

JOURNAL OF THE HOUSE

Fifty-sixth Legislative Assembly

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Bismarck, April 7, 1999

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

The prayer was offered by Representative Koppelman.

The roll was called and all members were present except Representatives Grumbo, Gunter, Jensen, Keiser, Kelsch, R., Kempenich, Lemieux, Meyer, Mickelson, Price, Sveen, Thorpe, and Weisz.

A quorum was declared by the Speaker.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to Engrossed HB 1335 as printed on HJ page 1072, which motion prevailed.

Reengrossed HB 1335 was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1335: A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to the presence of chemicals in agricultural products and livestock; to provide a penalty; and to provide an effective date.

MOTION

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 57 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Boucher; Brandenburg; Brekke; Cleary; Dalrymple; Delmore; Devlin; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Galvin; Glassheim; Gorder; Grumbo; Gulleon; Haas; Hanson; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Kelsh, S.; Kempenich; Kerzman; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mueller; Nicholas; Nichols; Niemeier; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Thorpe; Warner; Wentz; Winrich; Speaker Wald

NAYS: Berg; Bernstein; Boehm; Brusegaard; Byerly; Carlson; Clark; DeKrey; Delzer; Disrud; Dorso; Froseth; Grande; Grosz; Gunter; Henegar; Johnson, N.; Keiser; Kelsch, R.; Klein; Klemin; Kliniske; Mickelson; Monson; Nelson; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Weisz; Wikenheiser

ABSENT AND NOT VOTING: Carlisle; Tollefson

Reengrossed HB 1335 passed and the title was agreed to.

MOTION

REP. DORSO MOVED that the House be on the Fifth and Seventh 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 STANDING COMMITTEE

SB 2441, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 6 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2441 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on page 1213 of the House Journal, Engrossed Senate Bill No. 2441 is amended as follows:

Page 1, line 23, replace "Twenty-five" with "Fifty"

Page 2, line 7, replace "The" with "After all other statutory obligations have been met within the limits of legislative appropriations, the"

Page 2, line 11, replace "except that" with "provided" and replace "two" with "three"

Page 2, line 12, after the period insert "No reorganization bonus payable under this Act may exceed five hundred thousand dollars."

Page 2, line 14, after the period insert "If any funds remain in the grants - foundation aid and transportation line item after the obligations of this Act are met and after all other statutory obligations are met within the limits of legislative appropriations, the superintendent of public instruction shall distribute up to three million dollars of any remaining funds as a separate and additional per student payment on a weighted basis as determined under chapter 15-40.1."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2442, as engrossed: Transportation Committee (Rep. Keiser, Chairman) recommends **DO PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2442 was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1156, as engrossed: Your conference committee (Sens. Klein, Sand, Kroeplin and Reps. Pollert, Renner, Nowatzki) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1012, adopt amendments as follows, and place HB 1156 on the Seventh order:

That the Senate recede from its amendments as printed on page 1012 of the House Journal and pages 838 and 839 of the Senate Journal and that Engrossed House Bill No. 1156 be amended as follows:

Page 1, line 3, after the fourth comma insert "subsection 1 of section 60-02-24, sections"

Page 2, line 5, after "dockage" insert ", vomitoxin level"

Page 2, line 12, after "dockage" insert ", vomitoxin level"

Page 5, after line 3, insert:

"SECTION 5. AMENDMENT. Subsection 1 of section 60-02-24 of the North Dakota Century Code is amended and reenacted as follows:

1. Prepare for each month a report giving facts and information called for on the form of report prepared by the commission, ~~which.~~ The report shall must contain or be verified by a written declaration that it is made under the penalties of perjury. ~~Such~~ The report may be called for more frequently if the commission deems it necessary. Information pertaining to the volume of grain handled is a confidential trade secret and is not a public record. The commission may make the information available for use by other governmental entities, but the commission may not release the information in a manner that jeopardizes the confidentiality of individual licensees.

Renumber accordingly

Engrossed HB 1156 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1274, as engrossed: Your conference committee (Sens. Cook, Flakoll, O'Connell and Reps. Brandenburg, Haas, Nowatzki) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1019, adopt amendments as follows, and place HB 1274 on the Seventh order:

That the Senate recede from its amendments as printed on page 1019 of the House Journal and pages 856 and 857 of the Senate Journal and that Engrossed House Bill No. 1274 be 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 pursue the reciprocal acceptance of teaching certificates issued by other states. 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

Engrossed HB 1274 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 **SENATE RECEDE** from the Senate amendments on HJ page 790, adopt amendments as follows, and place 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 1, line 1, after "to" insert "create and enact a new subsection to section 65-01-16 of the North Dakota Century Code, relating to disputed decisions of the workers compensation bureau; to"

Page 1, line 8, after the first "Laws" insert ", section 7 of chapter 532 of the 1997 Session Laws"

Page 1, line 9, after the comma insert "disputed decisions of the workers compensation bureau,"

Page 1, after line 23, insert:

"SECTION 2. A new subsection to section 65-01-16 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

This section is effective for all orders and decisions on all claims regardless of the date of injury or the date the claim was filed."

