

JOURNAL OF THE HOUSE

Fifty-seventh Legislative Assembly

* * * * *

Bismarck, April 11, 2001

The House convened at 8:30 a.m., with Speaker Bernstein presiding.

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

The roll was called and all members were present except Representatives Fairfield, Keiser, R. Kelsch, M. Klein, Lloyd, Maragos, Sandvig, and Thorpe.

A quorum was declared by the Speaker.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. BERG MOVED that the House do concur in the Senate amendments to Engrossed HB 1319 as printed on HJ page 1122, which motion prevailed on a voice vote.

Engrossed HB 1319, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1319: A BILL for an Act to amend and reenact paragraphs 1 and 2 of subdivision a of subsection 17 of section 52-01-01 of the North Dakota Century Code, relating to unemployment compensation coverage for corporations and limited liability companies.

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 89 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Fairfield; Keiser; Kelsch, R.; Kempenich; Klein, M.; Lloyd; Maragos; Sandvig; Thorpe

Engrossed HB 1319 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 1407, and that a conference committee be appointed to meet with a like committee from the Senate.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1407: Reps. Berg, Kasper, Lemieux.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. R. KELSCH MOVED that the House do not concur in the Senate amendments to Engrossed HB 1407, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on Engrossed HB 1407: Reps. Brusegaard, Haas, Grumbo.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2004: Reps. Kliniske, Kempenich, Kerzman.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2011: Reps. B. Thoreson, Skarphol, Glassheim.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2016: Reps. Svedjan, Delzer, Warner.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2285: Reps. Nelson, DeKrey, Solberg.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2380: Reps. Price, Devlin, Sandvig.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WALD MOVED that the conference committee report on Engrossed HB 1023 be adopted as printed on HJ page 1319, which motion prevailed on a voice vote.

Engrossed HB 1023, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1023: A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to provide for the sale of the land and building used by the state water commission as a maintenance shop and the purchase of new property for such use; to provide for a continuing appropriation; to provide statements of legislative intent; to create and enact a new subsection to section 61-02-14, a new section to chapter 61-02.1, and a new subsection to section 61-02.1-04 of the North Dakota Century Code, relating to funding of water development projects, repayment of bonds, and the powers and duties of the state water commission; to amend and reenact subsections 4 and 5 of section 61-01-26 and section 61-01-26.1 of the North Dakota Century Code, sections 10 and 11 of chapter 535 of the 1999 Session Laws, and section 2 of House Bill No. 1151, as approved by the fifty-seventh legislative assembly, relating to funds deposited in the water development trust fund, sharing costs for water quality protection programs, supplementing the water resources of eastern North Dakota, the statewide water development program, the expiration date for the issuance of bonds, and construction of a Devils Lake outlet; to transfer funds from the water development trust fund to the general fund; to provide requirements for the Fargo flood control project; and to provide a line of credit and an appropriation for repayment.

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 89 YEAS, 1 NAY, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kerzman; Kingsbury; Klein, F.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Mahoney; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Schmidt; Severson; Skarphol; Solberg; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Delzer

ABSENT AND NOT VOTING: Fairfield; Keiser; Kempenich; Klein, M.; Lloyd; Maragos; Sandvig; Thorpe

Engrossed HB 1023 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DISRUD MOVED that the conference committee report on Engrossed HB 1386 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1386, as amended, was placed on the Eleventh order.

REQUEST

REP. DELZER REQUESTED to reconsider the action where the conference committee report was adopted to HB 1386, which motion prevailed on a verification vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. DELZER MOVED that the House do not concur in the Senate amendments to Engrossed HB 1386, which motion prevailed on a verification vote.

MOTION

REP. BELTER MOVED that the House stand in recess until 1:30 p.m., which motion prevailed.

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

POINT OF PERSONAL PRIVILEGE

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

REQUEST

REP. DOSCH REQUESTED that his remarks be printed in the Journal, which request was granted.

Rep. Lisa Meier and Rep. Mark Dosch along with Senator Dick Dever are pleased to inform the Assembly that an exemplary educator from District 32, Billy Demaree, Principal at Jeanette Myhre Elementary School in Bismarck, has been named a recipient of the Milken Family Foundation National Educator Award.

