1997," and after "1999" insert ". Transfers of existing beds from one municipality to another municipality may be approved during the period August 1, 1997, to July 31, 1999, only to the extent that for each bed transfer approved the total number of licensed beds in the state is reduced by the same number transferred. Certificate of need projects approved by the state health council before July 31, 1995, and not completed as of the effective date of this legislation are considered to be within the state's licensed long-term care bed capacity as authorized by this section and may be completed. Contracts providing for long-term care bed transfers within the state to be completed by January 1, 1998, and not exceeding the state's licensed long-term care bed capacity as authorized by this section must be signed before May 1, 1997"

Page 10, after line 19, insert:

**"SECTION 16. AMENDMENT.** Section 4 of chapter 561 of the 1991 Session Laws as amended by section 18 of chapter 2 of the 1993 Session Laws and by section 9 of chapter 34 of the 1995 Session Laws is amended and reenacted as follows:

**SECTION 4. PROCEEDS - APPROPRIATION.** The proceeds from the sale of land, property, and equipment at westwood park must be deposited in the lands and minerals trust fund. There is hereby appropriated \$200,000, or so much thereof as may be necessary, from the lands and minerals trust fund, to the department of human services for capital improvements or demolition of existing buildings at westwood park for the period beginning July 1, 1991, and ending June 30, ~~1997~~ 1999."

Page 10, line 28, replace "20" with "17"

Page 10, line 29, remove "**OPERATING AND**"

Page 10, line 30, replace "department of human services shall allocate to the various" with "appropriation in subdivision 5 contains funding for the following computer development projects:

PROJECT	GENERAL FUND	OTHER FUNDS	TOTAL
TEEM - release 3	\$ 899,607	\$ 473,037	\$1,372,644
RESPOND - release 3	260,583	137,021	397,604
State hospital	3,711,031		3,711,031
Medical - TANF	379,307	2,537,922	2,917,229
Child care	164,666	164,666	329,332
Integrated case management	395,643	217,757	613,400
Total	\$5,810,837	\$3,530,403	\$9,341,240

The department of human services shall receive prior budget section approval before exceeding the costs for the named projects. If savings are projected for the computer

projects, the department of human services may request budget section approval to start other projects with projected savings."

Page 10, remove line 31

Page 11, line 1, remove "operating and development costs subject to budget section approval."

Page 11, line 20, remove "It is also the intent of the legislative assembly that"

Page 11, remove lines 21 through 23

Page 11, line 25, after "services" insert "may"

Page 12, line 12, remove "Each provider agency shall"

Page 12, remove lines 13 through 20

Page 12, replace lines 26 through 29 with:

**"SECTION 25. LEGISLATIVE INTENT - PILOT PROJECT FOR LOW-INCOME PARENTS PROVIDING SERVICES TO DEVELOPMENTALLY DISABLED ADULT CHILDREN - FEDERAL WAIVERS - BUDGET SECTION REPORTS.**

1. It is the intent of the legislative assembly that the department of human services seek appropriate federal waivers and establish a pilot program in one human service region to provide a subsidy on behalf of adult developmentally disabled children, age twenty-two and older, residing in the home of each adult child's parent or parents. The pilot program must:
  - a. Be limited to no more than five adult developmentally disabled children;
  - b. Provide subsidies substantially in the form of the family subsidy program;
  - c. Be limited to five hundred dollars per month per eligible adult developmentally disabled child; and
  - d. Be provided only on behalf of developmentally disabled adult children whose parent's income, not counting any form of means-tested public benefit, is no more than the federal poverty level applicable to a family of a size that includes the adult developmentally disabled child, that child's parent or parents, and minor children of that parent or those parents, living with the developmentally disabled adult child.
2. The pilot program required by this section must be based on policies developed and implemented without rulemaking that may be otherwise required under law.
3. The department shall study the provision of subsidies under this section and report on the status of available federal waivers and recommendations for the 1999-2001 biennium to the budget section of the legislative council.

**SECTION 26. EFFECTIVE DATE - EXPIRATION DATE.** Section 25 of this Act becomes effective on April 1, 1997, and is effective through June 30, 1999, and after that date is ineffective. Sections 14 and 15 are effective on August 1, 1997.

**SECTION 27. DEPARTMENT OF HUMAN SERVICES REPORTS TO BUDGET SECTION - HUMAN SERVICE CENTER BLOCK GRANT ACCOUNTABILITY.** The department of human services shall report to the budget section of the legislative council by June 30, 1998, regarding human service center block grant accountability including information regarding employee turnover and vacancies, human service center budget status and cash flow, clinical services including persons served, changes in client demand for services, waiting lists, impact on deinstitutionalization, and external purchase of services, regional needs assessment and planning, and development of an evaluation and outcome report.

**SECTION 28. LEGISLATIVE INTENT - TRAUMATIC BRAIN INJURY PROGRAM ESTABLISHMENT - DEVELOPMENTAL CENTER.** Notwithstanding

section 15 of this Act regarding the moratorium on long-term care bed expansion, it is the intent of the legislative assembly that the developmental center be allowed to establish a traumatic brain injury program, subject to emergency commission and budget section approval, including up to twenty full-time equivalent employees, if the program can be established in a cost-effective manner funded from other departmental and third-party resources.

**SECTION 29. REPORTS TO BUDGET SECTION - WELFARE FRAUD - COST-EFFECTIVENESS.** The department of human services shall periodically report to the budget section regarding the welfare fraud detection programs including reports on cost-effectiveness and avoidance, during the biennium beginning July 1, 1997, and ending June 30, 1999.

**SECTION 30. LEGISLATIVE COUNCIL STUDY - WELFARE REFORM IMPLEMENTATION - DEPARTMENT OF HUMAN SERVICES REPORTING.** The legislative council shall consider studying during the 1997-98 interim the monitoring of North Dakota's welfare reform implementation efforts to determine the effectiveness of welfare reform. The department of human services and persons or parties conducting the review shall periodically report to the legislative council, or its designee, regarding the evaluation of welfare reform during the 1997-98 interim.

**SECTION 31. LEGISLATIVE COUNCIL STUDY - BASIC CARE RATE EQUALIZATION.** The legislative council shall consider studying during the 1997-98 interim basic care rate equalization, including the cost impacts to the state and private pay residents."

Page 13, line 4, replace "16" with "12, 17" and replace "20, and 21" with "and 25"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

SENATE - The attached schedule details the Senate changes to House Bill No. 1012.

	1997-99 EXECUTIVE BUDGET	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS	TOTAL SENATE CHANGES	SENATE RECOMMENDED AMOUNTS
SUBDIVISION 1 - MANAGEMENT AND COUNCILS					
Salaries and wages	\$ 8,851,202	\$ (180,693)	\$ 8,670,509	\$ 180,693	\$ 8,851,202
Operating expenses	16,308,781	(9,477,328)	6,831,453	6,360,213	13,191,666
Equipment	190,925	(165,361)	25,564	62,375	87,939
Grants	715,477		715,477		715,477
Developmental disabilities loan fund	<u>1,840,956</u>		<u>1,840,956</u>		<u>1,840,956</u>
Total all funds	\$27,907,341	\$ (9,823,382)	\$18,083,959	\$6,603,281	\$24,687,240
Less estimated income	<u>15,762,387</u>	<u>(3,599,656)</u>	<u>12,162,731</u>	<u>2,045,344</u>	<u>14,208,075</u>
Total general fund appropriation	\$12,144,954	\$ (6,223,726)	\$ 5,921,228	\$4,557,937	\$10,479,165
FTE	105.80	(2.50)	103.30	1.5	104.80
SENATE CHANGES					
Salaries - Restore 1 vacant FTE director of field services					
Restore .5 FTE for centralized checkwriting (\$22,206) and postage (\$212,514)	\$ 81,240	153,480	234,720		
Restore computer operating costs (\$6,865,119) and equipment (\$62,375)	5,033,517	1,893,977	6,927,494		
Operating - Remove risk management premiums	(556,820)	(160,600)	(717,420)		
Total changes Subdivision 1	\$4,557,937	\$2,045,344	\$6,603,281		

SUBDIVISION 2 - ECONOMIC ASSISTANCE	1997-99 EXECUTIVE BUDGET	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS	TOTAL SENATE CHANGES	SENATE RECOMMENDED AMOUNTS
Salaries and wages	\$ 8,922,158	\$ (80,330)	\$ 8,841,828		\$ 8,841,828
Operating expenses	34,771,730	(16,630,014)	18,141,716	\$11,157,385	29,299,101
Equipment	151,203	(150,203)	1,000	51,736	52,736
Capital improvements	2,543		2,543		2,543
Welfare reform contingency		500,000	500,000	(500,000)	
Grants - Developmental disabilities direct contact staff supplement		4,300,000	4,300,000	(4,300,000)	
Grants - Assistance payments	201,094,966		187,940,292	16,314,750	194,255,042
Grants - Medical assistance	<u>615,640,315</u>	<u>(13,154,674)</u>	<u>606,723,360</u>	<u>4,366,500</u>	<u>611,089,860</u>
Total all funds	\$860,582,915	\$(34,132,176)	\$826,450,739	\$17,090,371	\$843,541,110
Less estimated income	<u>664,699,964</u>	<u>(28,549,421)</u>	<u>636,150,543</u>	<u>14,287,850</u>	<u>650,438,393</u>
Total general fund appropriation	\$195,882,951	\$ (5,582,755)	\$190,300,196	\$ 2,802,521	\$193,102,717
FTE	114.80	(1.00)	113.80	0	103.80
SENATE CHANGES	GENERAL FUND	OTHER FUNDS	TOTAL		
Operating expenses					
Restore TANF evaluation for outside consultant services	\$ 32,277	\$ 425,158	\$ 425,158		
Restore child enforcement payment adjustments		157,590	189,867		
Restore funding for current welfare fraud units	98,463	166,638	265,101		
Restore funding for new welfare fraud unit	30,455	51,545	82,000		
Restore computer operating (\$10,195,259) and equipment (\$51,736)	2,459,279	7,787,716	10,246,995		
Remove developmentally disabled direct staff line contingency line item	(1,463,374)	(2,836,626)	(4,300,000)		
Remove welfare reform contingency line item	(500,000)		(500,000)		
Grants - Assistance payments					
Use remaining TANF funds	(530,000)	530,000			
Restore moneys for Indian county allocations (\$619,000) and additional moneys to implement House Bill No. 1041 (\$1,168,000)	1,787,000		1,787,000		

