

JOURNAL OF THE HOUSE

Fifty-sixth Legislative Assembly

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Bismarck, March 29, 1999

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

The prayer was offered by Associate Pastor Jeannette Hickman, First Presbyterian Church, Bismarck.

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

A quorum was declared by the Speaker.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 26, 1999, I have signed the following: HB 1006, HB 1008, HB 1010, HB 1066, HB 1144, HB 1161, HB 1237, HB 1260, HB 1362, HB 1388, HB 1417, HB 1439, and HB 1454.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to Engrossed HB 1382 as printed on HJ pages 985-986, which motion prevailed.

Engrossed HB 1382, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1382: A BILL for an Act to create and enact a new section to chapter 29-08 of the North Dakota Century Code, relating to bail as the defendant's property; to amend and reenact subsections 3 and 4 of section 27-05.2-02 of the North Dakota Century Code as created by section 50 of House Bill No. 1275, as approved by the fifty-sixth legislative assembly, relating to options for state funding of clerk of district court services; and to amend and reenact section 29-22-31 of the North Dakota Century Code, relating to refund of bail money.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glasheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsch, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Weisz

Reengrossed HB 1382 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERG MOVED that the House do concur in the Senate amendments to HB 1081 as printed on HJ page 965, which motion prevailed.

HB 1081, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1081: A BILL for an Act to create and enact a new section to chapter 43-30 of the North Dakota Century Code, relating to temporary private investigative and security service

licenses or registrations; and to amend and reenact sections 43-30-04, 43-30-06, and 43-30-16, of the North Dakota Century Code, relating to fees and criminal history record checks for applicants for a license or registration to provide private investigative and security services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Weisz

Engrossed HB 1081 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERG MOVED that the House do concur in the Senate amendments to HB 1150 as printed on HJ page 990, which motion prevailed.

HB 1150, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1150: A BILL for an Act to create and enact a new section to chapter 43-02.2 of the North Dakota Century Code, relating to substantial equivalency for obtaining a certificate or license to practice public accountancy; to amend and reenact sections 43-02.2-01, 43-02.2-02, 43-02.2-03, 43-02.2-04, 43-02.2-06, 43-02.2-07, 43-02.2-08, 43-02.2-09, 43-02.2-11, 43-02.2-12, 43-02.2-15, 43-02.2-16, and 43-02.2-17 of the North Dakota Century Code, relating to certified public accountants and the practice of public accountancy; and to repeal section 43-02.2-05 of the North Dakota Century Code, relating to individual permits to practice public accountancy.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 67 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; Bernstein; Brandenburg; Brekke; Byerly; Carlisle; Clark; Cleary; Dalrymple; Delmore; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Gorder; Gulleson; Hanson; Hawken; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Wentz; Winrich

NAYS: Aarsvold; Belter; Boehm; Boucher; Brusegaard; Carlson; DeKrey; Delzer; Devlin; Fairfield; Grande; Grosz; Grumbo; Gunter; Haas; Henegar; Herbel; Hoffner; Kerzman; Lloyd; Lundgren; Monson; Niemeier; Nowatzki; Pollert; Schmidt; Solberg; Timm; Wikenheiser; Speaker Wald

ABSENT AND NOT VOTING: Weisz

Engrossed HB 1150 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. KLEIN MOVED that the House do concur in the Senate amendments to Engrossed HB 1227 as printed on HJ pages 990-991, which motion prevailed.

Engrossed HB 1227, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1227: A BILL for an Act to create and enact a new section to chapter 43-35 of the North Dakota Century Code, relating to water well contractor continuing education requirements; to amend and reenact section 43-35-17 of the North Dakota Century Code, relating to water well contractor continuing education requirements; 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 77 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Clark; Cleary; Dalrymple; Delmore; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Haas; Hanson; Hawken; Henegar; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nicholas; Nottestad; Nowatzki; Pollert; Poolman; Porter; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Aarsvold; Boehm; Brusegaard; Carlson; DeKrey; Delzer; Devlin; Grosz; Grumbo; Gulleson; Gunter; Herbel; Nelson; Nichols; Niemeier; Price; Renner; Thorpe; Warner

ABSENT AND NOT VOTING: Maragos; Weisz

Reengrossed HB 1227 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to Engrossed HB 1294 as printed on HJ pages 984-985, which motion prevailed.

Engrossed HB 1294, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1294: A BILL for an Act to amend and reenact section 43-29-13 of the North Dakota Century Code, relating to the practice of veterinary medicine.

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, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Disrud; Dorso; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rose; Schmidt; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wikenheiser; Winrich; Speaker Wald

NAYS: DeKrey; Devlin; Drovdal; Nichols; Niemeier; Rennerfeldt; Sandvig; Severson; Solberg; Wentz

ABSENT AND NOT VOTING: Weisz

Reengrossed HB 1294 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do concur in the Senate amendments to Engrossed HB 1396 as printed on HJ page 825, which motion prevailed.

Engrossed HB 1396, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1396: A BILL for an Act to amend and reenact section 26.1-36-09 of the North Dakota Century Code, relating to insurance coverage for treatment of mental disorders.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Weisz

Reengrossed HB 1396 passed and the title was agreed to.

ANNOUNCEMENT BY THE SPEAKER

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

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

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1383.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1383

Page 2, line 18, remove "The commissioner of the"

Page 2, remove lines 19 through 22

Page 2, line 29, remove ", the commissioner of the"

Page 2, line 30, remove "department of banking and financial institutions."

Renumber accordingly

SENATE FLOOR AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1383

In addition to the amendments to Reengrossed House Bill No. 1383 as printed on page 605 of the Senate Journal, Reengrossed House Bill No. 1383 is further amended as follows:

Page 2, line 11, replace "twenty" with "eight"

Renumber accordingly

SENATE FLOOR AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1383

In addition to the amendments to Reengrossed House Bill No. 1383 as printed on page 605 of the Senate Journal, Reengrossed House Bill No. 1383 is further amended as follows:

Page 1, line 4, remove "and"

Page 1, line 5, after "date" insert "; and to provide an expiration date"

Page 5, line 29, after "**DATE**" insert "**- EXPIRATION DATE**" and after "for" insert "the first four"

Page 5, line 30, after "1998" insert ", and is thereafter ineffective"

Renumber accordingly

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1274.

