

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

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Bismarck, April 9, 1997

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

The prayer was offered by Representative Brusegaard.

The roll was called and all members were present except Representatives Berg, Gorder, Kempenich, Kliniske, Kunkel, Renner, and Stenehjem.

A quorum was declared by the Speaker.

**HOUSE ENGROSSING AND ENROLLING REPORT**

The following bills were engrossed and enrolled: HB 1008, HB 1017, HB 1112, HB 1337, and HB 1453.

**DOCTOR OF THE DAY PROGRAM PARTICIPANTS**

The North Dakota Medical Association wishes to recognize these 1997 Doctor of the Day Participants:

Tom Arnold, M.D.	Bismarck
Biron Baker, M.D.	Bismarck
Gary Betting, M.D.	Bismarck
Michael Booth, M.D.	Bismarck
Russell J. Emery, M.D.	Bismarck
Dale Ernster, M.D.	Jamestown
Charles Foulks, M.D.	Fargo
Cara Friez, M.D.	Grand Forks
Robert Grossman, M.D.	Hettinger
Raymond Gruby, M.D.	Bismarck
Robert Jennings, M.D.	Bismarck
Anthony Johnson, M.D.	Bismarck
Marlin Johnson, M.D.	Bismarck
Warren Keene, M.D.	Minot
Randy Kenninger, M.D.	Fargo
Dale Klein, M.D.	Mandan
James Knapp, M.D.	Fargo
Paul B. Knudson, M.D.	Bismarck
Ross Kringlie, M.D.	Fargo
Richard Laraway, M.D.	Jamestown
Tom Magill, M.D.	Bismarck
Kent Martin, M.D.	Bismarck
Steve Mattson, M.D.	Minot
Brenda Miller, M.D.	Bismarck
Necito Montaniel, M.D.	Devils Lake
Louise Murphy, M.D.	Bismarck
Sue Nelson, M.D.	Fargo
Susan Nissen, M.D.	Fargo
Steven Schoneberg, M.D.	Minot
Jeff Smith, M.D.	Bismarck
Milton Smith, M.D.	Minot
Susan Stengl-Betting, M.D.	Bismarck
Hayley Svedjan-Walz, M.D.	Bismarck
Guy Tangedahl, M.D.	Bismarck
Anthony Tello, M.D.	Bismarck
Glenn Thoreson, M.D.	Mayville
Michelle Tincher, M.D.	Bismarck
Mack Traynor, M.D.	Fargo
Jeff Vaagen, M.D.	Grand Forks
Joel Walz, M.D.	Bismarck
Herbert Wilson, M.D.	Bismarck
Dennis Wolf, M.D.	Dickinson
Terry Wolff, D.O.	Fargo

Sandy Hyland, NDMA

Alliance Volunteer

Special thanks to the University of North Dakota School of Medicine Family Practice Residency Programs and MedCenter Pharmacy.

**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 2047.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2047, as engrossed:** Your conference committee (Sens. Goetz, Naaden, Krauter and Reps. Froseth, Poolman, Niemeier) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 879-880, adopt amendments as follows, and place SB 2047 on the Seventh order:

That the House recede from its amendments as printed on pages 879 and 880 of the Senate Journal and pages 1038 and 1039 of the House Journal and that Engrossed Senate Bill No. 2047 be amended as follows:

Page 1, line 1, after "sections" insert "54-10-13," and after "54-10-14" insert ", 54-10-15,"

Page 1, line 2, after the first "of" insert "political subdivisions," after "councils" insert a comma, and replace "the submission of regional" with "soil conversation districts."

Page 1, remove line 3

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 54-10-13 of the North Dakota Century Code is amended and reenacted as follows:

**54-10-13. Political subdivisions - Audits - State auditor powers.** The state auditor shall perform audits of political subdivisions pursuant to section 54-10-14 unless otherwise requested by the governing board, ordered by the governor or the legislative audit and fiscal review committee, or on petition pursuant to section 54-10-15, or at the discretion of the state auditor for alleged improprieties."