Adjust grant caseload reprojections to correct amounts	(50,096)	(32,429)	(82,525)
Revise child care grant funding	(295,540)	2,913,059	2,617,519
Reduction for AFDC women - First two trimesters	(407,244)		(407,244)
Appropriate additional LIHEAP funds	157,977	2,400,000	2,400,000
Add general fund - Decrease county funds for reduced county share of TANF - First six months		(157,977)	
Grants - Medical assistance payments			
Appropriate funds for pilot project for developmentally disabled adults	19,950	46,550	66,500
Add funds transferred from developmentally disabled direct staff supplement	1,463,374	2,836,626	4,300,000
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Total changes Subdivision 2	\$ 2,802,521	\$14,287,850	\$17,090,371

	1997-99 EXECUTIVE BUDGET	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS	TOTAL SENATE CHANGES	SENATE RECOMMENDED AMOUNTS
<b>SUBDIVISION 3 - PROGRAM AND POLICY</b>					
Salaries and wages	\$ 9,501,779	\$ (151,077)	\$ 9,350,702	\$ 177,536	\$ 9,528,238
Operating expenses	13,498,064	(2,510,753)	10,987,311	2,602,486	13,589,797
Equipment	1,034,393	(905,328)	129,065	203,480	332,545
Capital improvements	1,619		1,619		1,619
Grants	99,078,622	1,188,072	100,266,694	808,775	101,075,469
Total all funds	\$123,114,477	\$ (2,379,086)	\$120,735,391	\$3,792,277	\$124,527,668
Less estimated income	86,586,644	(1,183,808)	85,402,836	2,957,059	88,359,895
Total general fund appropriation	\$ 36,527,833	\$ (1,195,278)	\$ 35,332,555	\$ 835,218	\$ 36,167,773
FTE	117.15	(3.50)	113.65	1.0	114.65
<b>SENATE CHANGES</b>					
Salaries - Restore funding for program and policy FTE removed in both the executive budget and also in the House version	\$ 115,633	\$ 61,903	\$ 177,536		
Operating - Pilot study of substance abuse		30,881	30,881		
Operating - Social work training		287,941	287,941		
Restore computer operating (\$2,283,664) and equipment (\$203,480)	817,829	1,669,315	2,487,144		
Grants					
Foster care caseload reprojections correction	(223,244)	(103,558)	(326,802)		
Revise child care grant projections		612,938	612,938		
Restore vocational rehabilitation grants reduced by the House	125,000	125,000	250,000		
Pilot study of substance abuse - Grants		272,639	272,639		
Total changes Subdivision 3	\$ 835,218	\$ 2,957,059	\$ 3,792,277		

GENERAL FUND CHANGES

SUBDIVISION 4 - FIELD SERVICES	GENERAL FUND CHANGES				RESTORE FUNDING	RESTORE .3 FTE PHYSICIAN FOSTER GRANDPARENT	RESTORE COMPUTER OPERATING	TOTAL SENATE CHANGES	SENATE RECOMMENDED AMOUNTS
	1997-99 EXECUTIVE BUDGET	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS	RESTORE .3 FTE PHYSICIAN FOSTER GRANDPARENT					
Human service centers									
Northwest	\$ 4,034,982	\$ (290,377)	\$ 3,744,605	\$ 88,392	\$ 119,189	\$ 207,581	\$ 3,952,186		
North Central	6,325,483	(567,412)	5,758,071	135,920	161,369	297,289	6,055,360		
Lake Region	4,149,514	(329,752)	3,819,762	90,166	106,275	196,441	4,016,203		
Northwest	7,462,339	(448,858)	7,013,481	165,555	141,326	306,881	7,320,362		
Southeast	7,101,123	(478,050)	6,623,073	156,339	99,769	256,108	6,879,181		
South Central	5,061,657	(378,393)	4,683,264	110,949	132,755	243,704	4,826,948		
West Central	7,138,732	(555,316)	6,583,416	155,405	264,349	419,754	7,003,170		
Badlands	4,429,355	(291,544)	4,137,811	97,674	45,605	143,279	4,281,090		
Total human service centers	\$ 45,703,165	\$(3,339,702)	\$ 42,363,463	\$ 1,000,000	\$ 1,070,637	\$ 2,070,637	\$ 44,434,100		
State Hospital Developmental Center	\$ 42,847,213	\$(7,172,972)	\$ 35,674,241	\$ 1,143,279	\$ 663,749	\$ 1,807,028	\$ 37,481,269		
Mental health - Supplemental fund	9,413,550	(459,303)	8,954,247	363,219	19,432	382,651	9,336,898		
Developmental disabilities services - Supplemental fund		1,143,279	1,143,279	(181,609)		(181,609)			
Total general fund	\$ 97,963,928	\$(9,647,089)	\$ 88,316,839	\$ 1,181,610	\$ 1,753,818	\$ 2,935,428	\$ 91,252,267		

ALL FUNDS CHANGES

Human service centers									
Northwest	\$ 7,843,299	\$(357,242)	\$ 7,486,057	\$ 88,392	\$ 178,962	\$ 267,354	\$ 7,763,411		
North Central	12,933,325	(880,503)	12,052,822	135,920	179,100	315,020	12,567,842		
Lake Region	7,388,308	(355,477)	7,032,831	90,166	115,642	205,808	7,218,639		
Northwest	15,936,193	(557,347)	15,378,846	165,555	240,350	472,905	15,851,751		
Southeast	17,060,957	(656,398)	16,404,559	156,339	183,399	339,738	16,744,297		
South Central	9,512,689	(490,498)	9,022,191	110,949	215,162	325,711	9,347,902		
West Central	15,124,615	(645,335)	14,479,280	155,405	349,669	505,074	14,984,354		
Badlands	7,883,040	(76,329)	7,806,711	97,674	61,904	159,578	8,118,947		
Total human service centers	\$ 93,662,426	\$(3,666,471)	\$ 89,995,955	\$ 1,000,000	\$ 1,524,188	\$ 2,591,188	\$ 92,587,143		
State Hospital Developmental Center	\$ 59,828,413	\$(5,588,111)	\$ 54,240,302	\$ 1,524,373	\$ 664,129	\$ 2,279,705	\$ 56,520,007		
Mental health - Supplemental fund	39,644,743	(558,051)	39,086,692	363,219	45,509	408,728	39,495,420		
Developmental disabilities services - Supplemental fund		1,143,279	1,143,279	(181,609)		(181,609)			
Total all funds	\$193,135,582	\$(8,487,745)	\$184,647,837	\$ 1,562,704	\$ 2,233,826	\$ 3,954,733	\$188,602,570		
FTE Positions - Human service centers	823.75	(15.50)	808.25	0.00		0.00	808.25		
FTE Positions - State Hospital	632.10	(16.80)	615.30	7.00		7.30	622.60		
FTE Positions - Developmental Center	473.30	0.00	473.30			0.00	473.30		
FTE Positions - Subdivision 4	1,929.15	(32.30)	1,896.85	7.00	0.00	7.30	1,904.15		

	1997-99 EXECUTIVE BUDGET	TOTAL HOUSE CHANGES	HOUSE RECOMMENDED AMOUNTS	TOTAL SENATE CHANGES	SENATE RECOMMENDED AMOUNTS
SUBDIVISION 5 - COMPUTER TECHNOLOGY					
Total all funds	\$ 0	\$ 32,263,866	\$ 32,263,866	\$(22,922,626)	\$ 9,341,240
Less estimated income	0	19,263,866	19,263,866	(15,733,463)	3,530,403
Total general fund appropriation	\$ 0	\$ 13,000,000	\$ 13,000,000	\$ (7,189,163)	\$ 5,810,837
Grand total all funds	\$1,204,740,315	\$(22,558,523)	\$1,182,181,792	\$ 8,518,036	\$1,190,699,828
Less estimated income	862,220,649	(12,909,675)	849,310,974	4,576,095	853,887,069
Grand total general fund appropriation	\$ 342,519,666	\$ (9,648,848)	\$ 332,870,818	\$ 3,941,941	\$ 336,812,759

The appropriation in Subdivision 5 is for six development projects with total principal and interest commitments for the years 1997-2003 of approximately \$8,671,503, of which \$959,003 is projected interest payments.

In addition, this amendment makes the following changes:

Amends Section 5 to provide that transfers from human service centers require consultation with the regional human service center advisory boards.

Removes Sections 6 and 7 regarding the supplemental funds for mental health and developmental disabilities services.

Amends Section 8 to apply the program expectations to institutional services.

Amends Section 9 regarding full-time equivalent employees to provide for Budget Section and Legislative Council interim reports on the hiring of any additional full-time equivalent positions.

Removes Section 11 regarding employee bonuses.

Amends Section 12 to remove the reference to the welfare reform contingency line item.

Removes Section 13 regarding human service center advisory board authority.

Removes Section 14 regarding the director of regional human service centers being a nonclassified position.

Amends Section 16 to remove the reference limiting Alzheimer's and related dementia projects to 10 beds.

Amends Sections 18 and 19 to provide that the number of licensed beds may be adjusted by any reduction in beds before July 31, 1997, and the recognition of certificate of need projects approved by the State Health Council before July 31, 1995, and the recognition of contracts signed prior to May 1, 1997, for long-term care bed transfers.

Amends Section 22 regarding computer development projects and Section 23 regarding legislative intent for computer development to remove language regarding the limitation on the Department of Human Services making interest payments on computer development contracts. Names the six projects funded. Additional projects that may be funded if savings are realized include Developmental Center (\$120,000), MMIS feasibility (\$1,100,000), and various networking projects (\$704,060).

Amends Section 24 to allow the Department of Human Services to establish pilot projects for expanded long-term care case management.

Amends Section 26 to remove the requirements that developmental disabilities provider agencies report to the Department of Human Services regarding payment for direct contact staff.

Removes Section 28 repealing the Westwood Park Assets Management Committee.

Adds a new Section 10 amending the statutory reference to the Westwood Park Assets Management Committee.

Adds Section 16 continuing the appropriation for the capital improvements for the Developmental Center from the lands and minerals trust fund originally enacted by the 1991 Legislative Assembly.

Adds a section providing legislative intent for a pilot project for low-income parents providing services to developmentally disabled adult children, including the department applying for federal waivers and related Budget Section reports.

Adds a section requiring the Department of Human Services to report to the Budget Section regarding human service center block grant accountability.

Provides for a Legislative Council study of welfare reform implementation and of basic care rate equalization.

Provides legislative intent regarding the establishment of a traumatic brain injury program at the Developmental Center.