SENATE FLOOR AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1274

In lieu of the amendments adopted by the Senate as printed on page 822 of the Senate Journal, Engrossed House Bill No. 1274 is amended as follows:

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

Page 1, line 2, replace "reciprocity" with "reciprocal" and after "teachers" insert "; and to declare an emergency"

Page 1, line 6, replace "**reciprocity**" with "**reciprocal**"

Page 1, line 7, replace "reciprocity" with "reciprocal"

Page 1, line 23, replace "reciprocity" with "reciprocal"

Page 2, line 2, replace "reciprocity" with "reciprocal"

Page 2, line 4, replace "reciprocity" with "reciprocal"

Page 2, after line 5, insert:

"SECTION 2. A new section to chapter 15-36 of the North Dakota Century Code is created and enacted as follows:

Reciprocal acceptance of teaching certificates - Report. On or before July 1, 2001, the education standards and practices board shall implement a program for the reciprocal acceptance of teaching certificates issued by the states of Minnesota, Montana, and South Dakota. The education standards and practices board shall present a progress report regarding implementation of the program to the legislative council or to a committee designated by the council before October 1, 2000.

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

Renumber accordingly

SIXTH ORDER OF BUSINESS

REP. DORSO MOVED that the amendments on the Sixth order of business to Engrossed SB 2020, Reengrossed SB 2021, and Engrossed SB 2267 be adopted, which motion prevailed.

Engrossed SB 2020, Reengrossed SB 2021, and Engrossed SB 2267, as amended, were placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; to provide for line item transfers for the 1997-99 biennium; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Sandvig; Severson; Solberg; Stefonowicz;

Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Cleary; Ekstrom; Fairfield; Froelich; Hoffner; Kelsh, S.; Kerzman; Lemieux; Maragos; Rose; Schmidt; Warner

ABSENT AND NOT VOTING: DeKrey; Weisz

Engrossed SB 2020, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the international peace garden.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 95 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleason; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Cleary; Lemieux

ABSENT AND NOT VOTING: Weisz

Reengrossed SB 2021, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2267: A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to the special road committee; to amend and reenact subsection 3 of section 24-02-37 of the North Dakota Century Code, relating to the special road fund; to provide an effective date; and to declare an emergency.

ROLL CALL

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

YEAS: Aarsvold; Belter; Bernstein; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleason; Gunter; Haas; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemm; Koppang; Koppelman; Kroeber; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Berg; Boehm; DeKrey; Ekstrom; Kliniske; Lemieux; Mickelson; Poolman

ABSENT AND NOT VOTING: Hanson; Weisz

Engrossed SB 2267, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2125: A BILL for an Act to amend and reenact section 12.1-31-03 of the North Dakota Century Code, relating to the purchase, possession, and use of tobacco by minors; to provide a penalty; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 86 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Poolman; Porter; Price; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Boehm; Brusegaard; Carlson; Delzer; Devlin; Grande; Grosz; Lloyd; Pollert; Renner; Timm

ABSENT AND NOT VOTING: Weisz

Engrossed SB 2125, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2344: A BILL for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to length of school year.

ROLL CALL

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

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Grosz

ABSENT AND NOT VOTING: Weisz

Engrossed SB 2344, as amended, passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2371: A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to a presumption in drug forfeiture cases; and to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the asset forfeiture fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Weisz

Engrossed SB 2371, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do concur in the Senate amendments to Engrossed HB 1018 as printed on HJ page 1011, which motion prevailed.

Engrossed HB 1018, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1018: A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings; and to authorize a loan from the Bank of North Dakota.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Weisz

Reengrossed HB 1018 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERG MOVED that the House do not concur in the Senate amendments to Engrossed HB 1135 as printed on HJ page 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 Engrossed HB 1135: Reps. Berg, Keiser, Glassheim.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do concur in the Senate amendments to Engrossed HB 1067 as printed on HJ page 1012, which motion prevailed.

Engrossed HB 1067, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1067: A BILL for an Act to amend and reenact section 32-28-02 of the North Dakota Century Code, relating to the name change of a minor.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glasheim; Gorder; Grande; Grosz; Grumbo; Gulleason; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Weisz

Reengrossed HB 1067 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DEKREY MOVED that the House do not concur in the Senate amendments to HB 1026 as printed on HJ page 1011 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 1026: Reps. DeKrey, Koppelman, Meyer.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do concur in the Senate amendments to Engrossed HB 1196 as printed on HJ pages 966-967, which motion prevailed.

Engrossed HB 1196, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1196: A BILL for an Act to amend and reenact subsection 1 of section 57-15-14.2 and section 57-15-17.1 of the North Dakota Century Code, relating to mill levies for alternative education programs; 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 94 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glasheim; Gorder; Grosz; Grumbo; Gulleason; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Devlin; Grande; Nelson

ABSENT AND NOT VOTING: Weisz

Reengrossed HB 1196 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do concur in the Senate amendments to HB 1414 as printed on HJ page 991, which motion prevailed.

HB 1414, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1414: A BILL for an Act to amend and reenact subdivision e of subsection 2 of section 51-13-02 of the North Dakota Century Code, relating to delinquency and collection charges on retail installment payments.

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, 52 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Devlin; Disrud; Dorso; Froseth; Grande; Grosz; Hawken; Herbel; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Maragos; Mickelson; Nicholas; Nichols; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Tollefson; Warner; Speaker Wald

NAYS: Aarsvold; Boehm; Boucher; Cleary; Delmore; Delzer; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Galvin; Glassheim; Gorder; Grumbo; Gulleson; Gunter; Haas; Hanson; Henegar; Hoffner; Huether; Jensen; Johnson, D.; Kelsh, S.; Kerzman; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Monson; Mueller; Nelson; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Stefonowicz; Sveen; Thorpe; Timm; Wentz; Wikenheiser; Winrich

ABSENT AND NOT VOTING: Weisz

Engrossed HB 1414 was declared lost.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do concur in the Senate amendments to HCR 3057 as printed on HJ page 991, which motion prevailed.