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."

Page 5, after line 4, insert:

"SECTION 10. REPEAL. Section 7 of chapter 532 of the 1997 Session Laws of North Dakota is repealed."

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

HB 1019: Sens. Grindberg; Kringstad; Tallackson

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

MR. SPEAKER: The Senate has adopted the conference committee report on SCR 4021.

REPORT OF CONFERENCE COMMITTEE

SCR 4021: Your conference committee (Sens. Klein, Urlacher, D. Mathern and Reps. Renner, Pollert, Stefonowicz) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 877 and place SCR 4021 on the Seventh order.

SCR 4021 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: HB 1040, HB 1158, HB 1167.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1035.

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 2016, SB 2026, SB 2154.

REPORT OF CONFERENCE COMMITTEE

SB 2016, as engrossed: Your conference committee (Sens. Grindberg, Andrist, Lindaas and Reps. Dalrymple, Boehm, Kerzman) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1005-1006 and place SB 2016 on the Seventh order.

Engrossed SB 2016 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2026, as engrossed: Your conference committee (Sens. Grindberg, Andrist, Lindaas and Reps. Dalrymple, Poolman, Gullerson) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 877-878 and place SB 2026 on the Seventh order.

Engrossed SB 2026 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2154: Your conference committee (Sens. Wanzek, Cook, O'Connell and Reps. L. Thoreson, Haas, Mueller) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 770 and place SB 2154 on the Seventh order.

SB 2154 was placed on the Seventh order of business on the calendar.

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

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2168: Reps. Delzer, Timm, Kerzman.

REPORT OF CONFERENCE COMMITTEE

REP. L. THORESON MOVED that the conference committee report on Engrossed HB 1171 as printed on HJ pages 1275-1276 be adopted, which motion prevailed.

Reengrossed HB 1171 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1171: A BILL for an Act to amend and reenact sections 54-44.3-03, 54-44.3-12.2, 54-44.3-15, and 54-44.3-16 of the North Dakota Century Code, relating to membership and voting on the state personnel board, employee complaints, certification of payroll by the central personnel division director, and agency personnel officers.

ROLL CALL

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

YEAS: Aarsvold; Belter; Berg; Bernstein; 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; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Boehm; Maragos; Renner; Tollefson

Reengrossed HB 1171 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. DEKREY MOVED that the conference committee report on Engrossed HB 1329 as printed on HJ page 1274 be adopted, which motion prevailed.

Reengrossed HB 1329 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1329: A BILL for an Act to amend and reenact section 30.1-21-03.1 of the North Dakota Century Code, relating to closing an estate and attorney's fees; and to provide for retroactive application.

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, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; 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; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Brusegaard; Lloyd; Mickelson

ABSENT AND NOT VOTING: Boehm; Maragos; Renner; Tollefson

Reengrossed HB 1329 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. WEISZ MOVED that the conference committee report on Engrossed SB 2161 as printed on HJ pages 1274-1275 be adopted, which motion prevailed.

Engrossed SB 2161, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2161: A BILL for an Act to create and enact a new subsection to section 39-01-01 of the North Dakota Century Code, relating to the definition of recreational vehicle; and to amend and reenact subsection 67 of section 39-01-01, subsection 2 of section 39-04-36, section 39-05-17.2, subparagraph a of paragraph 3 of subdivision b of subsection 2 of section 39-06-14, sections 39-18-01, and 39-29.1-08 of the North

Dakota Century Code, relating to vehicle registration fee credits, motor vehicle body damage disclosure, low-speed vehicles, and correction of statutory references.