Provides for Budget Section reports by the Department of Human Services regarding welfare fraud cost-effectiveness.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1022, HB 1023, HB 1024.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1022**

Page 1, line 13, replace "917,905" with "901,127"

Page 1, line 18, replace "6,085,381" with "6,068,603"

Page 1, line 19, replace "1,227,227" with "1,179,447"

Page 1, line 20, replace "4,858,154" with "4,889,156"

Page 2, line 2, replace "5,277,737" with "5,308,739"

Page 2, after line 10, insert:

**"SECTION 3. LEGISLATIVE INTENT - LIBRARY MATERIALS DATA BASE.**

It is the intent of the legislative assembly that the historical society use any administrative cost savings realized during the 1997-99 biennium to enter its library materials into the on-line Dakota information network, a statewide computerized library catalog and circulation system, during the biennium beginning July 1, 1997, and ending June 30, 1999.

**SECTION 4. LEGISLATIVE INTENT - HISTORICAL SOCIETY - SELF-ASSESSMENT.** It is the intent of the legislative assembly that the state historical board, during the 1997-99 biennium, assess and evaluate the services and programs, including the administrative structure of the state historical society. The assessment and evaluation must address the efficiency of its administrative structure, the effectiveness of its programs and services in all divisions, the use of its facilities, and its customer relations efforts. The board shall present its report, including findings and recommendations to the budget section of the legislative council by June 30, 1998."

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 701 - HISTORICAL SOCIETY

SENATE - This amendment makes the following changes:

	HOUSE VERSION	PUBLIC INFORMATION PROGRAM	VOLUNTEER/ FACILITY PROGRAM	REMOVE RISK MANAGEMENT PREMIUMS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$4,101,499					\$4,101,499
Operating expenses	917,905					901,127
Equipment	81,244					81,244
Capital improvements	494,197					494,197
Grants	485,559					485,559
Yellow-WO-Ft. Union Comm.	4,977					4,977
Total	\$6,085,381	\$0 <sup>1</sup>	\$0 <sup>2</sup>	\$(16,778)	\$(16,778)	\$6,068,603
General fund	\$4,858,154	\$28,710	\$17,392	\$(15,100)	\$31,002	\$4,889,156
Special funds	1,227,227	(28,710)	(17,392)	(1,678)	(47,780)	1,179,447
Total	\$6,085,381	\$0	\$0	\$(16,778)	\$(16,778)	\$6,068,603
FTE	54.00	0.00	0.00	0.00	0.00	54.00

<sup>1</sup> Provides 60 percent of the salaries and wages funding for the public information program from the general fund. The House provided 30 percent of the program's salaries and wages from the general fund and the executive budget provided 100 percent from the general fund. The other funds for the salaries and wages may be provided from sources other than historic site-related funding or the Historical Society may utilize general fund savings realized during the 1997-99 biennium.

<sup>2</sup> Provides 60 percent of the salaries and wages funding for the volunteer/facility program from the general fund, the same as the executive budget. The House provided 30 percent of the program's salaries and wages from the general fund. The other funds for the salaries and wages may be provided from sources other than historic site-related funding or the Historical Society may utilize general fund savings realized during the 1997-99 biennium.

The following sections are added to the bill:

A section of legislative intent providing that the Historical Society use any administrative cost savings realized during the 1997-99 biennium to join the On-line Dakota Information Network (ODIN) system.

A section of legislative intent providing that the Historical Board conduct a self-assessment and evaluation of the Historical Society's services and programs, including its administrative structure, during the 1997-99 biennium and report its findings and recommendations to the Budget Section by June 30, 1998.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1023**

Page 1, line 10, replace "1,637,039" with "1,626,006"

Page 1, line 11, replace "6,785,188" with "6,737,688"

Page 1, line 13, replace "9,889,324" with "9,830,791"

Page 1, line 14, replace "4,016,740" with "3,902,240"

Page 1, line 15, replace "5,872,584" with "5,928,551"

Page 1, replace lines 16 through 20 with:

**"SECTION 2. LEGISLATIVE INTENT - FUNDING FOR INTERNATIONAL PEACE GARDEN.** It is the intent of the legislative assembly that, rather than the state historical society, the department of parks and recreation include the funding request for the international peace garden in the department's 1999-2001 biennium budget request and that during the biennium beginning July 1, 1997, and ending June 30, 1999, the state historical society assist the department of parks and recreation to develop procedures to administer the funding for the international peace garden beginning July 1, 1999."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 750 - DEPARTMENT OF PARKS AND RECREATION

SENATE - This amendment makes the following changes:

	HOUSE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	ROAD PROJECTS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$4,106,703				\$4,106,703
Operating expenses	3,486,751	\$(11,033)		\$(11,033)	3,475,718
Equipment	284,370				284,370
Capital improvements	1,536,500		\$(47,500)	(47,500)	1,489,000
Grants	<u>475,000</u>				<u>475,000</u>
Total	\$9,889,324	\$(11,033) <sup>1</sup>	\$(47,500) <sup>2</sup>	\$(58,533)	\$9,830,791
General fund	\$5,872,584	\$(11,033)	\$67,000	\$55,967	\$5,928,551
Special funds	<u>4,016,740</u>		<u>(114,500)</u>	<u>(114,500)</u>	<u>3,902,240</u>
Total	\$9,889,324	\$(11,033)	\$(47,500)	\$(58,533)	\$9,830,791
FTE	38.00	0.00	0.00	0.00	38.00

<sup>1</sup> Removes funding for risk management premiums from the administration program.

<sup>2</sup> The Senate reduced total funding in the natural resources program of the department by \$47,500 to reflect revised cost estimates of the road projects listed below. The Senate provided funding for 40 percent of the cost of each project from the general fund. The special funds are provided from the Department of Transportation's special road fund.

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION
Turtle River State Park roads - chip and seal	\$ 75,000	\$ 75,000	\$ 45,000
Icelandic State Park roads - chip and seal	50,000	50,000	27,500
Fort Stevenson State Park - road overlays	70,000	70,000	75,000
Lake Metigoshe State Park roads - chip and seal	<u>20,000</u>	<u>20,000</u>	<u>20,000</u>
Total	\$215,000	\$215,000	\$167,500
General fund	\$ 86,000		\$ 67,000
Special funds	<u>129,000</u>	<u>\$215,000</u>	<u>100,500</u>
Total	\$215,000	\$215,000	\$167,500

A section of legislative intent is added providing that the Parks and Recreation Department include the funding request for the Peace Garden in its 1999-2001 biennium budget request rather than in the Historical Society's request.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1024**

Page 1, line 2, after "department" insert "; and to provide for a legislative council study"

Page 1, line 10, replace "3,110,848" with "3,290,622"

Page 1, line 13, replace "4,037,195" with "4,216,969"

Page 1, line 14, replace "180,000" with "230,000"

Page 1, line 15, replace "3,857,195" with "3,986,969"

Page 1, after line 15, insert:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying during the 1997-98 interim the coordination of efforts of the department of tourism, department of parks and recreation, department of economic development and finance, state historical society, and council on the arts to maximize their effectiveness by providing unified services to enhance the state's public image. If conducted, the study must focus on marketing, including international marketing, public relations, advertising, promotional materials development, graphic design, customer service training, and other public perception issues affecting North Dakota."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 740 - TOURISM DEPARTMENT

SENATE - The operating expenses line item is increased by \$183,000, \$133,000 of which is from the general fund and \$50,000 of special funds to be raised by the Tourism Department for joining the Rocky Mountain International marketing organization. The funding is provided for the purpose of increasing international marketing efforts to attract more foreign tourists to the state to enhance tourism's effect on the North Dakota economy.

A section is added providing for a Legislative Council study of the coordination of efforts of the departments of Tourism, Parks and Recreation, and Economic Development and Finance; the Historical Society; and the Council on the Arts to enhance the state's public image.

This amendment also reduces operating expenses by \$3,226 from the state general fund for risk management premiums.

	EXECUTIVE BUDGET	HOUSE CHANGES	HOUSE VERSION	ROCKY MOUNTAIN INTERNATIONAL MEMBERSHIP	REMOVE RISK MANAGEMENT PREMIUMS	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$ 880,969		\$ 880,969				\$ 880,969
Operating expenses	3,110,848		3,110,848	\$183,000	\$(3,226)	\$179,774	3,290,622
Equipment	15,378		15,378				15,378
Grants	<u>60,000</u>	\$(30,000)	<u>30,000</u>				<u>30,000</u>
Total	\$4,067,195	\$(30,000)	\$4,037,195	\$183,000	\$(3,226)	\$179,774	\$4,216,969
General fund	\$3,887,195	\$(30,000)	\$3,857,195	\$133,000	\$(3,226)	\$129,774	\$3,986,969
Other funds	<u>180,000</u>		<u>180,000</u>	<u>50,000</u>		<u>50,000</u>	<u>230,000</u>
Total	\$4,067,195	\$(30,000)	\$4,037,195	\$183,000	\$(3,226)	\$179,774	\$4,216,969

**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 2046, SB 2093.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1238, as engrossed:** Your conference committee (Sens. Krebsbach, Sand, Thompson and Reps. Carlson, Axtman, Mahoney) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 859, adopt amendments as follows, and place HB 1238 on the Seventh order:

That the Senate recede from its amendments as printed on page 859 of the House Journal and page 655 of the Senate Journal and that Engrossed House Bill No. 1238 be amended as follows:

Page 1, line 3, after "funds" insert "; and to provide a penalty"

Page 1, line 15, after "is" insert "an infraction if the amount of insufficient funds or credit is not more than one hundred dollars.", remove the overstrike over "~~a class B misdemeanor~~", and replace "an infraction" with "if the amount of insufficient funds or credit is more than one hundred dollars and not more than five hundred dollars, and a class A misdemeanor if the amount of insufficient funds or credit is more than five hundred dollars"

Page 2, line 14, overstrike "fifteen" and insert immediately thereafter "twenty"

Page 2, line 26, overstrike "fifteen" and insert immediately thereafter "twenty"

Page 3, line 10, replace "fifteen" with "twenty"

Page 3, line 12, after "instrument" insert ", or the holder's agent or representative"

Page 3, line 22, after the second underscored comma insert "or the holder's agent or representative."