HCR 3057, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3057: A concurrent resolution urging Congress and the Secretary of Agriculture to reevaluate the feasibility, desirability, and cost effectiveness of requiring states to collect certain outstanding claims of overissued food stamp benefits.

ROLL CALL

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

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Cleary; Jensen; Weisz

Engrossed HCR 3057 was declared adopted on a roll call vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. PRICE MOVED that the House do concur in the Senate amendments to HCR 3046 as printed on HJ page 968, which motion prevailed.

HCR 3046, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3046: A concurrent resolution directing the Legislative Council study the challenges facing the delivery of health care in this state, including the concerns relating to reimbursement of hospitals for medical services, technological innovation, and possible regionalization of services.

ROLL CALL

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Cleary; Weisz

Engrossed HCR 3046 was declared adopted on a roll call vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BELTER MOVED that the House do concur in the Senate amendments to Reengrossed HB 1383 as printed on HJ page 1018, which motion prevailed.

Reengrossed HB 1383, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1383: A BILL for an Act to provide for establishment and operation of the housing development fund and to provide a financial institutions tax credit for participation in the fund; to amend and reenact sections 57-35.3-09 and 57-35.3-10 of the North Dakota Century Code, relating to allocation of financial institutions' tax revenues; to provide a penalty; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 82 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovda; Eckre; Ekstrom; Froelich; Froseth; Galvin; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Wentz; Wikenheiser; Speaker Wald

NAYS: Brusegaard; Byerly; Fairfield; Glassheim; Hoffner; Kelsh, S.; Kroeber; Lemieux; Lloyd; Meyer; Rose; Stefanowicz; Thorpe; Winrich

ABSENT AND NOT VOTING: Cleary; Weisz

Reengrossed HB 1383, as amended, passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2002: Reps. Carlisle, Tollefson, Gullerson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2242: Reps. Byerly, Carlson, Huether.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2299: Reps. DeKrey, Hawken, Fairfield.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2300: Reps. DeKrey, Sveen, Delmore.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2350: Reps. Drovdal, DeKrey, Hanson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SCR 4033: Reps. Gorder, Brekke, Fairfield.

SEVENTH ORDER OF BUSINESS

MOTION

REP. DORSO MOVED that Engrossed SB 2003 be placed at the top of the Seventh order, which motion prevailed.

ANNOUNCEMENT

REP. DORSO ANNOUNCED that in accordance with House Rule 602(4), if the motion for the substitution of the Minority report for the Majority report fails, the Majority report is adopted.

MOTION

REP. HUETHER MOVED that the report of the Minority as printed on HJ pages 1005-1007 be substituted for the report of the Majority on Engrossed SB 2003.

REQUEST

REP. KERZMAN REQUESTED a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2003, which request was granted.

MOTION

REP. DORSO MOVED that the debate on the Minority report on Engrossed SB 2003 be closed and the time certain for the question be now, which motion is nondebatable.

REQUEST

REP. GLASSHEIM REQUESTED clarification and a Ruling by the Speaker on House Rule 336, with reference to the time certain for debate, as he felt it referred to the start of debate.

RULING BY THE SPEAKER

SPEAKER WALD RULED that the motion for limiting debate was proper under House Rule 336, page 104, which motion prevailed on a verification vote.

ROLL CALL

The question being on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2003, the roll was called and there were 33 YEAS, 63 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Gorder; Grumbo; Gullerson; Hanson; Hoffner; Huether; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Stefonowicz; Thorpe; Warner; Winrich

NAYS: Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Disrud; Dorso; Drovdal; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Wentz; Wikenheiser; Speaker Wald

ABSENT AND NOT VOTING: Cleary; Weisz

The motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2003 failed, therefore, the report of the Majority was adopted.

SIXTH ORDER OF BUSINESS

SB 2003, as engrossed: REP. DALRYMPLE (Appropriations Committee) MOVED that the Majority report amendments on HJ pages 1004-1005 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide statements of legislative intent; to amend and reenact subsection 3 of section 53-06.1-14 and section 54-12-11 of the North Dakota Century Code, relating to gaming stamp fees and the salary of the attorney general; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 79 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Clark; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Maragos; Martinson; Meyer; Mickelson; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Wentz; Wikenheiser; Speaker Wald

NAYS: Boucher; Carlson; Eckre; Ekstrom; Fairfield; Hoffner; Kelsh, S.; Lemieux; Lundgren; Mahoney; Metcalf; Mueller; Nowatzki; Rose; Solberg; Thorpe; Winrich

ABSENT AND NOT VOTING: Cleary; Weisz

Engrossed SB 2003, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2021, SB 2344, SB 2371.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2003, SB 2020, SB 2125, SB 2267.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1081, HB 1150, HB 1227, HB 1294, HB 1382, HB 1396.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2002: Reps. Carlisle; Tollefson; Gullson

SB 2242: Reps. Byerly; Carlson; Huether

SB 2299: Reps. DeKrey; Hawken; Fairfield

SB 2300: Reps. DeKrey; Sveen; Delmore
SB 2350: Reps. Drovdal; DeKrey; Hanson
SCR 4033: Reps. Gorder; Brekke; Fairfield

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1026 and HB 1135 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1026: Reps. DeKrey; Koppelman; Meyer
HB 1135: Reps. Berg; Keiser; Glassheim

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1018, HB 1067, HB 1196, HB 1383, HCR 3046, HCR 3057.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Seventh, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Tuesday, March 30, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2014, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2014 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "2,255,977" with "2,227,636"

Page 1, line 11, replace "1,471,792" with "1,507,492"

Page 1, line 12, replace "784,185" with "720,144"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Total all funds	\$2,282,345	\$2,255,977	(\$28,341)	\$2,227,636
Less special funds	<u>1,471,792</u>	<u>1,471,792</u>	<u>35,700</u>	<u>1,507,492</u>
General fund	\$810,553	\$784,185	(\$64,041)	\$720,144
FTE	22.00	22.00	(0.50)	21.50