The award includes an unrestricted financial award of \$25,000 and public recognition intended to encourage talented educators to remain in the profession, while inspiring others to consider careers in teaching. Mr. Demaree has also been invited to participate in education, government, and business focused on finding solutions to the problems facing education in America.

By choosing to practice in this most noble and important profession, and by doing it with such excellence, Mr. Demaree is making a lasting contribution to the minds, imagination, and character of our young people. Please join us in congratulating this outstanding individual whose hard work and vision provided the children of North Dakota with the quality education they need and deserve.

MOTION

REP. NICHOLAS MOVED that the House reconsider its action whereby HB 1328 failed to pass, which motion prevailed on a verification vote.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. NICHOLAS MOVED that the House do concur in the Senate amendments to HB 1328, which motion prevailed on a verification vote.

HB 1328, as amended, was placed on the Eleventh order of business.

SECOND READING OF HOUSE BILL

HB 1328: A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to creation of a crop protection product harmonization and registration board; to amend and reenact sections 4-35-06.2 and 4-35-06.3 of the North Dakota Century Code, relating to funds received for expenses paid relating to the registration of pesticides and the minor use pesticide fund; to repeal section 11 of chapter 31 of the 1999 Session Laws, relating to the crop harmonization committee; and to provide an appropriation.

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 65 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Dosch; Drovda; Froelich; Froseth; Galvin; Grande; Grosz; Gunter; Haas; Hawken; Herbel; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kempnich; Kingsbury; Klein, F.; Klein, M.; Klemm; Kliniske; Koppang; Koppelman; Kretschmar; Lloyd; Maragos; Martinson; Meier; Monson; Nelson; Nicholas; Nottestad; Pietsch; Pollert; Price; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

NAYS: Aarsvold; Boucher; Cleary; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Glassheim; Grumbo; Guleson; Hanson; Huether; Hunskor; Jensen; Keiser; Kelsch, S.; Kerzman; Kroeber; Lemieux; Mahoney; Metcalf; Mueller; Niemeier; Onstad; Porter; Sandvig; Schmidt; Solberg; Warner; Weiler; Winrich

ABSENT AND NOT VOTING: Thorpe

Reengrossed HB 1328 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a new Conference Committee on HB 1386: Reps. Froseth, Carlson, Delmore.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1220.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1220

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

Page 1, line 15, overstrike "or"

Page 1, line 16, replace "approved by the director" with "through a licensee under chapter 39-25"

Page 1, line 19, remove "day and night"

Page 1, after line 23, insert:

"**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4051.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

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

SB 2003: Sens. Nething; Solberg; Lindaas

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1197.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1066.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee reports and subsequently passed: SB 2039, SB 2054, and SB 2449.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee reports and subsequently passed: HB 1119, HB 1184, and HB 1267.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

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

SB 2308: Sens. Lee; Erbele; Polovitz

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

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

HB 1200: Sens. Urlacher; Wanzek; Kroeplin

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

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

HB 1141: Sens. Cook; Flakoll; O'Connell

HB 1328: Sens. Wanzek; Klein; Nichols

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2020, SB 2021, and SB 2022 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2020: Sens. Holmberg; Grindberg; Lindaas

SB 2021: Sens. Solberg; Bowman; Tomac

SB 2022: Sens. Solberg; Schobinger; Robinson

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1058, HB 1119, HB 1184, HB 1245, HB 1267, HB 1269, HB 1457, HB 1462, HCR 3071.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: HB 1058, HB 1119, HB 1184, HB 1245, HB 1267, HB 1269, HB 1457, HB 1462, HCR 3071.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SB 2005, SB 2006, SB 2010, SB 2014, SB 2018, SB 2090, SB 2097, SB 2102, SB 2113, SB 2116, SB 2150, SB 2162, SB 2187, SB 2194, SB 2197, SB 2224, SB 2226, SB 2264, SB 2297, SB 2300, SB 2314, SB 2315, SB 2337, SB 2342, SB 2352, SB 2373, SB 2379, SB 2384, SB 2403, SB 2413.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2005, SB 2006, SB 2010, SB 2014, SB 2018, SB 2090, SB 2097, SB 2102, SB 2113, SB 2116, SB 2150, SB 2162, SB 2187, SB 2194, SB 2197, SB 2224, SB 2226, SB 2264, SB 2297, SB 2300, SB 2314, SB 2315, SB 2337, SB 2342, SB 2352, SB 2373, SB 2379, SB 2384, SB 2403, SB 2413.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has reconsidered its action whereby it did not concur with the Senate amendments to HB 1328 and wishes to inform you that the House does now concur with the Senate amendments to HB 1328 and subsequently passed the same. Also, the House has dissolved the House Conference Committee on HB 1328.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has not adopted the conference committee report on HB 1386 and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1386: Reps. Froseth; Carlson; Delmore

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1023.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1319.