Page 4, line 15, overstrike "fifteen" and insert immediately thereafter "twenty"

Renumber accordingly

Engrossed HB 1238 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1387, as engrossed:** Your conference committee (Sens. Sand, Klein, Thompson and Reps. Kempenich, Axtman, Mahoney) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 860, adopt amendments as follows, and place HB 1387 on the Seventh order:

That the Senate recede from its amendments as printed on page 860 of the House Journal and pages 671 and 672 of the Senate Journal and that Engrossed Senate Bill No. 1387 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 12.1-20 of the North Dakota Century Code, relating to prohibiting the facilitation of sexual acts in public; and to provide a penalty.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 12.1-20 of the North Dakota Century Code is created and enacted as follows:

**Facilitation of sexual acts in public.**

1. As used in this section:

- a. "Adult entertainment center" means any commercial facility at which motion pictures or videos that include explicit representations of sexual conduct are offered for viewing at that facility, but does not include the guest rooms of a hotel or motel.

- b. "Sexual act" has the meaning prescribed in section 12.1-20-02.
  - c. "Sexual conduct" has the meaning prescribed in section 12.1-27.1-01.
2. It is an infraction for a person to willfully own, rent, lease, manage, or exercise control of any portion of an adult entertainment center if that portion contains:
    - a. Any partition between subdivisions of a room or area that has an opening that facilitates a sexual act between individuals on either side of the partition; or
    - b. A room, booth, stall, or partitioned portion of a room offered to individuals for a fee as an incident to viewing a video, motion picture, or similar entertainment, unless the room, booth, stall, or partitioned portion of the room has:
      - (1) At least one side open to an adjacent public space so that the area inside is visible to individuals in the adjacent public space; and
      - (2) The viewing area is lighted in a manner that the persons in that area are visible from the adjacent public space.
  3. This section does not apply to an enclosure that is a private office space used by the owner, manager, or employees of the adult entertainment center if that office space is not held out or available to the public for the purpose of viewing a video, motion picture, or similar entertainment for a fee.
  4. The department of health or the state's attorney having jurisdiction may bring an action to enjoin a pattern of violations of this section."

Renumber accordingly

Engrossed HB 1387 was placed on the Seventh order of business on the calendar.

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

**REP. R. KELSCH MOVED** that the House do concur in the Senate amendments to HB 1055 as printed on HJ page 1188, which motion prevailed.

HB 1055, as amended, was placed on the Eleventh order of business on the calendar.

#### **SECOND READING OF HOUSE BILL**

**HB 1055:** A BILL for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, relating to compensatory time for parent-teacher conferences; and to declare an emergency.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Guleson; Gunter

HB 1055, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. BERG MOVED** that the House do concur in the Senate amendments to Engrossed HB 1164, which motion prevailed.

Engrossed HB 1164, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1164:** A BILL for an Act to amend and reenact sections 43-11-01, 43-11-02, 43-11-08, 43-11-11, 43-11-12, 43-11-17, 43-11-19, 43-11-20.1, 43-11-21, 43-11-23, 43-11-24, 43-11-26, 43-11-27, 43-11-28, 43-11-32, 43-11-33, 43-11-34, and 43-11-35 of the North Dakota Century Code, relating to licensure and regulation of cosmetologists and cosmetology salons.

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

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

**NAYS:** Fairfield; Nichols; Poolman; Wilkie

**ABSENT AND NOT VOTING:** Guleson; Gunter

Engrossed HB 1164, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. OLSON MOVED** that the House do concur in the Senate amendments to Engrossed HB 1342, which motion prevailed.

Engrossed HB 1342, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1342:** A BILL for an Act to create and enact a new subsection to section 38-08.1-01, a new subsection to section 38-08.1-04.1, and a new section to chapter 38-08.1 of the North Dakota Century Code, relating to definitions for purposes of geophysical exploration, notification requirements for geophysical exploration permitholders, and authority of the industrial commission to adopt rules governing geophysical exploration; to amend and reenact sections 38-08.1-02, 38-08.1-03.1, 38-08.1-04, subsections 1, 3, and 5 of section 38-08.1-04.1, sections 38-08.1-04.2, 38-08.1-05, subsections 2, 3, and 5 of section 38-08.1-06, sections 38-08.1-06.1, and 57-62-03.1 of the North Dakota Century Code, relating to geophysical exploration requirements and enforcement funding; 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 95 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Guleson; Gunter

Engrossed HB 1342, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. D. JOHNSON MOVED** that the conference committee report on HB 1301 be adopted, which motion prevailed.

HB 1301, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1301:** A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the farm residence and buildings exemption for bed and breakfast facilities; 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 81 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Byerly; Carlson; Clark; Devlin; Grande; Hanson; Hawken; Keiser; Kilzer; Kliniske; Kroepelin; Poolman; Rennerfeldt; Svedjan

**ABSENT AND NOT VOTING:** Guleson; Gunter

HB 1301, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. KRETSCHMAR MOVED** that the conference committee report on Engrossed SB 2068 be adopted as printed on HJ page 1204, which motion prevailed.

Engrossed SB 2068, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2068:** A BILL for an Act to amend and reenact subsection 3 of section 27-08.1-01, sections 27-08.1-02, 27-08.1-04, and 27-08.1-05 of the North Dakota Century Code, relating to small claims judgments and the commencement and removal of small claims actions; and to repeal section 27-08.1-06 of the North Dakota Century Code, relating to docketing and execution of small claims judgments.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Glassheim; Gorder; Grande; Grosz; Grumbo; Hanson; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Kroepelin; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Oban; Olson;

Poolman; Price; Renner; Rennerfeldt; Rose; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Gulleeson; Gunter

Engrossed SB 2068, 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 SB 2159 as printed on HJ page 1205 be adopted, which motion prevailed.

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

#### SECOND READING OF SENATE BILL

**SB 2159:** A BILL for an Act to create and enact subsection 11 to section 39-24-09 of the North Dakota Century Code, relating to liability insurance for snowmobiles; to amend and reenact subsection 38 of section 39-01-01 and section 39-24-11 of the North Dakota Century Code, relating to the definition of a motor vehicle and liability insurance for snowmobiles; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 80 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Brown; Callahan; Carlson; Clark; DeKrey; Drovdal; Froseth; Glassheim; Grande; Keiser; Murphy; Thompson; Thorpe; Wald; Weisz

**ABSENT AND NOT VOTING:** Gulleeson; Gunter

Engrossed SB 2159 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. KLEIN MOVED** that the conference committee report on Engrossed SB 2213 as printed on HJ page 1205 be adopted, which motion prevailed.

Engrossed SB 2213, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2213:** A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to fees for the use of computer equipment and associated software by legislators.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 59 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Belter; Boucher; Brandenburg; Brown; Callahan; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Dorso; Fairfield; Galvin; Gerntholz; Glassheim; Gorder; Hanson; Hausauer; Huether; Jensen; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Kliniske; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Niemeier; Oban; Olson; Poolman; Price; Rose; Sabby; Sandvig; Schmidt; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Tollefson; Torgerson; Weisz; Wentz; Speaker Timm

**NAYS:** Aarsvold; Axtman; Berg; Bernstein; Boehm; Brusegaard; Byerly; Carlisle; Carlson; Delzer; Devlin; Drovdal; Freier; Froseth; Grande; Grosz; Grumbo; Hawken; Henegar; Jacobs; Johnsen, C.; Keiser; Kempenich; Klein; Kroepflin; Nichols; Nottestad; Renner; Rennerfeldt; Skarphol; Thompson; Thorpe; Wald; Wardner; Warner; Wilkie

**ABSENT AND NOT VOTING:** Gulleeson; Gunter

Engrossed SB 2213, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. BROWN MOVED** that the conference committee report on Engrossed SB 2351 as printed on HJ page 1205 be adopted, which motion prevailed.

Engrossed SB 2351, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2351:** A BILL for an Act to amend and reenact section 38-16-01.1 of the North Dakota Century Code, relating to gravel and sand surface mining operations and reclamation.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Fairfield; Gulleeson; Gunter

Engrossed SB 2351, as amended, passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that all bills acted upon this morning be messaged to the Senate immediately, which motion prevailed.

#### 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 2015:** Reps. Freier; Lloyd; Wilkie

#### 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 1301.

#### 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 2068, SB 2159, SB 2213, SB 2351.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on HB 1098, HB 1182.

#### 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 2009, SB 2013, SB 2032, SB 2088, SB 2116, SB 2145.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 9:57 a.m., April 2, 1997: HB 1002, HB 1011, HB 1016, HB 1027, HB 1036, HB 1046, HB 1051, HB 1074, HB 1075, HB 1115, HB 1153, HB 1189, HB 1191, HB 1199, HB 1210, HB 1216, HB 1257, HB 1259, HB 1262, HB 1267, HB 1324, HB 1339, HB 1344, HB 1346, HB 1351, HB 1362, HB 1364, HB 1368, HB 1385, HB 1396, HB 1399, HB 1403, HB 1418, HB 1445, HB 1467, HB 1468.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 9:57 a.m., April 2, 1997: HCR 3019, HCR 3026, HCR 3034, HCR 3045.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2003 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2003:** Sens. Goetz; Holmberg; Robinson

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: HB 1041, HB 1047, HB 1100, HB 1111, HB 1179, HB 1215, HB 1373, HB 1393, HB 1431, HB 1433.

**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 1041, HB 1047, HB 1100, HB 1111, HB 1179, HB 1215, HB 1373, HB 1393, HB 1431, HB 1433.

**MOTION**

**REP. FREIER MOVED** that the House be on the Seventh and Thirteenth 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 2009, as engrossed:** Your conference committee (Sens. Solberg, Nalewaja, Tallackson and Reps. Soukup, Gerntholz, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 809-810, adopt amendments as follows, and place SB 2009 on the Seventh order:

That the House recede from its amendments as printed on pages 809 and 810 of the Senate Journal and page 953 of the House Journal and that Engrossed Senate Bill No. 2009 be amended as follows:

Page 1, line 2, after "association" insert "; and to provide a statement of legislative intent"

Page 1, after line 9, insert:

"Premiums 280,136"

Page 1, line 10, replace "320,000" with "39,864"

Page 1, after line 11, insert:

**"SECTION 2. LEGISLATIVE INTENT.** It is the intent of the legislative assembly that the state fair association use eighty percent of the funds appropriated in the premiums line item in section 1 of this Act for paying premiums to youth exhibitors and twenty percent of the funds appropriated in the premiums line item for paying premiums to adult exhibitors for the biennium beginning July 1, 1997, and ending June 30, 1999."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 665 - STATE FAIR ASSOCIATION

CONFERENCE COMMITTEE - This amendment appropriates \$280,136 from the general fund for premiums and \$39,864 from the general fund for youth premiums, for a total of \$320,000.