Detail of House changes to the Senate version includes:

	REMOVE FUNDING FOR COMPUTERS	REMOVE FUNDING FOR INTERNET HOME PAGE	CHANGE FUNDING FOR AUTOMATED CASE MANAGEMENT SYSTEM	REMOVE FUNDING FOR .5 FTE SUPPORT POSITION	ADD FUNDING FOR TEMPORARY SALARIES IN LIEU OF .5 FTE POSITION	REPLACE GENERAL FUND WITH SAVINGS FROM .5 FTE REMOVED
Total all funds	(\$7,200)	(\$6,360)	\$0	(\$25,781)	\$11,000	\$0
Less special funds	_____	_____	<u>35,700</u>	<u>(24,127)</u>	<u>11,000</u>	<u>13,127</u>
General fund	(\$7,200)	(\$6,360)	(\$35,700)	(\$1,654)	\$0	(\$13,127)
FTE	0.00	0.00	0.00	(0.50)	0.00	0.00

	TOTAL HOUSE CHANGES
Total all funds	(\$28,341)
Less special funds	<u>35,700</u>
General fund	(\$64,041)

FTE

(0.50)

REPORT OF STANDING COMMITTEE

SB 2019, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (18 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2019 was placed on the Sixth order on the calendar.

Page 1, line 2, after "department" insert "; and to amend and reenact section 20.1-02-16.1 of the North Dakota Century Code, relating to the minimum balance of the game and fish fund"

Page 1, line 16, replace "2,703,224" with "2,903,224"

Page 1, after line 19, insert:
 "Wildlife services 100,000"

Page 1, line 21, replace "30,406,036" with "30,706,036"

Page 2, line 13, remove "Priority must be given to contracts to"

Page 2, line 14, remove "increase upper basin storage and enhance wildlife habitat in the Devils Lake basin."

Page 2, after line 16, insert:

"SECTION 5. WILDLIFE SERVICES. The amount of \$100,000, or such lesser amount as may be available, for the line item entitled wildlife services in section 1 of this Act, is from the game and fish fund and must be used to provide grants to the wildlife services agency for projects to alleviate wildlife depredation and damage. Projects funded may include projects to alleviate waterfowl depredation and damage and must be approved by the director of the game and fish department.

SECTION 6. PUBLIC ACCESS TO FLOODED AGRICULTURAL LAND - PAYMENTS TO LANDOWNERS. The amount of \$200,000, or such lesser amount as may be available, for the line item entitled land habitat and deer depredation in section 1 of this Act is from the game and fish fund and must be used for providing payments to landowners with flooded agricultural land, as provided in this section. Payments shall be at the rate of two dollars per year per acre of flooded agricultural land which is taxable as agricultural land and is not normally inundated by water. Payments may be made on a one-time basis for a period not to exceed five years. The conditions under which land qualifies for payments under this section shall be determined by the director of the game and fish department and shall include public access to the flooded agricultural land.

SECTION 7. AMENDMENT. Section 20.1-02-16.1 of the North Dakota Century Code is amended and reenacted as follows:

20.1-02-16.1. Use of game Game and fish fund - Use - Required balance - Budget section approval. All income of the state game and fish department; deposited by the director with the state treasurer must be credited to the state game and fish fund and the fund may be used only by the department. All money derived from the investment of the fund or portions ~~thereof~~ of the fund must be credited to the game and fish department private land habitat and access improvement fund. The department shall spend moneys in the game and fish fund within the limits of legislative appropriations, only to the extent the balance of the fund is not reduced below ten million dollars, unless otherwise authorized by the budget section."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 720 - GAME AND FISH DEPARTMENT

HOUSE - This amendment make the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$12,333,733	\$12,218,261		\$12,218,261
Operating expenses	7,779,014	7,779,014		7,779,014
Equipment	771,505	771,505		771,505
Capital improvements	1,602,122	1,602,122		1,602,122

Grants	3,397,050	3,397,050		3,397,050
Noxious weed control	200,000	200,000		200,000
Land habitat and deer depredation	2,703,973	2,703,224	\$200,000	2,903,224
Grants, gifts, and donations	100,000	100,000		100,000
Nongame wildlife conservation	120,000	120,000		120,000
Waterbank program	200,000	200,000		200,000
Wildlife services			100,000	100,000
Lonetree Reservoir	<u>1,317,969</u>	<u>1,314,860</u>		<u>1,314,860</u>
Total all funds	\$30,525,366	\$30,406,036	\$300,000	\$30,706,036
Less special funds	<u>30,525,366</u>	<u>30,406,036</u>	<u>300,000</u>	<u>30,706,036</u>
General fund	\$0	\$0	\$0	\$0
FTE	131.00	131.00	0.00	131.00

Detail of House changes to the Senate version:

	ADD FUNDING FOR WILDLIFE SERVICES GRANTS	ADD FUNDING FOR PAYMENTS FOR FLOODED AGRICULTURAL LAND	TOTAL HOUSE CHANGES
Salaries and wages			
Operating expenses			
Equipment			
Capital improvements			
Grants			
Noxious weed control			
Land habitat and deer depredation		\$200,000	\$200,000
Grants, gifts, and donations			
Nongame wildlife conservation			
Waterbank program			
Wildlife services	\$100,000		100,000
Lonetree Reservoir			
Total all funds	\$100,000	\$200,000	\$300,000
Less special funds	<u>100,000</u>	<u>200,000</u>	<u>300,000</u>
General fund	\$0	\$0	\$0

House changes narrative:

This amendment makes the following changes:

Adds \$100,000 from the game and fish fund for grants to wildlife services for projects to alleviate waterfowl and other wildlife depredation and damage, as provided in Section 5 of the bill. In addition, the executive budget includes \$80,000 from the private land habitat and access improvement fund (land habitat and deer depredation line item) for grants to wildlife services, which in the House version will be used for private land habitat and access improvement initiatives determined by the department.

Adds \$200,000 from the game and fish fund for payments to landowners with flooded agricultural land, as provided in Section 6 of the bill.