Page 1, line 14, overstrike "Firemen's" and insert immediately thereafter "Firefighters"

Page 2, line 3, overstrike "West river water supply district."

Page 2, line 4, overstrike "19."

Page 2, line 5, replace "20" with "19"

Page 2, after line 5, insert:

"20. Soil conservation districts."

Page 3, after line 16, insert:

**"SECTION 3. AMENDMENT.** Section 54-10-15 of the North Dakota Century Code is amended and reenacted as follows:

**54-10-15. Audits of political subdivisions by order of governor or the legislative audit and fiscal review committee, or upon petition.** The state auditor, by duly appointed deputy auditors or other authorized agents, shall audit or review the books, records, and financial accounts of any political subdivision when ordered by the governor or the legislative audit and fiscal review committee, requested by the governing board, or upon petition of at least thirty-five percent of the qualified electors of any political subdivision enumerated in section 54-10-14 voting for the office of governor at the preceding general election or, in the case of school districts, upon petition of at least thirty-five percent of the qualified electors voting at the preceding school board election. Fees for the audits must be paid in accordance with the provisions of section 54-10-14."

Page 3, line 19, remove " - **Audits**"

Page 3, line 24, remove "The state auditor may, or upon request of the legislative"

Page 3, remove lines 25 through 29

Renumber accordingly

Engrossed SB 2047 was placed on the Seventh order of business on the calendar.

#### ANNOUNCEMENT BY THE SPEAKER

**SPEAKER TIMM ANNOUNCED** that the following memo would be read and printed in the Journal:

To: All Legislators

From: Speaker Mike Timm

Date: April 9, 1997

Subject: Conference Committee Report - Motion to Lay on Table

Three House rules refer to a motion to lay on the table. House Rule 312 allows a motion to lay on the table to be received when a question is under debate; House Rule 317 provides that a motion to lay on the table is not debatable; and House Rule 315 provides that a question laid on the table is deemed finally disposed of whenever a motion to adjourn without fixing a time for reconvening is approved.

Conference committee reports are generally governed by Joint Rule 301. Subsections 6 and 7 of Joint Rule 301 refer to the possibility that action on a conference committee report by the House of Representatives may or may not result in the House taking action on the bill or resolution.

House Rule 801 provides that Mason's Manual of Legislative Procedure governs the House in all cases in which it is applicable.

Section 331(2) of Mason's provides it is not in order to lay on the table "a class of question such as orders of the day, unfinished business, or reports of committees." This provision refers to a call of questions, i.e., a grouping of a number of questions rather than a single question. Thus, under Section 331(2) of Mason's it would not be appropriate to move to lay the seventh order on the table, but this provision does not preclude laying a single item from the seventh order on the table.

#### RECONSIDERATION OF VETOED MEASURE

**HB 1191:** A BILL for an Act to create and enact section 28-32-03.4 of the North Dakota Century Code, relating to authority of the committee on administrative rules to call up existing administrative rules for review; to amend and reenact subsection 1 of section 28-32-03.3 of the North Dakota Century Code, relating to authority of the committee on administrative rules to void or object to administrative rules; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 44 YEAS, 46 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Bernstein; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Dorso; Fairfield; Freier; Gerntholz; Grande; Grosz; Hausauer; Hawken; Kilzer; Koppelman; Kroepflin; Lloyd; Mahoney; Mickelson; Oban; Poolman; Renner; Rennerfeldt; Sandvig; Skarphol; Soukup; Svedjan; Wald; Wardner; Weisz; Speaker Timm

**NAYS:** Aarsvold; Boucher; Callahan; Carlisle; Drovda; Froseth; Galvin; Glassheim; Grumbo; Gulleon; Gunter; Hanson; Henegar; Huether; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Kretschmar; Maragos; Martinson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Olson; Price; Rose; Sabby; Schmidt; Sveen; Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Warner; Wentz; Wilkie

**ABSENT AND NOT VOTING:** Berg; Gorder; Jacobs; Kempenich; Kliniske; Kunkel; Stenehjerm

The House sustained the Governor's veto on Engrossed HB 1191.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. SOUKUP MOVED** that the conference committee report on Engrossed SB 2012 be adopted, which motion prevailed.