ROLL CALL

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

YEAS: Aarsvold; Belter; Berg; Bernstein; 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; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Boehm; Renner; Tollefson

Engrossed SB 2161, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. KEMPENICH MOVED that the conference committee report on Engrossed SB 2181 as printed on HJ page 1275 be adopted, which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2181: A BILL for an Act to amend and reenact sections 26.1-01-07, 26.1-11-06, 26.1-11-07, 26.1-26-01, 26.1-26-02, 26.1-26-03, 26.1-26-04, 26.1-26-05, 26.1-26-06, 26.1-26-08, 26.1-26-09, 26.1-26-10, 26.1-26-13, 26.1-26-14, 26.1-26-20, 26.1-26-21, 26.1-26-22, 26.1-26-23, 26.1-26-24, 26.1-26-25, 26.1-26-31, 26.1-26-32, 26.1-26-34, 26.1-26-37, 26.1-26-38, 26.1-26-40, 26.1-26-41, 26.1-26-42, 26.1-26-46, and 26.1-39-09.2 of the North Dakota Century Code, relating to fees charged by commissioner, reciprocal penalties of foreign insurance companies, countersignature requirements, and insurance agents; and to repeal sections 26.1-26-47 and 26.1-39-09.1 of the North Dakota Century Code, relating to insurance agents and property and casualty insurance programs.

ROLL CALL

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

YEAS: Aarsvold; Belter; Berg; Bernstein; 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; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Boehm; Renner; Tollefson

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

REPORT OF CONFERENCE COMMITTEE

REP. KEMPENICH MOVED that the conference committee report on Engrossed SB 2267 as printed on HJ page 1275 be adopted, which motion failed on a verification vote.

MOTION

REP. DORSO MOVED that Engrossed SB 2267 be rereferred to the original Conference Committee, which motion prevailed. Pursuant to Rep. Dorso's motion, Engrossed SB 2267 was rereferred.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following re-appointment to the Conference Committee on SB 2267: Reps. Kempenich, Weisz, Meyer.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on SB 2267. The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2267: Reps. Kempenich; Weisz; Meyer

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 2168: Reps. Delzer; Timm; Kerzman

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2161, SB 2181.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1171, HB 1329.

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 1335.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1304.

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

MR. SPEAKER: The Senate has adopted the conference committee report and failed to pass: HB 1431.

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 1365, HB 1447.

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 2153.

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

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

SB 2013: Sens. Holmberg; Naaden; Robinson

SB 2015: Sens. Nething; G. Nelson; T. Mathern

MOTION

REP. DORSO MOVED that the House be on the Fifth and Seventh orders of business and at the conclusion of those orders, the House stand in recess until 4:15 p.m., which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2153, as engrossed: Your conference committee (Sens. Klein, Sand, Kroeplin and Reps. Pollert, Renner, Nowatzki) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 796-797, adopt further amendments as follows, and place SB 2153 on the Seventh order:

That the Senate accede to the House amendments as printed on pages 796 and 797 of the Senate Journal and pages 874-876 of the House Journal and that Engrossed Senate Bill No. 2153 be further amended as follows:

Page 3, line 19, after the second underscored comma insert "vomitoxin level,"

Page 3, line 26, after the third underscored comma insert "vomitoxin level,"

Renumber accordingly

Engrossed SB 2153 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1121, as engrossed: Your conference committee (Sens. Fischer, Lee, Mutzenberger and Reps. Devlin, Pollert, Metcalf) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 968-969, adopt amendments as follows, and place HB 1121 on the Seventh order:

That the Senate recede from its amendments as printed on pages 968 and 969 of the House Journal and page 662 of the Senate Journal and that Engrossed House Bill No. 1121 be amended as follows:

Page 1, line 1, replace "sections" with "section", after "14-09-08.1" insert ", subsection 9 of section 14-09-09.16,", and after the second "and" insert "section"

Page 1, line 3, after the first semicolon insert "to provide for a report to the legislative council,"

Page 4, after line 16, insert:

"SECTION 2. AMENDMENT. If Senate Bill No. 2170 is approved by the fifty-sixth legislative assembly and becomes effective, subsection 9 of section 14-09-09.16 of the North Dakota Century Code as amended by section 8 of Senate Bill No. 2170 is amended and reenacted as follows:

9. The income payor shall notify the clerk of court or the public authority in writing of the termination of a duty to pay income to the obligor within seven business days of the termination. The notification must include the name and address of the obligor's subsequent income payor, if known."

Page 4, after line 24, insert:

"SECTION 4. REPORT TO LEGISLATIVE COUNCIL. The department of human services shall report on the progress of the implementation of this Act to a designated legislative council interim committee between August 1, 2000, and August 31, 2000."