Amends North Dakota Century Code Section 20.1-02-16.1 to provide that the balance of the game and fish fund must be at least \$10 million.

Removes the requirement in Section 4 of the bill that priority be given to waterbank contracts in the Devils Lake Basin.

REPORT OF STANDING COMMITTEE

SB 2025, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2025 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "1,811,667" with "1,818,176"

Page 1, line 19, replace "1,208,468" with "1,222,052"

Page 1, line 20, replace "7,000" with "7,500"

Page 1, line 22, replace "3,052,135" with "3,072,728"

Page 1, line 23, replace "5,574,064" with "5,594,657"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 192 - PUBLIC EMPLOYEES RETIREMENT SYSTEM

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$1,823,047	\$1,811,667	\$6,509	\$1,818,176
Operating expenses	1,208,468	1,208,468	13,584	1,222,052
Equipment	7,000	7,000	500	7,500
Contingency	<u>25,000</u>	<u>25,000</u>		<u>25,000</u>
Total all funds	\$3,063,515	\$3,052,135	\$20,593	\$3,072,728
Less special funds	<u>3,063,515</u>	<u>3,052,135</u>	<u>20,593</u>	<u>3,072,728</u>
General fund	\$0	\$0	\$0	\$0
FTE	24.00	24.00	0.00	24.00

Detail of House changes to the Senate version:

	REMOVE NEW ADMIN. CLERK POSITION AND RELATED COSTS	ADD NEW POSITION AND RELATED COSTS FOR SB 2071	TOTAL HOUSE CHANGES
Salaries and wages	(\$44,291)	\$50,800	\$6,509
Operating expenses	(8,116)	21,700	13,584
Equipment	(2,000)	2,500	500
Contingency			
Total all funds	(\$54,407)	\$75,000	\$20,593
Less special funds	<u>(54,407)</u>	<u>75,000</u>	<u>20,593</u>
General fund	\$0	\$0	\$0
FTE	(1.00)	1.00	0.00

House changes narrative:

This amendment makes the following changes:

Removes one FTE administrative clerk position and related costs included in the executive budget.

Adds one FTE member services representative and related costs for implementing Senate Bill No. 2071.

REPORT OF STANDING COMMITTEE

SB 2043, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2043 was placed on the Sixth order on the calendar.

Page 1, line 3, after the third comma insert "54-44.6-03,"

Page 1, line 7, replace "effective" with "expiration"

Page 1, line 10, replace "19" with "15"

Page 1, line 13, remove "Board" means the information technology board."

Page 1, line 14, remove "3."

Page 1, line 15, replace "4" with "3"

Page 1, line 18, replace "5" with "4"

Page 1, line 20, remove "The information"

Page 1, remove lines 21 through 24

Page 2, line 1, remove "necessary to transmit voice, data, or video outside the county, city, or school district."

Page 2, remove line 20

Page 3, line 6, replace "19" with "15"

Page 3, line 15, remove "The department shall inform the board of any"

Page 3, remove line 16

Page 3, line 26, remove ", and report and make recommendations to the board"

Page 3, line 27, remove "regarding information technology in state government"

Page 4, line 3, replace "15" with "12"

Page 4, line 4, replace "19" with "15"

Page 4, line 7, remove "Before final adoption, the chief information officer shall submit the business plan to the"

Page 4, line 8, remove "board for its review, and the plan is subject to the review of the board."

Page 4, line 12, remove ", as"

Page 4, line 13, remove "defined by the board"

Page 4, remove lines 28 through 31

Page 5, remove lines 1 through 22

Page 5, line 24, remove "and each county, city, and school"

Page 5, remove line 25

Page 5, line 26, remove "outside that county, city, or school district" and remove "The"

Page 5, remove lines 27 through 30

Page 6, line 2, remove "and in consultation with the board,"

Page 6, line 19, remove "in consultation with the"

Page 6, line 20, remove "board"

Page 6, line 29, after the underscored period insert "The agency's budget request and the governor's budget recommendation must include supporting information describing in detail how the information technology plan relates to the budget request and recommendation. Any budget adjustment by the budget office must include the corresponding change to the plan."

Page 7, remove lines 19 through 28

Page 8, line 8, replace "board" with "legislative council"

Page 8, remove lines 9 through 14

Page 8, line 26, remove "information technology development account or"

Page 8, line 27, remove ", as appropriate,"

Page 9, line 1, replace "19" with "15"

Page 9, after line 9, insert:

"SECTION 16. STATEWIDE WIDE AREA NETWORK SERVICES PLAN - EXPIRATION DATE. By December 1, 2002, the information technology department shall develop a plan for use of statewide wide area network services by the counties, cities, and school districts in this state. The department shall prepare and recommend any proposed legislation to implement the plan to the fifty-eighth legislative assembly."

Page 9, line 12, replace "July 1, 2000" with "August 1, 1999"

Page 9, line 15, replace "the relevant" with "this Act."

Page 9, remove lines 16 through 18

Page 9, line 19, replace "division, and before" with "Before" and remove "and the state"

Page 9, line 20, remove "information technology board shall approve"

Page 15, after line 10, insert:

"SECTION 23. AMENDMENT. Section 54-44.6-03 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-44.6-03. State forms manager. ~~The director of the office of management and budget or an individual designated by the director~~ chief information officer of the state shall serve as the state forms manager. The manager shall administer in the executive branch of state government the forms management program established by this chapter. The program must apply efficient and economical management methods to the creation and utilization of state forms."

Page 21, replace lines 12 through 17 with:

"SECTION 34. EXPIRATION DATE. Section 16 of this Act expires March 31, 2003, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2044: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2044 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "three"

Page 1, line 2, after "committee" insert "; and to provide an expiration date"

Page 1, line 8, after the period insert "The council shall appoint three members of the house of representatives and three members of the senate to the committee. The governor shall appoint one member who is a certified public accountant whose experience includes responsibility for financial audits, one member who is a certified public accountant whose experience includes responsibility related to information systems, and one member who has education, experience, and other qualifications in information technology communications. The members appointed by the governor serve three-year terms, with one term expiring each year. Each initial appointee of the governor shall serve either a one-year, two-year, or three-year term as determined by the governor to provide for the staggered terms. The chief information officer of the state is an ex officio, nonvoting member of the committee. The appointees of the governor are entitled to be compensated for time spent in attendance at meetings of the committee and for other travel as approved by the chairman of the committee at the rate of two hundred dollars per day and are entitled to reimbursement for their actual and necessary expenses incurred in the same manner as other state officials as appropriate."