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

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

SB 2004: Reps. Kliniske; Kempenich; Kerzman

SB 2011: Reps. B. Thoreson; Skarphol; Glassheim

SB 2016: Reps. Svedjan; Delzer; Warner

SB 2285: Reps. Nelson; DeKrey; Solberg

SB 2380: Reps. Price; Devlin; Sandvig

MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1407 and HB 1444 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1407: Reps. Berg; Kasper; Lemieux

HB 1444: Reps. Brusegaard; Haas; Grumbo

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for approval on April 11, 2001: HB 1008, HB 1010, HB 1019, HB 1026, HB 1109, HB 1160, HB 1162, HB 1202, HB 1208, HB 1249, HB 1349, HB 1400, HB 1472.

REPORT OF STANDING COMMITTEE

SB 2023, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (15 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2023 was placed on the Sixth order on the calendar.

Page 1, line 5, after "appropriation" insert "; to provide a statement of legislative intent"

Page 2, line 1, replace "\$6,656,000" with "\$6,356,000"

Page 2, line 6, replace "2,599,000" with "2,299,000"

Page 2, after line 6, insert:

"The Minot state university local responsibility of \$2,299,000 must be paid in ten annual payments with each of the first two annual payments being \$315,000 and each of the remaining eight annual payments being \$208,625."

Page 2, line 27, after "renovation" insert "and expansion"

Page 3, line 7, after "renovation" insert "and expansion"

Page 3, after line 10, insert:

"SECTION 6. LEGISLATIVE INTENT - STATE COLLEGE OF SCIENCE - STUDENT UNION RENOVATION AND EXPANSION. It is the intent of the fifty-seventh legislative assembly that the state college of science local responsibility of \$1,300,000, as provided in section 4 of this Act, must be collected and the renovation and expansion plans must be approved by the state architect before the state college of science may begin on the renovation and expansion of the student union.

SECTION 7. STATE FACILITY ENERGY IMPROVEMENT PROJECT - REPORT TO THE FIFTY-EIGHTH LEGISLATIVE ASSEMBLY. The agencies and institutions receiving authorization for energy improvement projects pursuant to section 3 of this Act shall monitor the resulting energy savings and the cost-effectiveness of the projects and shall report the results to the house and senate appropriations committees of the fifty-eighth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**Senate Bill No. 2023 - Summary of House Action**

University of North Dakota				
Total all funds	\$3,990,785	\$7,490,785	\$0	\$7,490,785
Less estimated income	<u>3,990,785</u>	<u>7,490,785</u>		<u>7,490,785</u>
General fund	\$0	\$0	\$0	\$0
North Dakota State University				
Total all funds	\$296,348	\$11,296,348	\$0	\$11,296,348
Less estimated income	<u>296,348</u>	<u>11,296,348</u>		<u>11,296,348</u>
General fund	\$0	\$0	\$0	\$0
State College of Science				
Total all funds	\$0	\$4,300,000	\$0	\$4,300,000
Less estimated income		<u>4,300,000</u>		<u>4,300,000</u>
General fund	\$0	\$0	\$0	\$0
Minot State University				
Total all funds	\$5,076,000	\$7,850,000	\$0	\$7,850,000
Less estimated income	<u>5,076,000</u>	<u>7,850,000</u>		<u>7,850,000</u>
General fund	\$0	\$0	\$0	\$0
State Department of Health				
Total all funds	\$2,700,000	\$2,700,000	\$0	\$2,700,000
Less estimated income	<u>2,700,000</u>	<u>2,700,000</u>		<u>2,700,000</u>
General fund	\$0	\$0	\$0	\$0
Job Service North Dakota				
Total all funds	\$2,302,000	\$2,302,000	\$0	\$2,302,000
Less estimated income	<u>2,302,000</u>	<u>2,302,000</u>		<u>2,302,000</u>
General fund	\$0	\$0	\$0	\$0
Department of Transportation				
Total all funds	\$352,600	\$352,600	\$0	\$352,600
Less estimated income	<u>352,600</u>	<u>352,600</u>		<u>352,600</u>
General fund	\$0	\$0	\$0	\$0
Bill Total				
Total all funds	\$14,717,733	\$36,291,733	\$0	\$36,291,733
Less estimated income	<u>14,717,733</u>	<u>36,291,733</u>		<u>36,291,733</u>
General fund	\$0	\$0	\$0	\$0