A section of legislative intent is added providing that eighty percent of the funds appropriated in the premiums line item be used for premiums for youth exhibitors and twenty percent for premiums for adult exhibitors.

As a result of these provisions, \$263,973 is provided for premiums for youth exhibitors and \$56,027 for premiums for adult exhibitors.

The Senate provided \$320,000 from the general fund for youth premiums and the House provided \$320,000 for premiums for all exhibitors.

Engrossed SB 2009 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2013, as engrossed:** Your conference committee (Sens. Solberg, Naaden, Krauter and Reps. Kunkel, Lloyd, Aarsvold) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 812, adopt amendments as follows, and place SB 2013 on the Seventh order:

That the House recede from its amendments as printed on page 812 of the Senate Journal and page 954 of the House Journal and that Engrossed Senate Bill No. 2013 be amended as follows:

Page 1, line 2, after "lands" insert "; to provide for a coal development impact loan to Oliver County"

Page 1, line 11, replace "2,469,198" with "2,463,790"

Page 1, line 13, replace "7,469,198" with "7,463,790"

Page 2, after line 3, insert:

**"SECTION 5. COAL DEVELOPMENT IMPACT LOAN TO OLIVER COUNTY.**

During the 1997-99 biennium, the board of university and school lands shall make a loan, pursuant to section 57-62-03, of up to \$300,000 at an annual interest rate of two percent, to Oliver County for the purpose of providing funding for road improvements on the public road from state highway 25 to the Baukol-Noonan, Incorporated, facility."

Page 2, line 16, after "assembly" insert "or the budget section of the legislative council"

Re-number accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 226 - LAND DEPARTMENT

CONFERENCE COMMITTEE - This amendment removes special funds appropriation authority of \$5,408 for risk management premiums.

This amendment changes Section 5 of the engrossed bill to require that any investment in which the Board of University and School Lands becomes the sole owner of real property requires the prior approval of the Legislative Assembly or the Budget Section.

This amendment also directs the Board of University and School Lands to provide a \$300,000 loan from the coal development trust fund to Oliver County for road improvements.

	1997-99 EXECUTIVE RECOMMENDATION	TOTAL SENATE CHANGES	SENATE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	CONFERENCE COMMITTEE VERSION
Assets management	\$2,469,198		\$2,469,198		\$2,463,790
Energy Development	5,003,904	\$(3,904)	5,000,000	\$(5,408)	5,000,000
Impact Office					
Total	<u>\$7,473,102</u>	<u>\$(3,904)</u>	<u>\$7,469,198</u>	<u>\$(5,408)</u>	<u>\$7,463,790</u>
General fund					
Other funds	<u>\$7,473,102</u>	<u>\$(3,904)</u>	<u>\$7,469,198</u>	<u>\$(5,408)</u>	<u>\$7,463,790</u>
Total	<u>\$7,473,102</u>	<u>\$(3,904)</u>	<u>\$7,469,198</u>	<u>\$(5,408)</u>	<u>\$7,463,790</u>

	1997-99 EXECUTIVE RECOMMENDATION	TOTAL SENATE CHANGES	SENATE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	CONFERENCE COMMITTEE VERSION
Salaries and wages	\$1,713,110		\$1,713,110		\$1,713,110
Operating expenses	655,456	\$(3,904)	651,552	\$(5,408)	646,144
Equipment	34,000		34,000		34,000
Grants	<u>5,070,536</u>		<u>5,070,536</u>		<u>5,070,536</u>
Total	\$7,473,102	\$(3,904)	\$7,469,198	\$(5,408)	\$7,463,790
General fund					
Other funds	<u>\$7,473,102</u>	<u>\$(3,904)</u>	<u>\$7,469,198</u>	<u>\$(5,408)</u>	<u>\$7,463,790</u>
Total	\$7,473,102	\$(3,904)	\$7,469,198	\$(5,408)	\$7,463,790

Engrossed SB 2013 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2032, as engrossed:** Your conference committee (Sens. Freborg, Cook, Wogsland and Reps. Monson, Drovdal, Brandenburg) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 812-813, adopt amendments as follows, and place SB 2032 on the Seventh order:

That the House recede from its amendments as printed on pages 812 and 813 of the Senate Journal and pages 812 and 813 and 919 and 920 of the House Journal and that Engrossed Senate Bill No. 2032 be amended as follows:

Page 1, line 3, replace "section" with "sections 15-35-01.1 and"

Page 1, line 4, after "to" insert "required approval for school district construction projects and"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Section 15-35-01.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-35-01.1. Approval required for certain school district construction projects.**

1. Notwithstanding the powers and duties of school boards of public school districts otherwise provided by law, all construction, purchase, repair, improvement, renovation, or modernization of any school building or facility within a school district estimated by the school boards to cost in excess of twenty-five thousand dollars may not be commenced unless approved by the superintendent of public instruction. No such construction, purchase, repair, improvement, renovation, or modernization of any school building or facility may be approved unless the school district proposing the project demonstrates the need, the educational utility of the project, fiscal need, and the capacity to pay for the project under rules adopted by the superintendent of public instruction pursuant to chapter 28-32 after receiving input from the state board of public school education. In the event of disagreement between the superintendent of public instruction and the school board applying for approval of a construction project under this section, the school board may appeal the application to the state board of public school education and the decision of the state board approving or disapproving the application is final.
2. For purposes of this section, "facility" includes a parking lot, athletic complex, or any other improvement to real property owned by the school district.
3. This section does not apply to any construction, purchase, repair, improvement, renovation, or modernization required as part of a plan of correction approved by the state fire marshal under section 2 of this Act, unless the cost of the improvements exceeds seventy-five thousand dollars.

Page 1, line 17, after "designee" insert "and the local school board affected by the deficiency, but not later than the next budget period"

Renumber accordingly

Engrossed SB 2032 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2088, as engrossed:** Your conference committee (Sens. St. Aubyn, Holmberg, Robinson and Reps. Tollefson, Martinson, Huether) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 797 and place SB 2088 on the Seventh order.

Engrossed SB 2088 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2116, as engrossed:** Your conference committee (Sens. Sand, Klein, Thompson and Reps. Carlson, Skarphol, Glassheim) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 712 and place SB 2116 on the Seventh order.

Engrossed SB 2116 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2145:** Your conference committee (Sens. Klein, Wanzek, Tomac and Reps. Rennerfeldt, Renner, Kroepelin) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 809 and place SB 2145 on the Seventh order.

SB 2145 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2173, as engrossed:** Your conference committee (Sens. Freborg, Wanzek, Kelsh and Reps. R. Kelsch, Brusegaard, Brandenburg) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 863, adopt further amendments as follows, and place SB 2173 on the Seventh order:

That the Senate accede to the House amendments as printed on page 863 of the Senate journal and page 1001 of the House Journal and that Engrossed Senate Bill No. 2173 be further amended as follows:

Page 1, line 2, after "term" insert "; and to declare an emergency"

Page 2, line 9, remove the overstrike over "~~and~~"

Page 2, line 10, remove "or up to two full days as hour-for-hour"

Page 2, remove line 11

Page 2, line 12, remove "total days all students are absent "

Page 3, line 27, remove "or up"

Page 3, remove line 28

Page 3, line 29, remove "conferences are held outside of normal school hours"

Page 4, after line 4, insert:

**"SECTION 4. EMERGENCY.** Section 2 of this Act is declared to be an emergency measure."

Renumber accordingly

Engrossed SB 2173 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1340, as engrossed:** Your conference committee (Sens. Kringstad, Schobinger, Tomac and Reps. Belter, Mickelson, Warner) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 988, adopt amendments as follows, and place HB 1340 on the Seventh order:

That the Senate recede from its amendments as printed on page 988 of the House Journal and page 689 of the Senate Journal and that Engrossed House Bill No. 1340 be amended as follows:

Page 1, line 3, after "transfer" insert "and an appropriation"

Page 2, line 19, after "**TRANSFER**" insert "**- APPROPRIATION**"

Page 2, line 23, after the period insert "Before July 1, 1999, the tax commissioner shall certify to the state treasurer any amount by which the amount transferred under this section exceeds the amount of individual income tax liability reductions resulting from the deductions and credits for qualified adoption expenses under this Act for the first two taxable years beginning after December 31, 1996. Notwithstanding section 54-44.1-11, thirty days after the close of the 1997-99 biennium the state treasurer shall transfer from the state general fund to the children's services coordinating committee for deposit in its

operating fund the amount certified by the tax commissioner under this section. The amount to be transferred to the children's services coordinating committee under this section is hereby appropriated from the state general fund, but not in an amount exceeding \$154,000."

Renumber accordingly

Engrossed HB 1340 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1456, as engrossed:** Your conference committee (Sens. Wanzek, Cook, Wogsland and Reps. R. Kelsch, Grande, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1049-1050, adopt amendments as follows, and place HB 1456 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1049 and 1050 of the House Journal and pages 822 and 823 of the Senate Journal and that Engrossed House Bill No. 1456 be amended as follows:

Page 1, line 2, replace the second "school" with "education"

Page 1, line 8, replace the second "school" with "education"

Page 1, line 11, replace the colon with "the student, through home education, has met the issuing entity's requirements for high school graduation and the student's parent or legal guardian provides the issuing entity with a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the student's performance in grades nine through twelve.

2. In the alternative, a high school diploma may be issued to a student by the student's school district of residence, a state-approved nonpublic high school, or the North Dakota division of independent study if the student, through home education, has completed at least seventeen units of high school coursework from the minimum required curriculum offerings established for public and private schools in section 15-41-24 and the student's parent or legal guardian provides the issuing entity with a description of the course material covered in each high school subject, a description of the course objectives and how the objectives were met, and a transcript of the student's performance in grades nine through twelve. The issuing entity may indicate on a diploma issued under this subsection that the student has received home education."

Page 1, remove lines 12 through 21

Page 1, line 22, replace "2" with "3" and after "1" insert "or 2"

Page 1, line 24, after "the" insert "applicable"

Renumber accordingly

Engrossed HB 1456 was placed on the Seventh order of business on the calendar.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2399.

#### FIRST READING OF SENATE BILL

**SB 2399:** A BILL for an Act to provide approval of amendments and renewals of tribal-state gaming compacts and for an open records exception for tribal gaming financial information submitted to a state agency.

Was read the first time and referred to the **Judiciary Committee**.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1009.

#### SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1009

In lieu of the amendments adopted by the Senate as printed on pages 1045 and 1046 of the Senate Journal, Engrossed House Bill No. 1009 is amended as follows:

Page 1, line 12, replace "1,088,840" with "1,105,886"

Page 1, line 15, replace "434,199" with "454,199"

Page 1, line 21, replace "764,694" with "784,694"

Page 1, line 24, replace "9,204,788" with "9,261,834"

Page 2, line 1, replace "4,560,594" with "4,591,594"

Page 2, line 2, replace "4,644,194" with "4,670,240"

Page 2, line 9, replace "\$1,393,902" with "\$1,424,902"

Page 2, line 11, after "disposal" insert ", pesticide registration"

Page 2, line 12, after the second "program" insert ", \$31,000 is for the pesticide registration program"

Page 2, after line 16, insert:

**"SECTION 5. LEGISLATIVE INTENT.** It is the intent of the legislative assembly that the board of animal health contract for veterinary services whenever appropriate and cost effective for the biennium beginning July 1, 1997, and ending June 30, 1999."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 602 - DEPARTMENT OF AGRICULTURE

SENATE - This amendment makes the following changes:

	HOUSE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	ADD OPERATING FUNDS	ADD DATA PROCESSING FUNDING	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$3,023,812					\$3,023,812
Operating expenses	1,088,840	\$(13,954)		\$31,000	\$17,046	1,105,886
Equipment	32,900					32,900
Grants	561,700		\$20,000 <sup>1</sup>		20,000	561,700
Board of Animal Health	434,199					454,199
Ag mediation	1,377,537					1,377,537
Ag in the classroom	25,000					25,000
Anhydrous ammonia storage	20,444					20,444
Waterbank program	214,000					214,000
Pride of Dakota	150,000		20,000 <sup>2</sup>		20,000	150,000
Animal damage control	764,694					784,694
Safe send	552,133					552,133
Noxious weeds	959,529					959,529
Total	\$9,204,788	\$(13,954)	\$40,000	\$31,000 <sup>3</sup>	\$57,046	\$9,261,834
General fund	\$4,644,194	\$(13,954)	\$40,000		\$26,046	\$4,670,240
Special funds	4,560,594			\$31,000	31,000	4,591,594
Total	\$9,204,788	\$(13,954)	\$40,000	\$31,000	\$57,046	\$9,261,834
FTE	48.00				0.00	48.00

<sup>1</sup> Adds operating funds to the Board of Animal Health. The House reduced the operating funds by \$15,000 from the general fund.

<sup>2</sup> Restores operating funds reduced in the House for the animal damage control program.

<sup>3</sup> Adds funding from the environment and rangeland protection fund for updating the registration program's computer system.

A section of legislative intent is added providing that the Board of Animal Health contract for veterinary services when appropriate.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1009**

Page 1, line 12, replace "1,088,840" with "1,105,886"

Page 1, line 15, replace "434,199" with "454,199"

Page 1, remove line 20

Page 1, line 21, replace "764,694" with "784,694"

Page 1, line 24, replace "9,204,788" with "9,111,834"

Page 2, line 1, replace "4,560,594" with "4,591,594"

Page 2, line 2, replace "4,644,194" with "4,520,240"

Page 2, line 9, replace "\$1,393,902" with "\$1,424,902"

Page 2, after line 16, insert:

**"SECTION 5. LEGISLATIVE INTENT.** It is the intent of the legislative assembly that the board of animal health contract for veterinary services whenever appropriate and cost effective for the biennium beginning July 1, 1997, and ending June 30, 1999."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 602 - DEPARTMENT OF AGRICULTURE

SENATE - This amendment makes the following changes:

	HOUSE VERSION	REMOVE PRIDE OF DAKOTA	REMOVE RISK MANAGEMENT PREMIUMS	ADD OPERATING FUNDS	ADD DATA PROCESSING FUNDING	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$3,023,812						\$3,023,812
Operating expenses	1,088,840		\$ (13,954)		\$31,000	\$ 17,046	1,105,886
Equipment	32,900						32,900
Grants	561,700						561,700
Board of Animal Health	434,199			\$20,000 <sup>2</sup>		20,000	454,199
Ag mediation	1,377,537						1,377,537
Ag in the classroom	25,000						25,000
Anhydrous ammonia storage	20,444						20,444
Waterbank program	214,000						214,000
Pride of Dakota	150,000	\$ (150,000)		20,000 <sup>3</sup>		(150,000)	784,694
Animal damage control	764,694					20,000	784,694
Safe send	552,133						552,133
Noxious weeds	959,529						959,529
Total	\$9,204,788	\$ (150,000) <sup>1</sup>	\$ (13,954)	\$40,000	\$31,000 <sup>4</sup>	\$ (92,954)	\$9,111,834
General fund	\$4,644,194	\$ (150,000)	\$ (13,954)	\$40,000	\$31,000	\$ (123,954)	\$4,520,240
Special funds	4,560,594					31,000	4,591,594
Total	\$9,204,788	\$ (150,000)	\$ (13,954)	\$40,000	\$31,000	\$ (92,954)	\$9,111,834
FTE	48.00					0.00	48.00

<sup>1</sup> Removes funding for the Pride of Dakota program. The executive budget and the Senate version provide for the Pride of Dakota program in the Department of Economic Development and Finance. The House version provides for the program in the Agriculture Department.

<sup>2</sup> Adds operating funds to the Board of Animal Health. The House reduced the operating funds by \$15,000 from the general fund.

<sup>3</sup> Restores operating funds reduced in the House for the animal damage control program.

<sup>4</sup> Adds funding from the environment and rangeland protection fund for updating the registration program's computer system.

A section of legislative intent is added providing that the Board of Animal Health contract for veterinary services when appropriate.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report on SB 2202.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2202:** Your conference committee (Sens. W. Stenehjem, Watne, C. Nelson and Reps. Stenehjem, Nottestad, Fairfield) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 863 and place SB 2202 on the Seventh order.

SB 2202 was placed on the Seventh order of business on the calendar.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2136, SB 2160.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2136, as engrossed:** Your conference committee (Sens. Klein, Mutch, LaFountain and Reps. Froseth, Axtman, Thorpe) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 735 and place SB 2136 on the Seventh order.

Engrossed SB 2136 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2160, as engrossed:** Your conference committee (Sens. Schobinger, Cook, O'Connell and Reps. Monson, Keiser, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 880-882, adopt amendments as follows, and place SB 2160 on the Seventh order:

That the House recede from its amendments as printed on pages 880-882 of the Senate Journal and pages 1015-1018 of the House Journal and that Engrossed Senate Bill No. 2160 be amended as follows:

Page 1, line 1, after "enact" insert "a new subsection to section 12-60-16.4," and after "20.1-02-15.1" insert a comma

Page 1, line 3, after "39-24-09" insert "and section 39-24-11"

Page 1, after line 6, insert:

**"SECTION 1.** A new subsection to section 12-60-16.4 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

Infractions and misdemeanor violations of subdivision c of subsection 5 of section 39-24-09 and chapter 39-24.1."

Page 1, after line 13, insert:

**"SECTION 4. AMENDMENT.** Section 39-24-11 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-24-11. Penalties.** Any person who violates subdivision b, ~~e~~, or g of subsection 5 of section 39-24-09 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section 39-24.1-07. Any person who violates any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register as required by section 39-24-02 must be assessed a fee of fifty dollars. If the person provides proof of registration since the violation, the fee may be reduced by one-half. Any person who violates any other provision of this chapter for which a specific penalty is not provided must be assessed a fee of ten dollars."

Page 1, line 17, replace "in this state" with "on any public land or private land with public access"

Page 3, line 12, replace "following" with "test is evidence of a per se violation of subdivision c of subsection 5 of section 39-24-09."

Page 3, remove lines 13 through 31

Page 4, remove lines 1 through 15

Page 4, line 20, replace "statement of intent to prohibit the person from operating a snowmobile." with "summons or otherwise notify that person in writing to appear at the time and place specified in the summons or notice. The hearing and any appeal must be conducted as provided in section 39-06.1-03. If the person requests a hearing at a time and date other than as stated in the summons or notice, that person must post an appearance bond as required by subsection 2 of section 39-06.1-03. Upon establishing at the hearing by a preponderance of the evidence"

Page 4, remove lines 21 through 25

Page 4, line 26, remove "intent, showing"

Page 4, line 31, after the underscored comma insert "the court"

Page 5, line 1, replace "in this state" with "on all public land or private land with public access" and after "section" insert ", and shall impose a noncriminal statutory fee of five hundred dollars. A violation of this section must be reported to the parks and recreation department. The department shall keep a record of all reported violations"

Page 5, line 18, remove "No administrative hearing request is made under section 39-24.1-08;"

Page 5, line 19, remove "b.", replace "mails" with "files", and replace "to the director within ten days after the law" with "with the court before the time set for hearing in the summons or notice, or, with the permission of the court, within five days after the hearing"

Page 5, line 20, remove "enforcement officer issues the statement of intent"

Page 5, line 23, replace "twenty-five" with "thirty" and replace "law" with "date of the offense"

Page 5, line 24, remove "enforcement officer issues the statement of intent"

Page 5, line 26, after "period" insert "defined in section 39-24.1-07"

Page 5, line 27, replace "39-24.1-08" with "39-06.1-03"

Page 5, line 28, replace "39-24.1-09" with "39-06.1-03"

Page 6, line 2, replace "twenty-five" with "thirty" and replace "law enforcement officer issues" with "date of the offense"

Page 6, line 3, remove "the statement of intent"

Page 6, line 4, after the underscored semicolon insert "and"

Page 6, line 5, replace "c" with "b"

Page 6, line 6, replace "twenty-five" with "thirty" and replace "law enforcement officer issues the" with "date of the offense."

Page 6, line 7, remove "statement of intent;"

Page 6, remove lines 8 through 18

Page 6, line 19, replace "29-24.1-07" with "39-24.1-07" and replace "Administrative sanction" with "Criminal penalties"

Page 6, line 20, after "certain" insert "alcohol or" and replace "After the receipt of the certified report of a law enforcement" with "Upon conviction of a violation of subdivision c of subsection 5 of section 39-24-09, the court shall impose the following minimum penalties:

1. Notwithstanding subsection 7 of section 12.1-32-01, if the person's record indicates that, within the five years preceding the date of the offense, the person has not violated subdivision c of subsection 5 of section 39-24-09 or the person has not been prohibited from operating a snowmobile under this chapter, the offense is an infraction. The court shall impose a minimum fine of two hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for sixty days within the snowmobile season that runs from December first through April first.