Page 1, replace lines 16 through 21 with:

1. Meet at least once each calendar quarter.
2. Receive a report from the chief information officer of the state at each meeting.
3. Approve the business plan of the information technology department.
4. Address macro-level operational questions relating to the information technology department.
5. Review the activities of the information technology department.
6. Establish goals and policy regarding information systems and technology, including telecommunications, used by state agencies, including institutions under the control of the board of higher education.
7. Review and approve statewide information technology standards.

8. Review and approve the statewide information technology plan.
9. Conduct studies of information technology efficiency and security.
10. Make recommendations regarding established or proposed information technology programs and information technology acquisition by the executive and judicial branches.
11. Review and approve the cost-benefit analysis of any major information technology project of an executive or judicial branch agency. A major project is a project with a cost of two hundred fifty thousand dollars or more in one biennium or a total cost of five hundred thousand dollars or more. An agency must obtain approval of the cost-benefit analysis before the information technology project can be initiated or proceed beyond the development of the cost-benefit analysis.
12. Perform periodic reviews to ensure that a major information technology project is on its projected schedule and within its cost projections.

SECTION 3. A new section to chapter 54-35 of the North Dakota Century Code is created and enacted as follows:

Information technology project quality assurance - Information technology committee review - Budget section approval - Suspension of funds. The information technology committee may review any information technology project or information technology plan and redirect an agency's project or plan if the committee determines that the project or plan is at risk of failing to achieve its intended results, the moneys appropriated for the project or plan are not adequate to complete the project or plan, or the project or plan does not comply with standards approved by the committee. If the committee recommends suspension of the expenditure of moneys appropriated for a project or plan, the committee shall submit its recommendation to the budget section of the legislative council for review and approval of the recommended suspension. The budget section shall review and approve or reject the recommendation of the committee. If the budget section approves the recommendation, the budget section shall notify the office of management and budget with respect to its recommended suspension of expenditure authority. The office of management and budget shall suspend the expenditure authority until otherwise requested by the information technology committee.

SECTION 4. EXPIRATION DATE. This Act is effective through June 30, 2003, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2081: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (17 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2081 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2096, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (14 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2096 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2195: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO NOT PASS** (11 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING). SB 2195 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2289: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **DO PASS** (18 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2289 was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1075, as engrossed: Your conference committee (Sens. Fischer, Thane, DeMers and Reps. Devlin, Porter, Niemeier) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 861 and place Engrossed HB 1075 on the Seventh order.

Engrossed HB 1075 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1310, as engrossed: Your conference committee (Sens. Lyson, Lee, Kelsh and Reps. Severson, Disrud, Ekstrom) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 835, adopt further amendments as follows, and place Engrossed HB 1310 on the Seventh order:

That the Senate recede from its amendments as printed on page 835 of the House Journal and page 686 of the Senate Journal and that Engrossed House Bill No. 1310 be amended as follows:

Page 1, line 14, after "department" insert "and the state engineer"

Page 1, line 17, after "department" insert "and the state engineer"

Page 1, line 21, after "water" insert "detained by the highway at the crossing" and replace "crossings have" with "crossing has"

Page 1, line 22, after "department" insert "and the state engineer"

Page 2, line 11, after "department" insert "and the state engineer"

Page 2, line 17, after "water" insert "detained by the highway at the crossing" and replace "crossings have" with "crossing has"

Page 2, line 18, after "department" insert "and the state engineer"

Page 3, line 4, after "department" insert "and the state engineer"

Page 3, line 6, after "water" insert "detained by the highway at the crossing" and replace "crossings have" with "crossing has"

Page 3, line 7, after "department" insert "and the state engineer"

Renumber accordingly

Engrossed HB 1310 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1325, as engrossed: Your conference committee (Sens. Mutch, Klein, Thompson and Reps. Keiser, Klein, Stefonowicz) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 790 and place Engrossed HB 1325 on the Seventh order.

That the Senate recede from its amendments as printed on page 790 of the House Journal and page 628 of the Senate Journal and that Engrossed House Bill No. 1325 be amended as follows:

Page 3, line 10, after the period insert "The office of independent review shall provide assistance to workers, upon request, in cases of constructive denial or after a vocational consultant's report has been issued."

Renumber accordingly

Engrossed HB 1325 was placed on the Seventh order of business on the calendar.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1108, HB 1174, HB 1229, HB 1256, HB 1291, HB 1403, HB 1405.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1108

Page 4, line 5, after the second period insert "The definitions in this section may not be construed to subject a telecommunications carrier or telecommunications service to the provisions of title 49."

Page 5, line 7, overstrike "d."

Page 5, line 9, remove "Internet access service or similar service" and overstrike the semicolon

Page 5, line 10, overstrike "e." and insert immediately thereafter "d."

Page 6, line 3, replace "4" with "3"

Page 6, line 10, replace "4" with "3"

Page 6, remove lines 11 through 16

Page 6, line 17, replace "4" with "3"

Page 7, line 4, replace "4" with "3"

Page 10, line 2, replace "through 3" with "and 2"

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1174

Page 1, line 12, remove the overstrike over "~~within the employee's agency~~"

Page 1, line 20, remove the overstrike over "~~the~~" and remove the overstrike over "~~agency~~"

Page 1, line 21, remove "government"

Page 2, line 1, after "(2)" insert "The recommendation or proposal is beyond the reasonable expectations of job performance for the employee who has made the suggestion."