Page 4, line 25, replace "This" with "Sections 1 and 3 of this" and replace "becomes" with "become"

Page 4, line 26, replace "2" with "3" and replace "July 31" with "January 15"

Page 4, line 27, replace "2000" with "2001"

Page 4, line 28, replace "August 1, 2000" with "January 16, 2001"

Page 4, line 29, replace "This" with "Sections 1 and 3 of this" and replace "is" with "are"

Renumber accordingly

Engrossed HB 1121 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1291, as engrossed: Your conference committee (Sens. Cook, B. Stenehjem, Thompson and Reps. R. Kelsch, Mahoney, Price) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1037-1038, adopt amendments as follows, and place HB 1291 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1037 and 1038 of the House Journal and pages 883 and 884 of the Senate Journal and that Engrossed House Bill No. 1291 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 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 sections 39-06-04, 39-06-17, and 39-06.1-08 of the North Dakota Century Code, relating to operator's permits and licenses for minors.

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 is at least eighteen years of age, who has had at least one year three years~~ of driving experience, and who is occupying a seat beside the driver. An individual other than the supervising driver and the permitholder may not be in the front seat unless the vehicle has only a front seat, in which case, the supervising driver must be seated next to the permitholder. 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~~ six months. The director may recognize an instruction permit issued by another jurisdiction in computing the ~~three-month~~ six-month instructional period.

SECTION 2. AMENDMENT. Section 39-06-17 of the North Dakota Century Code is amended and reenacted as follows:

39-06-17. Restricted licenses - Penalty for violation.

1. The director, upon issuing an operator's license or a temporary restricted operator's license pursuant to section 39-06.1-11, has authority to impose restrictions suitable to the licensee's driving ability with respect to the type of or special mechanical control devices required on a motor vehicle which the licensee may operate or such other restrictions applicable to the licensee as the director may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.
2. The director may either issue a special restricted license or may set forth such restrictions upon the usual license form. The director shall likewise restrict licenses pursuant to the requirements of section 39-16.1-09.
3. A restricted operator's license or permit to operate the parent's or guardian's automobile, or an automobile which is equipped with dual controls and while accompanied by a qualified instructor, may be issued to any child, who is at least fourteen years of age, and otherwise qualified, upon the written recommendation of the parent or guardian. No operator's license may be issued until the child, accompanied by the parent or guardian, appears in person and satisfies the director that:
 - a. The child is at least fourteen years of age.
 - b. The child is qualified to operate an automobile safely.
 - c. It is necessary for the child to drive the parent's or guardian's automobile without being accompanied by an adult.
 - d. The child has ~~completed:~~
 - (1) Completed a course of classroom instruction and a course of behind-the-wheel instruction acceptable to the director; ~~or, in the alternative, has successfully~~

- (2) Successfully completed a course at an approved commercial driver training school.

The parent or guardian at all times is responsible for any and all damages growing out of the negligent operation of a motor vehicle by any such child. The provisions of this subsection do not authorize the child to drive a commercial truck, motorbus, or taxicab except the holder of a class D license, fourteen or fifteen years of age, may drive a farm motor vehicle having a gross weight of fifty thousand pounds [22679.62 kilograms] when used to transport agricultural products, farm machinery, or farm supplies to or from a farm when so operated within one hundred fifty miles [241.40 kilometers] of the driver's farm.

4. The director may upon receiving satisfactory evidence of any violation of the restrictions of such license suspend or revoke the same but the licensee is entitled to a hearing as upon a suspension or revocation under this chapter.
5. It is a class B misdemeanor for any person to operate a motor vehicle in any manner in violation of the restrictions imposed in a restricted license issued to that person other than restrictions imposed under subsection 6. If the restricted license was issued under section 39-06.1-11 and the underlying suspension was imposed for a violation of section 39-08-01 or equivalent ordinance, or is governed by chapter 39-20, punishment is as provided in subsection 2 of section 39-06-42 and upon receiving notice of the conviction the director shall revoke, without opportunity for hearing, the licensee's restricted license and shall extend the underlying suspension for a like period of not more than one year. The director may not issue a restricted license for the extended period of suspension imposed under this subsection. If the conviction referred to in this section is reversed by an appellate court, the director shall restore the person to the status held by the person prior to the conviction, including restoration of driving privileges if appropriate.
6. A restricted license issued under subsection 3 to a child at least fourteen years of age to operate a parent's or guardian's automobile authorizes the licenseholder to drive the type or class of motor vehicle specified on the restricted license only under the following conditions:
 - a. A restricted licenseholder must be in possession of the license while operating the motor vehicle.
 - b. An individual holding a restricted driver's license driving a motor vehicle may not carry more passengers than the vehicle manufacturer's suggested passenger capacity.

SECTION 3. 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 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.