Engrossed SB 2012, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2012:** A BILL for an Act to make an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation; to limit expenditures on certain streets; to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to cooperating with other states; to amend and reenact subsection 3 of section 24-02-37, sections 24-02-37.1, 39-12-02, and 54-06-09 of the North Dakota Century Code, relating to the special road fund, special trip permits, and state employee vehicle usage; to repeal section 24-02-37.1 of the North Dakota Century Code, relating to the special road advisory committee; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 5 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Boehm; Delzer; Drovdal; Renner; Rennerfeldt

**ABSENT AND NOT VOTING:** Berg; Gorder; Kelsh, S.; Kempenich; Kliniske; Kunkel; Stenehjem

Engrossed SB 2012, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. SVEDJAN MOVED** that the conference committee report on Engrossed SB 2014 be adopted.

**REQUEST**

**REP. OBAN REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on Engrossed SB 2014, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the conference committee report on Engrossed SB 2014, the roll was called and there were 55 YEAS, 36 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Hausauer; Henegar; Jacobs; Jensen; Johnsen, C.; Keiser; Kilzer; Klein; Koppelman; Kretschmar; Lloyd; Maragos; Martinson; Mickelson; Monson; Nicholas; Nottestad; Olson; Renner; Rennerfeldt; Sabby; Skarphol; Soukup; Svedjan; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Weisz; Wentz; Speaker Timm

**NAYS:** Aarsvold; Boucher; Brandenburg; Callahan; Christenson; Coats; Delmore; Devlin; Fairfield; Glassheim; Grumbo; Guleson; Gunter; Hanson; Hawken; Huether; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Kroepflin; Mahoney; Murphy; Nelson; Nichols; Niemeier; Oban; Poolman; Price; Rose; Sandvig; Schmidt; Sveen; Thorpe; Warner; Wilkie

**ABSENT AND NOT VOTING:** Berg; Gorder; Kempenich; Kliniske; Kunkel; Stenehjem

The conference committee report on Engrossed SB 2014 was adopted and Engrossed SB 2014, as amended, was placed on the Fourteenth order on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2014:** A BILL for an Act to provide an appropriation for defraying the expenses of the children's services coordinating committee; to create and enact a new section to chapter 54-56 of the North Dakota Century Code, relating to regional and tribal children's services coordinating committees; to amend and reenact sections 54-56-01, 54-56-03, and 54-56-04 of the North Dakota Century Code, relating to the membership and duties of the children's services coordinating committee; and to repeal section 54-56-05 of the North Dakota Century Code, relating to the children's services coordinating committee receiving and spending funds.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 73 YEAS, 18 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Bernstein; Boehm; Brown; Brusegaard; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; Delmore; Delzer; Devlin; Dorso; Drovdal; Fairfield; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Kretschmar; Kroeplin; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Nottestad; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Schmidt; Skarphol; Soukup; Svedjan; Sveen; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Wentz; Wilkie; Speaker Timm

**NAYS:** Aarsvold; Boucher; Brandenburg; Byerly; Coats; DeKrey; Glassheim; Grumbo; Gulleson; Gunter; Hanson; Koppelman; Niemeier; Oban; Rose; Sandvig; Thorpe; Weisz

**ABSENT AND NOT VOTING:** Berg; Gorder; Kempenich; Kliniske; Kunkel; Stenehjem

Engrossed SB 2014, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. FREIER MOVED** that the conference committee report on Reengrossed SB 2015 be adopted, which motion prevailed.