(3)"

Page 2, line 3, overstrike "(3)" and insert immediately thereafter "(4)"

Page 2, line 4, remove the overstrike over "~~by the state~~"

Page 2, line 5, remove the overstrike over "~~agency~~"

Page 2, line 7, remove the overstrike over "~~employee submitting~~" and remove "agency benefiting from"

Page 2, line 8, remove "If the"

Page 2, remove lines 9 through 11

Page 2, line 25, remove "If the proposal to reduce expenditures benefits"

Page 2, remove lines 26 through 31

Page 3, remove line 1

Page 3, line 2, remove "the amount of the incentive or its proportionate share of the incentive."

Re-number accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1229

Page 2, line 10, after the period insert "Local authorities are encouraged to assess all roads under their jurisdiction and designate the roads for the appropriate weight limits allowed under this subsection."

Page 2, line 31, after the underscored period insert "The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]."

Re-number accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1256

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 63-01.1-12.2 of the North Dakota Century Code, relating to noxious weed certification."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 63-01.1-12.2 of the North Dakota Century Code is amended and reenacted as follows:

63-01.1-12.2. Noxious weed certification - Gravel and sand pits and hay land.

1. The commissioner, after consultation with the North Dakota state university extension service, may adopt rules for certifying that gravel, scoria, or sand surface mining operations and land producing hay for sale or for resale are not contaminated with noxious weeds. The rules must identify the extent noxious weeds are allowed with certification.
2. The county weed board, after consultation with the North Dakota state university extension service, may certify gravel, scoria, or sand surface mining operations and land producing hay for sale or for resale as not contaminated with noxious weeds.
3. The commissioner shall adopt a schedule of fees that county weed boards and the North Dakota state university extension service may charge for inspecting, testing, analyzing, and certifying gravel, scoria, or sand surface mining operations and hay land.
4. Certification of gravel, scoria, or sand surface mining operations or hay land is not a warranty of any kind as to the quality of the gravel, sand, or hay produced from an inspected and certified location. The only representation made is that land from which sand and gravel is surface mined or land producing hay for sale or resale has been inspected for contamination by noxious weeds under rules adopted by the commissioner."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1291

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 39-06 of the North Dakota Century Code, relating to an operator's license for a person under eighteen years of age; and to amend and reenact section 39-06-04 of the North Dakota Century Code, relating to instructional permits.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 39-06-04 of the North Dakota Century Code is amended and reenacted as follows:

39-06-04. Instruction permit. Any person who is at least fourteen years of age may apply to the director for an instruction permit. The director may issue to the applicant an instruction permit ~~which that~~ entitles the applicant while having such permit in the permittee's immediate possession to drive a motor vehicle upon the public highways for a period of one year when accompanied by a licensed operator who holds a license corresponding to the vehicle the permittee operates ~~and, who~~ has had at least ~~one year~~ three years of driving experience, and who is occupying a seat beside the driver. Persons holding an instruction permit for the operation of a motorcycle shall operate the motorcycle only during hours when the use of headlights is not required pursuant to section 39-21-01, and may not carry or transport any passenger. Any instruction permit may be renewed or a new permit issued for an additional period. A person who is not yet eighteen years of age is not eligible for a license until that person has had an instruction permit issued for at least three months. The director may recognize an instruction permit issued by another jurisdiction in computing the three-month instructional period.

SECTION 2. A new section to chapter 39-06 of the North Dakota Century Code is created and enacted as follows:

Special provisions for minor operators.

1. The director shall cancel the permit or license to operate a motor vehicle of an individual who has committed acts resulting in an accumulated point total in excess of five points as provided for a violation under section 39-06.1-10 or has committed an alcohol-related offense while operating a motor vehicle, if:
 - a. The acts or offenses were committed while the individual was a minor; and
 - b. The individual admitted the violation, was found to have committed the violation by the official having jurisdiction, or pled guilty to, was found guilty of, or adjudicated to have committed the offense.
2. If an individual has had that individual's license or permit canceled under subsection 1, the director shall deem that individual to have never have had any license or permit to operate a motor vehicle and may not issue any license or permit to drive other than an instruction permit or a restricted instruction permit after the completion of any period of suspension or revocation. After the issuance of an instruction permit or restricted instruction permit, the director may not issue any other license or permit to that individual until, while using the permit issued under this section, that individual:
 - a. (1) Completes a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; or
 - (2) Successfully completes a course at an approved commercial driver training school; and
 - b. Satisfies all other requirements that apply to that individual for that license or permit."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1403

Page 1, line 1, after the first "to" insert "provide a licensed nurse may delegate medication administration; to"

Page 1, line 2, after "licensure" insert "; to require the department of human services and the North Dakota board of nursing to report to the legislative council and to make recommendations regarding administration of medications; and to provide an expiration date"

Page 1, after line 10, insert:

"SECTION 2. Delegation of medication administration. A licensed nurse may delegate medication administration to a person exempt under section 1 of this Act.

SECTION 3. DEPARTMENT OF HUMAN SERVICES AND NORTH DAKOTA BOARD OF NURSING - RECOMMENDATION - REPORT TO LEGISLATIVE COUNCIL. The department of human services and the North Dakota board of nursing, after consultation with appropriate individuals and entities, shall prepare a joint recommendation for consideration by the fifty-seventh legislative assembly regarding the administration of medication according to section 1 of this Act. During the 1999-2000 interim, the department of human services and the North Dakota board of nursing shall report annually to the legislative council regarding the progress in preparing a joint recommendation under this section. By December 10, 2000, the department of human services shall certify to the governor and the legislative council regarding satisfaction of the reporting and recommendation requirements under this section.

SECTION 4. EXPIRATION DATE. This Act is effective through July 31, 2001, and after that date is ineffective."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1405

Page 2, line 2, after "codes" insert "and all applicable electrical wiring and equipment, plumbing, and fire standards. The state is not liable to any person for issuing a permit in violation of this subsection"

Renumber accordingly

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1153, HB 1243.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1153

In lieu of the amendments printed on page 799 of the Senate Journal, Engrossed House Bill No. 1153 is amended as follows:

Page 2, line 5, after the first comma insert "which means" and replace "which" with "that"

Page 2, line 8, replace "2.55" with "2.556"

Page 2, line 11, remove "into"

Page 2, line 15, replace "if" with "where"

Page 2, line 16, replace "fund's" with "funds"

Page 2, line 18, replace "fund's" with "funds"

Page 2, line 19, replace "paragraphs" with "subdivision" and remove "and c"

Page 2, line 29, replace the comma with an opening parenthesis and replace "if" with "where"

Page 3, line 4, replace the second "the" with "such"

Page 3, line 5, after "States" insert a closing parenthesis

Page 3, line 11, replace "the definition of tobacco" with "subdivision a, b, or c."