SECTION 4. AMENDMENT. Section 39-06.1-08 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-08. Nonmoving violation defined. For the purposes of section 39-06.1-06, a "nonmoving violation" means:

1. A violation of section 39-04-11, subsection 6 of section 39-06-17, and section 39-06-44, 39-06-45, 39-10-47, 39-10-49, 39-10-50, 39-10-51, 39-10-54.1, 39-21-08, 39-21-10, 39-21-11, or 39-21-14, or a violation of any municipal ordinance equivalent to the foregoing sections.
2. A violation, discovered at a time when the vehicle is not actually being operated, of section 39-21-03, 39-21-05, 39-21-13, 39-21-19, 39-21-32, 39-21-37, 39-21-39, or 39-21-44.2, or a violation of any municipal ordinance equivalent to the foregoing sections."

Renumber accordingly

Engrossed HB 1291 was placed on the Seventh order of business on the calendar.

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

REPORT OF CONFERENCE COMMITTEE

REP. RENNERFELDT MOVED that the conference committee report on Engrossed SCR 4029 as printed on HJ page 1279 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

REP. POLLERT MOVED that the conference committee report on Engrossed HB 1156 be adopted, which motion prevailed.

Reengrossed HB 1156, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1156: A BILL for an Act to create and enact three new subsections to section 60-04-03.1 of the North Dakota Century Code, relating to warehousemen; to amend and reenact subsections 3 and 5 of section 60-02-01, subsection 1 of section 60-02-05, sections 60-02-07, 60-02-17, subsection 1 of section 60-02-24, sections 60-02-27, and 60-02-37 of the North Dakota Century Code, relating to warehouseman disputes, warehouse storage contracts, and hay buyers; and to repeal section 60-02-17.1 of the North Dakota Century Code, relating to warehouse charges for grain owned by the United States.

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, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Bernstein; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Fairfield; Froelich; Froseth; Galvin; Gorder; Grande; Grosz; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Klein; Klemm; Kliniske; Koppang; Koppelman; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Speaker Wald

NAYS: Aarsvold; Boehm; Boucher; Dalrymple; Ekstrom; Glassheim; Grumbo; Gulleon; Hanson; Hoffner; Kerzman; Kroeber; Lemieux; Lloyd; Lundgren; Nichols; Niemeier; Rose; Solberg; Warner; Winrich

Reengrossed HB 1156, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. BRANDENBURG MOVED that the conference committee report on Engrossed HB 1274 be adopted, which motion prevailed.

Reengrossed HB 1274 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1274: A BILL for an Act to create and enact two new sections to chapter 15-36 of the North Dakota Century Code, relating to the interim reciprocal certification of teachers; 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 97 YEAS, 1 NAY, 0 EXCUSED, 0 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; Gulleon; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; 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; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Hoffner

Reengrossed HB 1274 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DALRYMPLE MOVED that the House do not concur in the Senate amendments to Engrossed HB 1011 as printed on HJ pages 1192-1193 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 1011: Reps. Keiser, Dalrymple, Huether.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2013: Reps. Carlson, Monson, Nichols.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2162: Reps. R. Kelsch, Monson, Grumbo.

MOTION

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

CORRECTION AND REVISION OF THE JOURNAL

MR. SPEAKER: Your Committee on Correction and Revision of the Journal (**Rep. DeKrey, Chairman**) has carefully reexamined the Journal of the Sixty-first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1168, after line 36, insert:

"Page 3, line 15, after "marriage" insert "or public assistance"

Page 3, line 19, after "marriage" insert "or public assistance"

Page 3, line 27, after "marriage" insert "or public assistance"

Page 3, line 30, after "marriage" insert "or public assistance"

Page 4, line 4, after "marriage" insert "or public assistance"

Page 5, line 24, after "marriage" insert "or public assistance"

Page 6, line 2, after "marriage" insert "or public assistance"

Page 7, line 9, after "marriage" insert "or public assistance"

Page 16, line 12, after "marriage" insert "or public assistance"

Page 16, line 21, after "marriage" insert "or public assistance"

Page 16, line 25, after "marriage" insert "or public assistance"

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

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1274.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SCR 4029.

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 2013: Reps. Carlson; Monson; Nichols

SB 2162: Reps. R. Kelsch; Monson; Grumbo

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1011 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1011: Reps. Keiser; Dalrymple; Huether

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1156.