2. Notwithstanding subsection 7 of section 12.1-32-01, if the person's record indicates that, within the five years preceding the date of the offense, the person has one violation of subdivision c of subsection 5 of section 39-24-09 or the person has once been prohibited from operating a snowmobile under this chapter, the offense is an infraction. The court shall impose a minimum fine of three hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for one year from the date of the sentence.
3. If the person's record indicates that, within the five years preceding the date of the offense, the person has two violations of subdivision c of subsection 5 of section 39-24-09 or the person has twice been prohibited from operating a snowmobile under this chapter, the offense is a class B misdemeanor. The court shall impose a minimum fine of four hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for two years from the date of the sentence."

Page 6, remove lines 21 through 30

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 4

Page 10, line 5, replace "39-24.1-10" with "39-24.1-08"

Page 11, line 29, replace "39-24.1-11" with "39-24.1-09"

Page 12, line 3, replace "39-24.1-12" with "39-24.1-10"

Page 12, line 10, replace "39-24.1-13" with "39-24.1-11"

Page 12, line 13, replace "39-24.1-14" with "39-24.1-12"

Page 12, line 14, replace "in this state" with "on any public land or private land with public access"

Page 12, after line 15, insert:

**"39-24.1-13. Fleeing or attempting to elude a peace officer.**

1. Any driver of a snowmobile who willfully fails or refuses to bring the snowmobile to a stop, or who otherwise flees or attempts to elude, in any manner, a pursuing police vehicle or peace officer, when given a visual or audible signal to bring the snowmobile to a stop, is guilty of a class B misdemeanor for a first or second offense and a class A misdemeanor for a subsequent offense. A signal complies with this section if the signal is perceptible to the driver and:
  - a. If given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the stopping vehicle is appropriately marked showing it to be an official police vehicle; or
  - b. If not given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the officer is in uniform and prominently displays the officer's badge of office.
2. Any sentence imposed under this section must include a minimum fine of at least five hundred dollars."

ReNUMBER accordingly

Engrossed SB 2160 was placed on the Seventh order of business on the calendar.

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

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1103, HB 1240, HB 1274.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2018 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2018:** Sens. St. Aubyn; Nalewaja; Robinson

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2030 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2030:** Sens. Andrist; Watne; Mutzenberger

**REPORT OF CONFERENCE COMMITTEE**

**REP. CARLSON MOVED** that the conference committee report on Engrossed HB 1238 be adopted, which motion prevailed.

Engrossed HB 1238, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1238:** A BILL for an Act to amend and reenact subsection 1 of section 6-08-16 and section 6-08-16.2 of the North Dakota Century Code, relating to issuing a check without an account or without sufficient funds; 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, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Brown; Delzer

**ABSENT AND NOT VOTING:** Gorder; Gunter; Nicholas

Engrossed HB 1238, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. KEMPENICH MOVED** that the conference committee report on Engrossed HB 1387 be adopted, which motion prevailed.

Engrossed HB 1387, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1387:** A BILL for an Act to create and enact a new section to chapter 12.1-20 of the North Dakota Century Code, relating to prohibiting the facilitation of sexual acts in public; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Gorder; Gunter; Nicholas; Weisz

Engrossed HB 1387, as amended, passed and the title was agreed to.

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**MOTION**

**REP. MURPHY MOVED** that the House reconsider its action whereby SCR 4010 passed.

**REQUEST**

**REP. AARSVOLD REQUESTED** a verification vote on the motion to reconsider the action whereby SCR 4010 passed, which request was granted and then not taken as a recorded roll call vote was requested.

**REQUEST**

**REP. FREIER REQUESTED** a recorded roll call vote on the motion to reconsider the action whereby SCR 4010 passed, which request was granted.

**ROLL CALL**

The question being on the motion to reconsider the action whereby SCR 4010 passed, the roll was called and there were 50 YEAS, 44 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Devlin; Fairfield; Froseth; Gerntholz; Glassheim; Grumbo; Gulletson; Hanson; Hausauer; Hawken; Huether; Jensen; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kroepflin; Kunkel; Mahoney; Maragos; Martinson; Monson; Murphy; Nelson; Nichols; Niemeier; Nottestad; Oban; Olson; Rose; Sabby; Sandvig; Schmidt; Stenehjem; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Warner; Wentz; Wilkie

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

**ABSENT AND NOT VOTING:** Gorder; Gunter; Nicholas

So the motion to reconsider the action whereby SCR 4010 passed, prevailed.

**MOTION**

**REP. DORSO MOVED** that SCR 4010 be laid over one legislative day.

**REQUEST**

**REP. AARSVOLD REQUESTED** a verification vote on the motion that SCR 4010 be laid over one legislative day, which request was granted and then not taken as a recorded roll call vote was requested.

**MOTION**

**REP. FREIER REQUESTED** a recorded roll call vote on the motion that SCR 4010 be laid over one legislative day, which request was granted.

**ROLL CALL**

The question being on the motion that SCR 4010 be laid over one legislative day, the roll was called and there were 53 YEAS, 41 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Gorder; Gunter; Nicholas

The motion that SCR 4010 be laid over one legislative day prevailed, and SCR 4010 was laid over one legislative day on the Fourteenth order of business.

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

**REP. SOUKUP MOVED** that the conference committee report on Engrossed SB 2009 be adopted, which motion prevailed.

Engrossed SB 2009, as amended, was placed on the Fourteenth order of business on the calendar.

#### **SECOND READING OF SENATE BILL**

**SB 2009:** A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association; and to provide a statement of legislative intent.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Clark; DeKrey; Devlin; Hanson; Schmidt

**ABSENT AND NOT VOTING:** Gorder; Gunter; Nicholas

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

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

**REP. KUNKEL MOVED** that the conference committee report on Engrossed SB 2013 be adopted, which motion prevailed.

Engrossed SB 2013, as amended, was placed on the Fourteenth order of business on the calendar.

#### **SECOND READING OF SENATE BILL**

**SB 2013:** A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands; to provide for a coal development impact loan to Oliver County; and to amend and reenact section 15-03-04 of the North Dakota Century Code, relating to investments by the board of university and school lands.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Gorder; Gunter; Koppelman; Nicholas; Weisz

Engrossed SB 2013, 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 SB 2032 be adopted, which motion prevailed.

Engrossed SB 2032, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2032:** A BILL for an Act to create and enact a new section to chapter 15-35 of the North Dakota Century Code, relating to the inspection of schools by the state fire marshal or the state fire marshal's designee; and to amend and reenact sections 15-35-01.1 and 18-01-02 of the North Dakota Century Code, relating to required approval for school district construction projects and the duties of the state fire marshal.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Gorder; Gunter; Nelson; Nicholas; Skarphol

Engrossed SB 2032, as amended, passed and the title was agreed to.

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**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Speaker and Representative Ron Anderson

**THE HOUSE RECOGNIZED THE PRESENCE OF:**

Former Speaker and Representative Richard Kloubec

**REPORT OF CONFERENCE COMMITTEE**

**REP. TOLLEFSON MOVED** that the conference committee report on Engrossed SB 2088 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. CARLSON MOVED** that the conference committee report on Engrossed SB 2116 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. RENNERFELDT MOVED** that the conference committee report on SB 2145 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. R. KELSCH MOVED** that the conference committee report on Engrossed SB 2173 be adopted, which motion prevailed.

Engrossed SB 2173, as amended, was placed on the Fourteenth order on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2173:** A BILL for an Act to amend and reenact sections 15-40.1-09, 15-47-04, and 15-47-33 of the North Dakota Century Code, relating to the length of the school term; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 80 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Axtman; Boucher; Byerly; Fairfield; Hanson; Kerzman; Mickelson; Murphy; Nichols; Niemeier; Sandvig; Thorpe; Wilkie

**ABSENT AND NOT VOTING:** Gorder; Gunter; Nicholas

Engrossed SB 2173, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. BELTER MOVED** that the conference committee report on Engrossed HB 1340 be adopted, which motion prevailed.

Engrossed HB 1340, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1340:** A BILL for an Act to amend and reenact paragraph 5 of subdivision d of subsection 1 of section 57-38-01.2 and subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to income tax deductions or credits for adoption expenses; to provide for a transfer and an appropriation; 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 61 YEAS, 33 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Dorso; Drovdal; Freier; Froseth; Gerntholz; Grande; Grosz; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Kempenich; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Martinson; Mickelson; Monson; Nelson; Nottestad; Olson; Renner; Rennerfeldt; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

**NAYS:** Aarsvold; Axtman; Boucher; Callahan; Christenson; Coats; Delmore; Devlin; Fairfield; Galvin; Glassheim; Grumbo; Gulleston; Hanson; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kliniske; Mahoney; Maragos; Murphy; Nichols; Niemeier; Oban; Poolman; Price; Rose; Sabby; Svedjan; Thorpe; Warner; Wilkie

**ABSENT AND NOT VOTING:** Gorder; Gunter; Nicholas

Engrossed HB 1340, as amended, passed and the title was agreed to.

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

**REP. R. KELSCH MOVED** that the conference committee report on Engrossed HB 1456 be adopted, which motion prevailed.

Engrossed HB 1456, as amended, was placed on the Eleventh order of business on the calendar.

#### **SECOND READING OF HOUSE BILL**

**HB 1456:** A BILL for an Act to create and enact a new section to chapter 15-34.1 of the North Dakota Century Code, relating to the issuance of high school diplomas to home education students; and to repeal section 15-34.1-11 of the North Dakota Century Code, relating to the issuance of high school diplomas by the superintendent of public instruction.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Gulleston; Maragos; Mickelson; Nichols; Olson; Stenehjem; Wilkie

**ABSENT AND NOT VOTING:** Gorder; Gunter; Nicholas

Engrossed HB 1456, as amended, passed and the title was agreed to.

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

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1009, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1009: Reps. Martinson, Gerntholz, Huether.

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

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1012, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1012: Reps. Wentz, Delzer, Oban.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2018: Reps. Tollefson, Martinson, Huether.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2030: Reps. Nottestad, Sabby, S. Kelsh.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1022, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1022: Reps. Freier, Boehm, Aarsvold.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1023, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1023: Reps. Kunkel, Lloyd, Wilkie.

**CONSIDERATION OF MESSAGE FROM THE SENATE**

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1024, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1024: Reps. Lloyd, Kunkel, Aarsvold.

**MOTION**

**REP. DORSO MOVED** that all bills acted upon this afternoon be messaged to the Senate immediately, which motion prevailed.

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

**MR. SPEAKER:** The Senate has overridden the Governor's veto on HB 1440. The vote was 41 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING.