Page 3, remove line 12

Page 3, line 16, remove the comma

Page 3, line 22, after "must" insert "do one of the following"

Page 3, line 31, replace "year" with "of"

Page 4, line 1, replace "year" with "of"

Page 4, line 2, after "For" insert "each of"

Page 4, line 4, replace "subsection 1 is entitled to" with "subdivision a shall receive the"

Page 4, line 5, replace "themselves must" with "may"

Page 4, line 10, replace "subdivision" with "paragraph"

Page 4, line 17, replace the comma with an opening parenthesis

Page 4, line 20, replace the comma with a closing parenthesis

Page 4, line 23, replace "subdivision" with "paragraph"

Page 4, line 30, replace "all instances" with "every instance"

Page 5, line 3, replace "shall" with "must"

Page 5, line 6, replace "subsection" with "subdivision"

Page 5, line 14, replace "subsection" with "subdivision"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1243

Page 1, line 18, overstrike "a class B misdemeanor if the amount of insufficient funds or credit is"

Page 1, line 19, overstrike "not more than five hundred dollars, and a class A"

Page 1, overstrike line 20

Page 1, line 21, overstrike "dollars" and insert immediately thereafter ":

- a. An infraction if the amount of insufficient funds or credit is not more than fifty dollars;
- b. A class B misdemeanor if the amount of insufficient funds or credit is more than fifty dollars but not more than two hundred fifty dollars, or if the individual has pled guilty or been found guilty of a violation of this section within three years of issuing an insufficient funds check, draft, or order;
- c. A class A misdemeanor if the amount of insufficient funds or credit is more than two hundred fifty dollars but not more than five hundred dollars, or if the individual has pled guilty or been found guilty of two violations of this section within three years of issuing an insufficient funds check, draft, or order; or
- d. A class C felony if the amount of insufficient funds or credit is more than five hundred dollars, or an individual has pled guilty or been found guilty of three or more violations of this section within five years of willfully issuing an insufficient fund check, draft, or order"

Page 1, line 22, after the period insert "The grade of an offense under this section may be determined by individual or aggregate totals of insufficient fund checks, drafts, or orders."

Page 1, line 24, remove "or if criminal action is initiated, the court"

Page 2, remove line 1

Page 2, line 2, remove "county in which the charge is prosecuted"

Page 2, line 9, after the period insert "The court may order an individual convicted under this section to undergo an evaluation by a licensed gaming, alcohol, or drug addiction counselor."

Page 3, line 10, remove "A complaint may not be"

Page 3, remove lines 11 and 12

Page 3, line 13, remove "paid the amount owed under the check, draft, or order within those ten days."

Page 3, line 18, overstrike "**or with insufficient funds**"

Page 3, line 29, overstrike "or without sufficient funds in a bank or"

Page 3, line 30, overstrike "depository pursuant to section 6-08-16" and overstrike the colon

Page 4, line 1, overstrike "a. At" and insert immediately thereafter "at"

Page 4, line 2, overstrike "; or"

Page 4, overstrike lines 3 through 6

Page 4, line 7, overstrike "presentation"

Page 4, line 13, overstrike "ten thousand" and insert immediately thereafter "five hundred", after "dollars" insert "or that person, agent, or representative of another, issues more than one instrument wherein the aggregate total of all instruments issued exceeds five hundred dollars", and overstrike the colon

Page 4, line 14, overstrike "a. At" and insert immediately thereafter "at"

Page 4, line 15, overstrike "; or"

Page 4, overstrike lines 16 through 20

Page 4, overstrike lines 24 through 30

Page 5, overstrike lines 1 through 4

Page 5, line 5, overstrike "instrument in full upon its presentation"

Page 5, line 6, replace "5" with "4", replace the first underscored comma with "or", and remove ", or 4"

Page 5, line 9, remove "or if criminal action is initiated, the court may assess costs of five"

Page 5, remove line 10

Page 5, line 11, remove "is prosecuted"

Page 5, line 16, overstrike "6." and insert immediately thereafter "5."

Page 5, line 18, replace "7" with "6" and overstrike "A"

Page 5, overstrike lines 19 through 24

Page 5, line 25, overstrike "subdivision b of subsection 4 for a violation of subsection 4." and remove "A complaint may not"

Page 5, remove lines 26 and 27

Page 5, line 28, remove "paid the amount owed under the instrument within those ten days." and overstrike "Failure to"

Page 5, overstrike lines 29 and 30

Page 5, line 31, overstrike "subdivision b of subsection 4" and insert immediately thereafter "A criminal complaint for violating this section must be executed within ninety days after the drawer receives notice from the holder, or its agent or representative, of a no-account or closed account instrument"

Page 6, line 1, overstrike "7." and insert immediately thereafter "6."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has amended and failed to pass: HB 1177, HB 1336, HCR 3026.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate does not concur in the House amendments to SB 2327 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2327: Sens. Thane; Kilzer; DeMers

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4055: A concurrent resolution urging Congress to provide for this state's concealed weapons permit to create an exemption from the national instant criminal background check system.

Was read the first time and referred to the **Natural Resources Committee.**

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 2398, SCR 4056, SCR 4058.

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 2030, SB 2036, SB 2047, SB 2055, SB 2166, SB 2186, SB 2216, SB 2287, SB 2288, SB 2290, SB 2294, SB 2349, SB 2357, SB 2362, SB 2373, SB 2374, SB 2390, SB 2414, SCR 4003, SCR 4022, SCR 4037.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4027.

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

LANCE HAGEN, Chief Clerk