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

SIXTH ORDER OF BUSINESS

SB 2441, as engrossed: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments 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 2441: A BILL for an Act to provide for school district reorganization bonuses.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 52 YEAS, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Brandenburg; Brekke; Brusegaard; Carlisle; Clark; Cleary; Dalrymple; Devlin; Disrud; Dorso; Eckre; Glassheim; Grosz; Gunter; Hawken; Henegar; Huether; Jensen; Johnson, D.; Kelsch, R.; Kempenich; Kliniske; Koppang; Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Nichols;

Niemeier; Nottestad; Nowatzki; Poolman; Porter; Price; Renner; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Thoreson, B.; Tollefson; Warner; Wentz

NAYS: Boucher; Byerly; Carlson; DeKrey; Delmore; Delzer; Drovdal; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Gorder; Grande; Grumbo; Gulleson; Haas; Hanson; Herbel; Hoffner; Johnson, N.; Keiser; Kelsh, S.; Kerzman; Klein; Klemin; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf; Meyer; Mueller; Pollert; Rennerfeldt; Rose; Sandvig; Sveen; Thoreson, L.; Thorpe; Timm; Weisz; Wikenheiser; Winrich; Speaker Wald

Engrossed SB 2441, as amended, passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. R. KELSCH MOVED that the conference committee report on Engrossed HB 1034 as printed on HJ page 1269 be adopted, which motion prevailed.

Reengrossed HB 1034 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1034: A BILL for an Act to create and enact title 15.1 of the North Dakota Century Code, relating to elementary and secondary education; to repeal chapter 15-21, sections 15-21.1-01, 15-21.1-02, 15-21.1-03, 15-21.1-04, 15-21.1-05, 15-21.1-06, 15-21.1-07, 15-21.1-09, chapters 15-21.2, 15-22, 15-27.1, 15-27.2, 15-27.3, 15-27.4, 15-27.5, 15-27.6, 15-27.7, 15-28, sections 15-29-01, 15-29-01.1, 15-29-02, 15-29-03, 15-29-03.1, 15-29-04, 15-29-05, 15-29-06, 15-29-07, 15-29-08, 15-29-08.4, 15-29-09, 15-29-10, 15-29-11, 15-29-13, 15-29-14, 15-34.2-12, 15-34.2-13, 15-34.2-14, 15-34.2-17, 15-34.2-18, 15-35-01.2, 15-35-09, 15-35-11, 15-35-12, 15-35-14, 15-38-04.1, 15-38-06, 15-38-13, 15-38-13.1, 15-38-13.2, 15-41-01, 15-41-02, 15-41-03, 15-41-04, 15-41-05, 15-41-07, 15-41-08, 15-41-27, chapter 15-41.1, sections 15-43-11.1, 15-43-11.2, 15-43-11.3, 15-43-11.4, 15-44-06, 15-44-09, 15-44-10, 15-44-11, chapter 15-46, sections 15-47-01, 15-47-01.1, 15-47-02.1, 15-47-04, 15-47-05, 15-47-06, 15-47-07, 15-47-08, 15-47-09, 15-47-10, 15-47-11, 15-47-12, 15-47-13, 15-47-14, 15-47-15, 15-47-16, 15-47-21, 15-47-22, 15-47-24, 15-47-25, 15-47-29, 15-47-30, 15-47-30.1, 15-47-31, 15-47-32, 15-47-33, 15-47-33.1, 15-47-36, 15-47-37, 15-47-39, 15-47-40, 15-47-40.1, 15-47-41, 15-47-43, 15-47-44.1, 15-47-44.2, 15-47-47, 15-47-48, 15-47-49, 15-47-50, 15-47-51, chapters 15-48, 15-49, 15-51, 15-64, and 15-65 of the North Dakota Century Code, relating to elementary and secondary education provisions addressed in the creation of North Dakota Century Code title 15.1; to provide penalties; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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; 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; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Delzer

Reengrossed HB 1034 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. KEISER MOVED that the conference committee report on Engrossed HB 1325 be adopted, which motion prevailed.

Reengrossed HB 1325 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1325: A BILL for an Act to create and enact a new subsection to section 65-01-16 of the North Dakota Century Code, relating to disputed decisions of the workers compensation bureau; to amend and reenact subsections 6 and 7 of section 65-01-16, sections 65-02-06.1, 65-02-27, and 65-02-30 of the North Dakota Century Code, relating to the workers' assistance program and to the independent audit of the workers compensation bureau; to amend and reenact section 65-02-23 of the North Dakota Century Code as amended by section 3 of House Bill No. 1331 and the new section to chapter 65-03 of the North Dakota Century Code as created by section 2 of House Bill No. 1296, as approved by the fifty-sixth legislative assembly; to repeal section 65-02-29 of the North Dakota Century Code, section 3 of chapter 612 of the 1995 Session Laws, section 7 of chapter 532 of the 1997 Session Laws, and section 8 of chapter 542 of the 1997 Session Laws, relating to the independent audit of the workers compensation bureau, disputed decisions of the workers compensation bureau, the expiration date of the workers' adviser program, and the expiration date of the preacceptance disability benefits provisions; to provide an appropriation; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Stefanowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

Reengrossed HB 1325 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. L. THORESON MOVED that the conference committee report on SB 2154 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. DALRYMPLE MOVED that the conference committee report on Engrossed SB 2026 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

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

REPORT OF CONFERENCE COMMITTEE

REP. RENNER MOVED that the conference committee report on SCR 4021 be adopted, which motion prevailed.