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

**MR. SPEAKER:** The Senate has overridden the Governor's veto on HB 1137. The vote was 43 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on SB 2088, SB 2116, SB 2145.

**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 1238, HB 1340, HB 1387, HB 1456.

**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 2009, SB 2013, SB 2032.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2173.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1009 and HB 1012 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1009:** Reps. Martinson; Gerntholz; Huether

**HB 1012:** Reps. Wentz; Delzer; Oban

**MOTION**

**REP. FREIER MOVED** that the House stand in recess until 5:00 p.m., which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1412, as engrossed:** Your conference committee (Sens. Mutch, Krebsbach, Lindaas and Reps. Poolman, Axtman, Glassheim) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 906, adopt amendments as follows, and place HB 1412 on the Seventh order:

That the Senate recede from its amendments as printed on page 906 of the House Journal and pages 700 and 701 of the Senate Journal and that Engrossed House Bill No. 1412 be amended as follows:

Page 1, line 2, after "securities" insert "; to amend and reenact subsection 4 of section 10-04-03 of the North Dakota Century Code, relating to deposit of security fees; and to declare an emergency"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 4 of section 10-04-03 of the North Dakota Century Code is amended and reenacted as follows:

4. All fees collected under this chapter ~~shall~~ must be ~~turned~~ deposited in ~~to~~ the general fund of the state treasury, except civil penalties collected from enforcement actions for the purpose of distribution to aggrieved investors may be deposited in a special securities protection fund. All other civil penalties collected, including those collected for the reasonable expenses for the administration of a particular case, must be deposited in the general fund."

Page 1, underscore lines 6 through 23

Page 2, underscore lines 1 through 31

Page 3, underscore lines 1 through 29

Page 3, after line 29, insert:

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

ReNUMBER accordingly

Engrossed HB 1412 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1190, as engrossed:** Your conference committee (Sens. Christmann, Fischer, Kelsh and Reps. Nottestad, Torgerson, S. Kelsh) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 905-906, adopt amendments as follows, and place HB 1190 on the Seventh order:

That the Senate recede from its amendments as printed on pages 905 and 906 of the House Journal and pages 698 and 699 of the Senate Journal and that Engrossed House Bill No. 1190 be amended as follows:

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

Page 1, line 2, after "hunting" insert "and fishing"

Page 1, line 4, after the first "hunting" insert "and fishing"

Page 1, line 10, replace "section" with "sections" and after "3" insert "and 4"

Page 2, line 19, replace "**Hunting**" with "**Fishing and hunting**", remove "**and foreign exchange**", and after "is" insert "a United States citizen and who is"

Page 2, line 21, remove "or a nonresident who is a full-time foreign exchange student at a high"

Page 2, line 22, remove "school in this state and who resides with a person in this state"

Page 2, after line 24, insert:

"**SECTION 4.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

**Fishing by foreign exchange students.** A nonresident who is a full-time foreign exchange student at a high school in this state and who resides with a person in this state may obtain a resident fishing license by providing proof of student status and residence as prescribed by the director."

Renumber accordingly

Engrossed HB 1190 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1478:** Your conference committee (Sens. Fischer, B. Stenehjem, DeMers and Reps. Kliniske, Kilzer, Kerzman) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 959, adopt amendments as follows, and place HB 1478 on the Seventh order:

That the Senate recede from its amendments as printed on page 959 of the House Journal and pages 746 and 747 of the Senate Journal and that House Bill No. 1478 be amended as follows:

Page 1, line 2, replace "expectant mothers" with "pregnant women"

Page 1, line 7, overstrike "unborn child" and insert immediately thereafter "fetus"

Page 1, line 9, overstrike "unborn child's"

Page 1, line 10, after "survival" insert "of the fetus", remove "or drawings", and replace "unborn" with "a fetus"

Page 1, line 11, remove "children" and remove "or drawings"

Page 1, line 15, overstrike "unborn child" and insert immediately thereafter "fetus"

Renumber accordingly

HB 1478 was placed on the Seventh order of business on the calendar.

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

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

**HB 1068:** Sens. Kringstad; Urlacher; Kinnoin

**HB 1482:** Sens. Traynor; Fischer; Thompson

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1022, HB 1023, and HB 1024 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1022:** Reps. Freier; Boehm; Aarsvold

**HB 1023:** Reps. Kunkel; Lloyd; Wilkie

**HB 1024:** Reps. Lloyd; Kunkel; Aarsvold

#### 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 2018:** Reps. Tollefson; Martinson; Huether

**SB 2030:** Reps. Nottestad; Sabby; S. Kelsh

#### REPORT OF CONFERENCE COMMITTEE

**HB 1019, as engrossed:** Your conference committee (Sens. Goetz, St. Aubyn, Robinson and Reps. Byerly, Soukup, Wilkie) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1208 and place HB 1019 on the Seventh order.

#### HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1098 and HB 1182.

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

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: SB 2046, SB 2093.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2046, SB 2093.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause failed: HB 1243.

**HOUSE ENGROSSING AND ENROLLING REPORT**

The following bills were engrossed and enrolled: HB 1103, HB 1240, and HB 1274.

**REPORT OF CONFERENCE COMMITTEE**

**REP. STENEHJEM MOVED** that the conference committee report on SB 2202 be adopted, which motion prevailed.

SB 2202, as amended, was placed on the Fourteenth order on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2202:** A BILL for an Act to amend and reenact subsection 6 of section 23-07.5-02 of the North Dakota Century Code, relating to testing for the human immunodeficiency virus.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 5 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Boucher; Christenson; Fairfield; Warner; Wilkie

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

SB 2202, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. FROSETH MOVED** that the conference committee report on Engrossed SB 2136 be adopted, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. MONSON MOVED** that the conference committee report on Engrossed SB 2160 be adopted, which motion prevailed.

Engrossed SB 2160, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2160:** A BILL for an Act to create and enact a new subsection to section 12-60-16.4, a new subsection to section 20.1-02-15.1, and chapter 39-24.1 of the North Dakota Century Code, relating to implied consent for snowmobile operators; to amend and reenact subdivision c of subsection 5 of section 39-24-09, and section 39-24-11 of the North Dakota Century Code, relating to driving a snowmobile while under the influence of an intoxicating liquor or drug; 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 93 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

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

Engrossed SB 2160, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. POOLMAN MOVED** that the conference committee report on Engrossed HB 1412 be adopted, which motion prevailed.

Engrossed HB 1412, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1412:** A BILL for an Act to create and enact a new subsection to section 10-04-06 of the North Dakota Century Code, relating to a "test the waters" exemption to registration of securities; to amend and reenact subsection 4 of section 10-04-03 of the North Dakota Century Code, relating to deposit of security fees; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

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

Engrossed HB 1412, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. NOTTESTAD MOVED** that the conference committee report on Engrossed HB 1190 be adopted, which motion prevailed.

Engrossed HB 1190, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1190:** A BILL for an Act to create and enact two new sections to chapter 20.1-03 of the North Dakota Century Code, relating to hunting and fishing by nonresident and foreign exchange students; to amend and reenact sections 20.1-03-07 and 20.1-03-07.1 of the North Dakota Century Code, relating to hunting and fishing by nonresidents and nonresident waterfowl hunting licenses; 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 45 YEAS, 48 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Brusegaard; Callahan; Christenson; Coats; DeKrey; Delmore; Froseth; Galvin; Glassheim; Grumbo; Gulleson; Hawken; Huether; Jacobs; Jensen; Johnson, D.; Kelsh, S.; Kilzer; Klein; Kliniske; Kunkel; Mahoney; Martinson; Monson; Murphy; Nelson; Nichols; Niemeier; Nottestad; Olson; Poolman; Rennerfeldt; Sabby; Sandvig; Schmidt; Stenehjem; Sveen; Thompson; Thoreson; Torgerson; Wald; Wardner; Warner; Wentz

**NAYS:** Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; Delzer; Devlin; Dorso; Drovda; Fairfield; Freier; Gerntholz; Grande; Grosz; Hanson; Henegar; Johnsen, C.; Keiser; Kelsch, R.; Kempenich; Kerzman; Koppelman; Kretschmar; Kroepelin; Lloyd; Mickelson; Oban; Price; Renner; Rose; Skarphol; Soukup; Svedjan; Thorpe; Tollefson; Weisz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Gorder; Gunter; Maragos; Nicholas

Engrossed HB 1190, as amended, was declared lost.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. KLINISKE MOVED** that the conference committee report on HB 1478 be adopted, which motion prevailed.

HB 1478, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1478:** A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 14-02.1-02.1 of the North Dakota Century Code, relating to information to be provided to pregnant women.

**ROLL CALL**

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

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

**NAYS:** Christenson; Froseth; Jensen; Maragos; Sveen; Wentz

**ABSENT AND NOT VOTING:** Gorder; Gunter; Nicholas

HB 1478, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. BYERLY MOVED** that the conference committee report on Engrossed HB 1019 be adopted, which motion prevailed.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on SB 2136.

**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 2160, SB 2202.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a Conference Committee on SB 2132: Reps. Kempenich, Murphy, Thorpe.

**MOTION**

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

**MOTION**

**REP. FREIER MOVED** that the House be on the Fifth, Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Thursday, April 3, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2228, as engrossed: Government and Veterans Affairs Committee (Rep. Wardner, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2228 was placed on the Sixth order on the calendar.

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

Page 2, line 13, after the underscored period insert "a."

Page 2, line 15, replace "a." with "(1)"

Page 2, line 17, replace "b." with "(2)"

Page 2, after line 21, insert:

"b."

Page 2, after line 26, insert:

"c. Notwithstanding subdivisions a and b, as applied to the legislative assembly, "meeting" means any gathering subject to section 14 of article IV of the Constitution of North Dakota."

Page 19, line 28, replace "4" with "3"

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE**

**HB 1085:** Your conference committee (Sens. Watne, W. Stenehjem, Berg and Reps. Koppelman, Kretschmar, Callahan) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1046 and place HB 1085 on the Seventh order.

HB 1085 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1357, as engrossed:** Your conference committee (Sens. Andrist, Watne, Mutzenberger and Reps. Sveen, Hawken, Fairfield) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 859 and place HB 1357 on the Seventh order.

Engrossed HB 1357 was placed on the Seventh order of business on the calendar.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and failed to pass: HB 1190.

**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 1412.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on HB 1019.

**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 2132:** Reps. Kempenich; Murphy; Thorpe

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

**MADAM PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1412.

**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 1478.

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

**ROY GILBREATH, Chief Clerk**