Senate Bill No. 2023 - House Action

This amendment makes the following changes:

- The required local match for the Minot State University Old Main renovation project is reduced by \$300,000, from \$2,599,000 to \$2,299,000. The local match must be paid in 10 annual payments. The first two payments will be \$315,000 and the remaining eight payments will be \$208,625. The amount of bonds issued for the project remains unchanged from the Senate version of \$7,850,000; however, the portion of bonds repaid from the general fund is increased by \$300,000 to reflect the decrease in local repayment responsibility.
- A section is added providing that the required local match of \$1.3 million for the State College of Science Student Union renovation and expansion project must be raised by the college and the project plans must be approved by the state architect before the project is started.
- A section is added providing that the Department of Transportation, North Dakota State University, and the University of North Dakota must report to the House and Senate Appropriations Committees of the Fifty-eighth Legislative Assembly regarding the cost-effectiveness of the energy improvement projects authorized in Section 3 of the bill.

REPORT OF STANDING COMMITTEE

SB 2042, as engrossed: Appropriations Committee (Rep. Timm, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2042 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "15-11-37,"

Page 1, line 6, replace "chapters 15-62.3 and" with "chapter"

Page 1, line 9, after the second comma insert "and" and replace ", and the tuition assistance grant" with a period

Page 1, remove line 10

Page 1, line 19, after the period insert "a."

Page 2, after line 2, insert:

- "b. Appoint and remove the commissioner of higher education, fix the commissioner's salary within the limits of legislative appropriations, and prescribe the commissioner's duties.

- c. Appoint and remove all university system office personnel, fix their salaries within the limits of legislative appropriations, fix their terms of office, and prescribe their duties."

Page 8, line 4, remove "15-11-37," and replace "chapters" with "chapter"

Page 8, line 5, remove "15-62.3 and"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment clarifies State Board of Higher Education powers and duties as listed in North Dakota Century Code (NDCC) Section 15-10-17 in regard to the chancellor of higher education and University System office personnel and removes the repeal of NDCC Section 15-11-37 and Chapter 15-62.3, relating to acceptance of gifts and grants by the dean of the medical school and the tuition assistance grant program, respectively.

REPORT OF STANDING COMMITTEE

SCR 4052, as engrossed: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SCR 4052 was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1024, as reengrossed: Your conference committee (Sens. Bowman, Solberg, Tomac and Reps. Wald, Boehm, Aarsvold) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1167-1169, adopt further amendments as follows, and place HB 1024 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1167-1169 of the House Journal and pages 1010-1012 of the Senate Journal and that Reengrossed House Bill No. 1024 be amended as follows:

Page 1, line 2, replace "amend and reenact section 3 of chapter 548 of the 1999 Session" with "authorize and provide an appropriation for additional full-time equivalent positions for the workers compensation bureau; to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to the creation of a building maintenance account; and to amend and reenact sections 65-02-03.2 and 65-05.1-06.2 of the North Dakota Century Code, relating to workers compensation board members and workers' compensation vocational rehabilitation services"

Page 1, remove line 3

Page 1, line 4, remove "and to provide for retroactive application"