SCR 4021, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4021: A concurrent resolution urging Congress to renegotiate the North American Free Trade Agreement and address tariff equalization, increased market access, sanitary and phytosanitary disputes, methods to facilitate and shorten dispute resolution procedures, methods to encourage American businesses to keep their production operations in the United States, and methods to encourage the location of low-environmental impact and local, culturally friendly production facilities on or near American Indian reservations to access and develop tribal work forces and increase employment opportunities for tribal members.

ROLL CALL

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

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Clark; Cleary; Dalrymple; DeKrey; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; 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; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Byerly; Carlson; Delzer; Grande

SCR 4021, as amended, was declared adopted on a roll call vote.

REPORT OF CONFERENCE COMMITTEE

REP. POLLERT MOVED that the conference committee report on Engrossed SB 2153 be adopted, which motion prevailed.

Engrossed SB 2153, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2153: A BILL for an Act to create and enact chapter 60-02.1 of the North Dakota Century Code, relating to grain buyers and grain buyer insolvency proceedings; to amend and reenact subsection 5 of section 60-02-01, sections 60-03-01, 60-03-01.1, 60-03-02, 60-03-04, 60-03-04.1, 60-03-05, 60-03-08, 60-03-10, 60-03-11, 60-03-12, 60-03-14, 60-03-17, and 60-03-18 of the North Dakota Century Code, relating to the definition of a public warehouse; hay buyer procedures and insolvency proceedings; to repeal section 60-03-03 of the North Dakota Century Code, relating to hay buyer procedures; 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 98 YEAS, 0 NAYS, 0 EXCUSED, 0 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; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

Engrossed SB 2153 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. DEVLIN MOVED that the conference committee report on Engrossed HB 1121 be adopted, which motion prevailed.

Reengrossed HB 1121 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1121: A BILL for an Act to amend and reenact section 14-09-08.1, subsection 9 of section 14-09-09.16, and section 14-09-09.29 of the North Dakota Century Code, relating to notice procedures, procedures upon failure to pay child support, and coordination of income withholding services; to provide for a report to the legislative council; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

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

YEAS: Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; 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; Klemm; 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; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Brusegaard

Reengrossed HB 1121 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

REP. R. KELSCH MOVED that the conference committee report on Engrossed HB 1291 be adopted, which motion prevailed.

Reengrossed HB 1291 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1291: A BILL 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 sections 39-06-04, 39-06-17, and 39-06.1-08 of the North Dakota Century Code, relating to operator's permits and licenses for minors.

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, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Berg; Bernstein; Brandenburg; Brekke; Carlisle; Cleary; Dalrymple; Delmore; Disrud; Dorso; Eckre; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Gorder; Grosz; Grumbo; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Metcalf; Mickelson; Mueller; Nicholas; Niemeier; Nottestad; Pollert; Poolman; Porter; Price; Rennerfeldt; Rose; Sandvig; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, L.; Thorpe; Tollefson; Warner; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Aarsvold; Belter; Boehm; Boucher; Brusegaard; Byerly; Carlson; Clark; DeKrey; Delzer; Devlin; Drovdal; Froelich; Grande; Gulleson; Gunter; Haas; Johnson, D.; Kempenich; Lloyd; Lundgren; Meyer; Monson; Nelson; Nichols; Nowatzki; Renner; Schmidt; Thoreson, B.; Timm; Weisz

Reengrossed HB 1291 passed and the title was agreed to.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2441.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1121, HB 1291, HB 1325.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2016, SB 2026, SB 2153, SB 2154, SCR 4021.

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 1034.

MOTION

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

MOTION

REP. MONSON 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 8, 1999, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1014, as engrossed: Your conference committee (Sens. Andrist, Nething, Robinson and Reps. Timm, Bernstein, Hoffner) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1104-1106, adopt amendments as follows, and place HB 1014 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1104-1106 of the House Journal and pages 964-966 of the Senate Journal and that Engrossed House Bill No. 1014 be amended as follows:

Page 1, line 2, after the first semicolon insert "to provide for a legislative council study;"

Page 2, line 18, replace "15" with "18"

Page 2, after line 20, insert:

"Children's services coordinating committee - Grants to regional and tribal children's services coordinating committees for collaboration efforts"	2 percent
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Page 2, line 21, replace "67.3" with "62.3"