Reengrossed SB 2015, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**Reengrossed SB 2015:** A BILL for an Act to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the state industrial commission; to provide a continuing appropriation; to authorize transfers; to create and enact section 54-17.4-09.1 of the North Dakota Century Code, relating to a fossil excavation and restoration fund; 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 81 YEAS, 9 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Aarsvold; Carlson; Delzer; Grande; Grosz; Skarphol; Thorpe; Weisz; Wilkie

**ABSENT AND NOT VOTING:** Berg; Gorder; Gulleston; Kempenich; Kliniske; Kunkel; Stenehjem

Reengrossed SB 2015, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. NOTTESTAD MOVED** that the conference committee report on Engrossed SB 2030 as printed on HJ pages 1374-1375 be adopted, which motion prevailed.

Engrossed SB 2030, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2030:** A BILL for an Act to create and enact a new section to chapter 27-20 of the North Dakota Century Code, relating to data collection on certain juvenile offenders; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Berg; Gorder; Gulleston; Kempenich; Kliniske; Kunkel; Stenehjem

Engrossed SB 2030, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. KEMPENICH MOVED** that the conference committee report on SB 2132 be adopted, which motion prevailed.

SB 2132, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

**SB 2132:** A BILL for an Act to create and enact a new subsection to section 26.1-05-19, relating to insurance company investments; and to amend and reenact subsection 6 of section 26.1-03-17, subsection 4 of section 26.1-36.1-01, subsection 4 of section 26.1-36.1-05, and section 26.1-44-05 of the North Dakota Century Code, relating to an annual insurance premium tax filing fee, medicare supplement insurance, and endorsement of surplus lines insurance policies.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 90 YEAS, 1 NAY, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

Thompson; Thoreson; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wentz; Wilkie; Speaker Timm

**NAYS:** Mahoney

**ABSENT AND NOT VOTING:** Berg; Gorder; Kempenich; Kliniske; Kunkel; Stenehjem

SB 2132, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. HAWKEN MOVED** that the conference committee report on Engrossed SB 2153 as printed on HJ page 1375 be adopted, which motion prevailed.

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

#### SECOND READING OF SENATE BILL

**SB 2153:** A BILL for an Act to create and enact section 12.1-20-03.1 of the North Dakota Century Code, relating to sexual abuse of certain minors; to amend and reenact section 12-60-16.6, subsection 11 of section 12.1-32-02, subsection 3 of section 12.1-32-06.1, subsection 1 of section 12.1-32-15, subsection 6 of section 27-20-51, sections 31-04-04.1, and 31-13-03 of the North Dakota Century Code, relating to information, sentencing, and evidence; 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 90 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Berg; Gorder; Kempenich; Kliniske; Kunkel; Nicholas; Stenehjem

Engrossed SB 2153, as amended, passed and the title was agreed to.

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#### MOTION

**REP. FREIER MOVED** that all action taken this morning be messaged to the Senate immediately, which motion prevailed.

#### MOTION

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

#### REPORT OF CONFERENCE COMMITTEE

**HB 1003, as engrossed:** Your conference committee (Sens. Naaden, Nalewaja, Tallackson and Reps. Gerntholz, Byerly, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1358-1362, adopt amendments as follows, and place HB 1003 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1358-1362 of the House Journal and pages 1213-1216 of the Senate Journal and that Engrossed House Bill No. 1003 be amended as follows:

Page 1, line 2, after "reenact" insert "subsection 1 of section 53-06.1-14 and"

Page 1, line 3, after "to" insert "license fees for pull tab and bingo card manufacturers and to"

Page 1, line 11, replace "12,618,076" with "12,887,894"

Page 1, line 12, replace "4,601,576" with "4,630,014"

Page 1, line 13, replace "1,014,600" with "1,044,900"

Page 1, line 22, replace "26,181,700" with "26,510,256"

Page 1, line 23, replace "13,495,641" with "13,786,432"

Page 1, line 24, replace "12,686,059" with "12,723,824"

Page 2, after line 20, insert:

**"SECTION 6. AMENDMENT.** Subsection 1 of section 53-06.1-14 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. A manufacturer of pull tabs, manufacturer of bingo cards, manufacturer of pull tab dispensing devices, manufacturer's distributor of pull tab dispensing devices, and distributor shall apply annually for a license upon a form prescribed by the attorney general before the first day of April in each year and shall submit the appropriate license fee. Each applicant shall provide such necessary and reasonable information as the attorney general may require. The license fee for a distributor is one thousand five hundred dollars. The license fee for a manufacturer's distributor is five hundred dollars. The license fee for a manufacturer of pull tab dispensing devices, manufacturer of pull tabs, bingo cards, or both a manufacturer of pull tabs and bingo cards, is ~~two~~ four thousand dollars."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 125 - ATTORNEY GENERAL

CONFERENCE COMMITTEE - This amendment makes the following changes:



	HOUSE VERSION	RESTORES NFIS OPERATING COSTS	FEDERAL FUND POSITIONS	RESTORES SEX OFFENDER REGISTRATION PROGRAM	RESTORES DATA PROCESSING FUNDING	FUNDING SHIFTS	OTHER CHANGES	TOTAL CHANGES TO HOUSE VERSION	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
Salaries and wages	\$12,618,076		\$180,648 <sup>2</sup>	\$27,848	\$182,500	\$139,786 <sup>5</sup>	\$101,108 <sup>7</sup>	\$269,818	\$12,887,894	\$12,887,894	
Operating expenses	4,601,576	\$132,000	(180,648) <sup>2</sup>	10,237	\$182,500	12,786 <sup>5</sup>	(128,437) <sup>8</sup>	28,438	4,630,014	4,680,514	\$(50,500)
Equipment	1,014,600			3,300		27,000 <sup>5</sup>		30,300	1,044,900	1,044,900	
Grants	5,790,003								5,790,003	5,790,003	
Arrest and return of fugitives controlled	18,795								18,795	18,795	
Substance	4,000								4,000	4,000	
Litigation fees	139,024								139,024	139,024	
Gaming Commission	19,400								19,400	19,400	
Racing Commission	219,744								219,744	219,744	
National Criminal History Improvement Project	1,135,781								1,135,781	1,135,781	
Law enforcement programs	620,701								620,701	620,701	
<b>Total</b>	<b>\$26,181,700</b>	<b>\$132,000<sup>1</sup></b>	<b>\$ 0</b>	<b>\$41,385<sup>3</sup></b>	<b>\$182,500<sup>4</sup></b>	<b>\$ 0</b>	<b>\$(27,329)</b>	<b>\$328,556</b>	<b>\$26,510,256</b>	<b>\$26,560,756</b>	<b>\$(50,500)</b>
General fund	\$12,686,059	\$132,000		\$41,385	\$182,500	\$120,000 <sup>6</sup>	\$(118,120)	\$ 37,765	\$12,723,824	\$12,774,324	\$(50,500)
Special funds	<u>13,495,641</u>					<u>200,000<sup>6</sup></u>	<u>90,209</u>	<u>290,791</u>	<u>13,786,432</u>	<u>13,786,432</u>	
<b>Total</b>	<b>\$26,181,700</b>	<b>\$132,000</b>	<b>\$ 0</b>	<b>\$41,385</b>	<b>\$182,500</b>	<b>\$ 0</b>	<b>\$(27,329)</b>	<b>\$328,556</b>	<b>\$26,510,256</b>	<b>\$26,560,756</b>	<b>\$(50,500)</b>
FTE	145.00	0.00	8.00 <sup>2</sup>	0.50	0.00	0.00	0.00	8.50	153.50	153.50	0.00

<sup>1</sup> Adds funding included in the executive budget for the operating costs associated with the automated fingerprint identification system (AFIS). The House removed the funding. The Senate restored the funding.

<sup>2</sup> Adds positions in the Bureau of Criminal Investigation associated with the following federal programs, the same as the Senate version (16 positions were included in the executive budget but removed by the House):

- National instant check system
- National criminal history improvement project
- Law enforcement programs

<sup>3</sup> Adds funding included in the executive budget for the sex offender registration program. The House removed this funding and a .5 FTE. The Senate also added it.