Page 1, remove lines 11 through 14

Page 1, line 16, replace "**AMENDMENT.** Section 3 of chapter 548 of the 1999 Session Laws is" with "**NORTH DAKOTA WORKERS COMPENSATION BUREAU FULL-TIME EQUIVALENT EMPLOYEE POSITIONS AUTHORIZATION - APPROPRIATION - REPORT TO BUDGET SECTION.** The North Dakota workers compensation board of directors may authorize the workers compensation bureau to hire, upon a determination that employees are needed to facilitate the economic and efficient administration of the bureau, up to ten full-time equivalent employee positions in addition to the full-time equivalent employee positions authorized in section 1 of this Act for the biennium beginning July 1, 2001, and ending June 30, 2003. There is appropriated out of any moneys in the workers' compensation fund, not otherwise appropriated, the sum of \$500,000, or so much of the sum as may be necessary, to the workers compensation bureau for the purpose of providing wages, salaries, and benefits for any additional full-time equivalent positions authorized under this section. The workers compensation board of directors shall report to the budget section of the legislative council on any additional full-time equivalent employee positions and related funding authorized.

SECTION 3. PROJECT AUTHORIZATION. The industrial commission, acting as the North Dakota building authority, may, at the request of the workers compensation board of directors, arrange for funding of an office building project authorized by this section, declared to be in the public interest, through the issuance of evidences of indebtedness under chapter 54-17.2, during the biennium beginning July 1, 2001, and ending June 30, 2003. The proceeds of the evidences of indebtedness and other

available funds are appropriated during the period beginning July 1, 2001, and ending July 31, 2003, for a workers compensation bureau office building.

The industrial commission may issue evidences of indebtedness in the principal amount requested plus costs of issuance, capitalized interest, and any reasonable required reserves under this section with the condition that lease rental payments need not begin until July 1, 2003. This authority of the industrial commission to issue evidences of indebtedness ends June 30, 2003, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date.

SECTION 4. BOND ISSUANCE REPAYMENT RESPONSIBILITY. Funding must be made available by the workers compensation bureau from non-general fund sources to be appropriated to the industrial commission to retire the evidences of indebtedness issued for the project costs associated with the construction of the project authorized by this Act.

SECTION 5. LEGISLATIVE INTENT - WORKERS COMPENSATION BUREAU BUILDING - OTHER STATE AGENCIES LEASING. It is the intent of the legislative assembly that if a new facility is built to house the operations of the workers compensation bureau that the facility be built to include rental space for other state agencies and that the workers compensation bureau work with the office of management and budget to identify which agencies will lease space in the workers compensation bureau building and report to the budget section of the legislative council on plans for leasing to other agencies. The bureau shall have exclusive responsibility for setting and collecting rental amounts and for the maintenance and control of the building and its grounds.

SECTION 6. A new section to chapter 65-02 of the North Dakota Century Code is created and enacted as follows:

Building maintenance account - Continuing appropriation. There is a building maintenance account within the workers' compensation fund, to which the workers compensation bureau shall deposit all building rental proceeds if the workers compensation bureau builds a building that includes rental space for other state entities. The moneys in the account are appropriated on a continuing basis to the workers compensation bureau to pay bond principal and interest payments, operating, maintenance, repair, and payments in lieu of taxes expenses of the building and grounds. This account may be used only for the purposes identified in this section. The workers compensation bureau may either hire or contract for building maintenance and repair services anticipated by this section. The bureau shall report to the budget section of the legislative council on a biennial basis on all revenues deposited into this account and expenditures made from the account.

SECTION 7. AMENDMENT. Section 65-02-03.2 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

65-02-03.2. Compensation of board members. A board member is entitled to receive compensation ~~in the amount of sixty two dollars and fifty cents per day as determined by the board~~ for days spent in attendance at board meetings or other business as approved by the board. A board member is entitled to reimbursement for mileage and expenses as provided for state officers.

SECTION 8. AMENDMENT. Section 65-05.1-06.2 of the North Dakota Century Code is amended and reenacted as follows:

65-05.1-06.2. Bids Contract for vocational rehabilitation services. The bureau ~~shall solicit bids from~~ may contract with vocational rehabilitation vendors to provide vocational rehabilitation services ~~relative to vocational rehabilitation of claimants. The bureau shall contract with the lowest and best bidders to provide these services on a biennial basis.~~ The bureau shall determine the criteria that render a vocational rehabilitation vendor qualified. ~~The request for bids must contain a detailed outline of services each vendor will be expected to provide. The accepted bid is binding upon both the bureau and the rehabilitation vendor.~~ If additional services are determined to be necessary as a result of failed or inappropriate rehabilitation of an injured employee through no fault of the employee, the bureau may contract with the vendor for additional services. If the failure or inappropriateness of the rehabilitation of the injured employee is due to the vendor's failure to provide the necessary services to fulfill the contract, the bureau is not obligated to use that vendor for additional services

on that claim and the bureau may refuse payment for a service that the vendor failed to perform which was a material requirement of the contract."