Page 2, line 31, replace " and \$1,125,000" with ", \$1,350,000"

Page 3, line 1, after "biennium" insert ", and \$150,000 for grants to regional and tribal children's services coordinating committees for collaboration efforts for the 1999-2001 biennium"

Page 3, after line 9, insert:

"SECTION 6. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 1999-2000 interim, the uses of funds appropriated to the children's services coordinating committee including:

1. A review of the uses of the funding received by the regional and tribal children's services coordinating committees and the appropriate level of administrative costs for these committees.
2. A review of the entities involved in generating "refinancing" funds and how the "refinancing" funding returned to them is being used."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 324 - CHILDREN'S SERVICES COORDINATING COMMITTEE

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Salaries and wages	\$70,784	\$70,161		\$70,161	\$70,161	
Operating expenses	120,313	57,339		57,339	57,339	
Grants	<u>6,562,500</u>	<u>6,622,500</u>		<u>6,622,500</u>	<u>6,622,500</u>	
Total all funds	\$6,753,597	\$6,750,000	\$0	\$6,750,000	\$6,750,000	\$0
Less special funds	<u>6,753,597</u>	<u>6,750,000</u>		<u>6,750,000</u>	<u>6,750,000</u>	
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	1.00	1.00	0.00	1.00	1.00	0.00

Conference Committee changes narrative:

This amendment changes the percentage allocation formula for the "refinancing" funds anticipated to be received during the 1999-2001 biennium. The following schedule compares the percentage allocation used during the 1997-99 biennium, the 1999-2001 executive budget recommendation, the House version, the Senate version, and the Conference Committee version:

	1997-99 BIENNIUM	1999-2001 EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION	CONFERENCE COMMITTEE VERSION
Department of Human Services	10% up to a maximum of \$600,000	10% up to a maximum of \$750,000	10% up to a maximum of \$750,000	10% up to a maximum of \$750,000	10% up to a maximum of \$750,000
Children's Services Coordinating Committee - Administration	2.5% up to a maximum of \$150,000	2.5% up to a maximum of \$187,500	\$127,500 (estimated at 1.7%)	\$ 127,500 (estimated at 1.7%)	\$127,500 (estimated at 1.7%)
Children's Services Coordinating Committee grants:					
Participating entities generating federal funds	20%	20%	20%	20%	20%
Statewide grants	7.5%	7.5%	6%	6%	6%
Grants to regional and tribal children's services coordinating committees for administrative costs	\$1,080,000 (estimated at 18%)	\$1,500,000 (estimated at 20%)	\$1,125,000 (estimated at 15%)	\$1,500,000 ¹ (estimated at 20%)	\$1,350,000 (estimated at 18%)
Grants to regional and tribal children's services coordinating committees for collaboration efforts	0	0	0	0 ¹	\$150,000 (estimated at 2%)
Regional and tribal children's services coordinating committees - Grants to providers	42%	40%	47.3%	42.3%	42.3%
Total	100%	100%	100%	100%	100%

¹ The Senate version provided that \$1.5 million be provided for both administrative and collaboration costs.

The allocation of "refinancing" funds that may be received in excess of the \$7.5 million is as follows:

	1997-99 BIENNIUM	1999-2001 EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION	CONFERENCE COMMITTEE VERSION
Participating entities generating federal funds	20%	20%	20%	20%	20%
Children's Services Coordinating Committee - Statewide grants	10%	10%	0%	0%	0%
Regional and tribal children's services coordinating committees - Grants to providers	70%	70%	80%	80%	80%
Total	100%	100%	100%	100%	100%

A section is added, which was included in the Senate version, providing for an interim Legislative Council study of the uses of the funds appropriated to the Children's Services Coordinating Committee including:

1. A review of the use of the funding received by the regional and tribal children's services coordinating committees and the appropriate level of administrative costs for these committees.
2. A review of the entities involved in generating "refinancing" funds and how the "refinancing" funding returned to them is being used.

Engrossed HB 1014 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 signed and your signature is respectfully requested on: SB 2300, SB 2327.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: SB 2068, SB 2088, SB 2300, SB 2327, SCR 4059.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)
MADAM PRESIDENT: The Speaker has signed: SB 2068, SB 2088, SB 2300, SB 2327, SCR 4059.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: HB 1093, HB 1151, HB 1174, HB 1175, HB 1256, HB 1307, HB 1310, HB 1444, HCR 3075.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1093, HB 1151, HB 1174, HB 1175, HB 1256, HB 1307, HB 1310, HB 1444, HCR 3075.

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

LANCE HAGEN, Chief Clerk