Page 1, remove lines 17 through 24

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

House Bill No. 1024 - Workers Compensation Bureau - Conference Committee Action

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	COMPARISON TO SENATE
Salaries and wages	\$17,854,134	\$20,348,251	(\$20,348,251)			
Operating expenses	7,373,732	8,114,732	(8,114,732)			
Equipment	1,354,057	1,418,357	(1,418,357)			
Safety partnership grants	630,000	1,260,000	(1,260,000)			
Workers Compensation Bureau			31,641,340	\$31,641,340	\$45,641,340	(\$14,000,000)
Total all funds	\$27,211,923	\$31,141,340	\$500,000	\$31,641,340	\$45,641,340	(\$14,000,000)
Less estimated income	<u>27,211,923</u>	<u>31,141,340</u>	<u>500,000</u>	<u>31,641,340</u>	<u>45,641,340</u>	<u>(14,000,000)</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	191.00	218.00	0.00	218.00	218.00	0.00

Dept. 485 - Workers Compensation Bureau - Detail of Conference Committee Changes

	CONSOLIDATE FUNDING INTO ONE LINE ITEM	PROVIDE FUNDING FOR ADDITIONAL FULL-TIME EQUIVALENT POSITIONS ¹	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	(\$20,348,251)		(\$20,348,251)
Operating expenses	(8,114,732)		(8,114,732)
Equipment	(1,418,357)		(1,418,357)
Safety partnership grants	(1,260,000)		(1,260,000)
Workers Compensation Bureau	31,141,340	\$500,000	31,641,340
Total all funds	\$0	\$500,000	\$500,000
Less estimated income	<u></u>	<u>500,000</u>	<u>500,000</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

¹ This amendment adds a section that authorized the Workers Compensation Board of Directors to allow the Workers Compensation Bureau to hire upon a determination that positions are needed to facilitate the economic and efficient administration of the bureau up to 10 FTE positions in addition to the FTE positions authorized by the 2001 Legislative Assembly and provides a special funds appropriation of \$500,000 for salaries, wages, and benefits for any additional FTE positions hired under this section. (This section was added by the Senate.)

This amendment also:

- Adds a section that allows the Industrial Commission at the request of the Workers Compensation Bureau to issue and sell bonds for the purchase of land and the construction of a new facility to house bureau operations.
- Adds a section of legislative intent that if a new facility is built to house the operations of the Workers Compensation Bureau, the facility be built to include rental space for other state agencies.
- Creates a new section to the North Dakota Century Code (NDCC) that establishes a building maintenance account in the workers' compensation fund to be used for deposit of all rental proceeds and for payment of all building operation, maintenance, and financing costs.
- Amends NDCC Section 65-02-03.2 to allow the Workers Compensation Board of Directors to set compensation for board members.
- Amends NDCC Section 65-05.1-06.2 to allow the Workers Compensation Bureau to contract for vocational rehabilitation services.

Reengrossed HB 1024 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1283, as engrossed: Your conference committee (Sens. Cook, Flakoll, O'Connell and Reps. Brusegaard, Meier, Hanson) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1000-1001 and place HB 1283 on the Seventh order.

Engrossed HB 1283 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1385, as engrossed: Your conference committee (Sens. Kilzer, Lee, Polovitz and Reps. Weisz, Galvin, Sandvig) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1099, adopt further amendments as follows, and place HB 1385 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1099 of the House Journal and pages 909 and 910 of the Senate Journal and that Engrossed House Bill No. 1385 be further amended as follows:

Page 1, line 15, after "problems" insert "and both parents or the legal guardian have agreed to the child's voluntary placement or, if there is a parental disagreement, there is a judicial determination by the juvenile court that placement is in the best interests of the child"

Renumber accordingly

Engrossed HB 1385 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1451, as engrossed: Your conference committee (Sens. Wardner, Kilzer, C. Nelson and Reps. Grande, Kingsbury, Eckre) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1121, adopt further amendments as follows, and place HB 1451 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1121 of the House Journal and page 952 of the Senate Journal and that Engrossed House Bill No. 1451 be further amended as follows:

Page 1, line 5, after the period insert:

"1."

Page 1, after line 9, insert:

- "2. An agency may amend or repeal a rule without complying with the other requirements of this chapter relating to adoption of administrative rules and may resubmit the change to the legislative council for publication provided:
 - a. The agency initiates the request to the administrative rules committee for consideration of the amendment or repeal;
 - b. The agency provides notice to the regulated community, in a manner reasonably calculated to provide notice to those persons interested in the rule, of the time and place the administrative rules committee will consider the request for amendment or repeal of the rule; and
 - c. The agency and the administrative rules committee agree the rule amendment or repeal eliminates a provision that is obsolete or no longer in compliance with law and that no detriment would result to the substantive rights of the regulated community from the amendment or repeal."

Renumber accordingly

Engrossed HB 1451 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1468: Your conference committee (Sens. Tollefson, Traynor, Kelsh and Reps. Porter, Weiler, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1169-1170, adopt further amendments as follows, and place HB 1468 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1169 and 1170 of the House Journal and page 838 of the Senate Journal and that Engrossed House Bill No. 1468 be amended as follows:

Page 1, line 1, replace "a" with "two" and replace "subsection" with "subsections"

Page 1, line 11, replace "fourteen" with "fifteen", replace "two" with "three", and replace "seven" with "five"

Page 1, line 12, after the underscored period insert "The nonresident all season small game license entitles the nonresident to hunt small game for the entire season."

Page 2, line 20, replace "A" with "Two" and replace "subsection" with "subsections"

Page 2, line 21, replace "is" with "are"

Page 2, after line 23, insert:

"For a nonresident all season small game hunting license, two hundred fifty dollars."

Renumber accordingly

HB 1468 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2039, as engrossed: Your conference committee (Sens. Flakoll, Wanzek, Christenson and Reps. Herbel, Clark, Winrich) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 852, adopt amendments as follows, and place SB 2039 on the Seventh order:

That the House recede from its amendments as printed on page 852 of the Senate Journal and page 927 of the House Journal and that Engrossed Senate Bill No. 2039 be amended as follows:

Page 1, line 12, replace "two" with "three" and replace "fifty" with "eighty-five"

Page 1, line 15, replace "two" with "three" and replace "fifty" with "eighty-five"

Page 1, line 23, replace "two" with "three" and replace "fifty" with "eighty-five"

Renumber accordingly

Engrossed SB 2039 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2054, as engrossed: Your conference committee (Sens. Stenehjem, Trenbeath, O'Connell and Reps. Weisz, Pollert, Grumbo) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 728, adopt amendments as follows, and place SB 2054 on the Seventh order:

That the House recede from its amendments as printed on page 728 of the Senate Journal and page 782 of the House Journal and that Engrossed Senate Bill No. 2054 be amended as follows:

Page 1, line 1, replace "create and enact a new subsection to" with "amend and reenact"

Page 1, line 2, after "highways" insert "; to provide an expiration date; and to declare an emergency"

Page 1, line 4, replace "A new subsection to section" with "Section"

Page 1, line 5, replace "created and enacted" with "amended and reenacted"

Page 1, after line 5, insert:

"39-12-05.3. Weight limitations for vehicles on highways other than the interstate system.

1. A person may not operate on a highway, ~~which~~ that is not part of the interstate system; any vehicle:
4. ~~With~~ with a single axle that carries a gross weight in excess of twenty thousand pounds [9071.85 kilograms] or a wheel load over ten thousand pounds [4535.92 kilograms]. A wheel may not carry a gross weight over

five hundred fifty pounds [249.48 kilograms] for each inch [2.54 centimeters] of tire width. Axles spaced forty inches [101.60 centimeters] apart or less are considered as one axle. On axles spaced over forty inches [101.60 centimeters] and under eight feet [2.44 meters] apart, the axle load may not exceed seventeen thousand pounds [7711.07 kilograms] per axle, with a maximum of forty-eight thousand pounds [21772.32 kilograms] gross weight on any grouping of three or more axles. The wheel load, in any instance, may not exceed one-half the allowable axle load. Spacing between axles is measured from axle center to axle center.

2. Subject to the limitations imposed by subsection 1 on tires, wheel, and axle loads, a person may not operate on a highway that is not part of the interstate system any vehicle the gross weight of which exceeds that determined by the formula of:

$$W = 500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

where W equals the maximum gross weight in pounds on any vehicle or combination of vehicles; L equals distance in feet between the two extreme axles of any vehicle or combination of vehicles; and N equals the number of axles of any vehicle or combination of vehicles under consideration. The gross weight on state highways may not exceed one hundred five thousand five hundred pounds [47854.00 kilograms] unless otherwise posted and on all other highways the gross weight may not exceed eighty thousand pounds [36287.39 kilograms] unless designated by local authorities for highways under their jurisdiction for gross weights not to exceed one hundred five thousand five hundred pounds [47854.00 kilograms]. Local authorities are encouraged to assess all roads under their jurisdiction and designate the roads for the appropriate weight limits allowed under this subsection.

3. The gross weight limitations in subsections 1 and 2 do not apply to equipment the director and the state highway patrol approve for exemption. The exemption may not exceed one hundred five thousand five hundred pounds [47854.00 kilograms]. For every vehicle approved for exemption the highway patrol shall issue a nontransferable permit valid for one year. The highway patrol may charge an administrative fee for the permit.
4. The director, and local authorities, as to the highways under their respective jurisdictions, may issue permits authorizing a specific motor vehicle to exceed the weight limitations stated in subsections 1 and 2 by ten percent. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]. The permits must provide only for the movement of agricultural products from the field of harvest to the point of initial storage site, and for the collection and transport of solid wastes, during the period from July fifteenth to December first, and for the general movement of products during the period from December first to March seventh. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director.
5. The director, and local authorities, as to highways under their respective jurisdictions, may issue permits authorizing all vehicles carrying potatoes or sugar beets to exceed weight limitations stated in subsections 1 and 2 by ten percent during the period from July fifteenth to December first. The permits may not provide for a gross weight in excess of one hundred five thousand five hundred pounds [47854.00 kilograms]. The appropriate jurisdictional authority shall establish an appropriate fee for the permits and direct how they shall be issued. The highway patrol shall issue the permits authorized by the director.

6."

Page 1, underscore line 6

Page 1, replace line 7 with "self-propelled fertilizer spreader if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and"

Page 1, line 8, underscore "the gross weight does not exceed eighty thousand pounds [38287.39 kilograms]" and remove "or"

Page 1, remove line 9

Page 1, line 10, remove "of width", underscore the period and insert immediately thereafter "The gross weight limitations in subsections 1 and 2 do not apply to movement of a self-propelled agricultural chemical applicator if the vehicle does not travel at speeds in excess of thirty miles [48.28 kilometers] per hour when loaded over one-half capacity and the gross weight does not exceed forty-five thousand pounds [20411.66 kilograms].", and underscore "The highway patrol shall issue a seasonal permit for the movement of"

Page 1, underscore lines 11 through 18

Page 1, after line 18, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 2003, and after that date is ineffective.

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

Renumber accordingly

Engrossed SB 2054 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2449, as engrossed: Your conference committee (Sens. Tollefson, Fischer, Every and Reps. Nelson, Porter, Solberg) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1034-1035, adopt amendments as follows, and place SB 2449 on the Seventh order:

That the House recede from its amendments as printed on pages 1034 and 1035 of the Senate Journal and page 1082 of the House Journal and that Engrossed Senate Bill No. 2449 be amended as follows:

Page 1, line 23, replace "leased" with "private land enrolled"

Page 1, line 24, remove "upland game"

Page 2, line 1, remove "Act as a hunting guide or outfitter on land on which the department has obtained"

Page 2, remove lines 2 and 3

Page 2, line 4, remove "5."

Page 2, line 6, replace "6" with "5"

Renumber accordingly

Engrossed SB 2449 was placed on the Seventh order of business on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4050: A concurrent resolution urging Congress to direct the Secretary of Agriculture and the federal Risk Management Agency to establish a pricing policy so crop revenue coverage for durum can be continued.

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

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Thursday, April 12, 2001, which motion prevailed.

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

MARK L. JOHNSON, Chief Clerk