<sup>4</sup> Adds funding for rewriting outdated data processing programs. The House removed \$233,000. The Senate added \$233,000.

<sup>5</sup> Reallocates the \$181,000 from the general fund added to salaries and wages in the House for two criminal investigators as follows:

Salaries and wages	\$143,214
Operating expenses	12,786
Equipment	<u>27,000</u>
<b>Total</b>	<b>\$183,000</b>

<sup>6</sup> Reduces general fund support and increases estimated income for salaries and wages in the Legal Services Division of the Attorney General's office, the same as the Senate version.

<sup>7</sup> Adds funding of \$77,798 of federal funds and \$23,310 of other funds for a narcotics prosecutor position. The Attorney General has an available FTE position that may be used for this purpose. The Senate also made this change.

<sup>8</sup> Removes funding for risk management premiums, of which \$58,465 is from the general fund and \$10,317 is from other funds.

<sup>9</sup> Reduces operating expenses by \$59,655 from the general fund for anticipated savings resulting from program efficiencies during the 1997-99 biennium. The Senate also made this change.

A section is added increasing the annual license fee for manufacturers of pull tabs, pull tab dispensing devices, and bingo cards by \$2,000, from \$2,000 to \$4,000. The increase is estimated to generate \$32,000 of additional general fund revenues for the 1997-99 biennium. The Senate increased the fee by \$3,000 per year which would have generated \$48,000 of additional general fund revenue for the 1997-99 biennium.

A comparison of funding for the Attorney General in the various budget versions is listed below.

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION	CONFERENCE COMMITTEE VERSION	CONFERENCE COMMITTEE (DECREASE) TO HOUSE VERSION	CONFERENCE COMMITTEE (DECREASE) TO SENATE VERSION
General fund	\$12,926,324	\$12,686,059	\$12,774,324	\$12,723,824	\$ 37,765	\$(50,500)
Special funds	<u>13,478,761</u>	<u>13,495,641</u>	<u>13,786,432</u>	<u>13,786,432</u>	<u>290,791</u>	-----
Total	\$26,405,085	\$26,181,700	\$26,560,756	\$26,510,256	\$328,556	\$(50,500)
FTE	145.00	145.00	153.50	153.50	8.50	0.00

Engrossed HB 1003 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1004, as engrossed:** Your conference committee (Sens. Nalewaja, Lips, Robinson and Reps. Soukup, Tollefson, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1212-1213, adopt amendments as follows, and place HB 1004 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1212 and 1213 of the House Journal and pages 1040-1042 of the Senate Journal and that Engrossed House Bill No. 1004 be amended as follows:

Page 1, line 10, replace "260,308" with "259,483"

Page 1, line 11, replace "1,133,560" with "1,130,139"

Page 1, line 12, replace "3,318,570" with "3,363,047"

Page 1, line 13, replace "684,494" with "682,420"

Page 1, line 14, replace "5,396,932" with "5,435,089"

Page 1, line 15, replace "1,818,054" with "1,812,559"

Page 1, line 16, replace "3,578,878" with "3,622,530"

Page 1, remove lines 17 through 20

Page 1, line 22, replace "\$1,133,560" with "\$1,130,139"

Page 2, line 1, replace "\$1,133,560" with "\$1,130,139"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 117 - STATE AUDITOR

CONFERENCE COMMITTEE - This amendment removes \$16,843 (\$11,348 general fund, \$5,495 other funds) for risk management premiums.

This amendment also adds general fund appropriation authority of \$55,000 to the division of state audits program for temporary salaries.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	ADD TEMPORARY SALARIES	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
Administration	\$ 260,308	\$ (825)		\$ (825)	\$ 259,483	\$ 259,483	
Division of local government audits	1,133,560	(3,421)		(3,421)	1,130,139	1,130,139	
Division of state audits	3,318,570	(10,523)	\$55,000	44,477	3,363,047	3,448,119	\$(85,072)
Mineral royalty auditing	684,494	(2,074)		(2,074)	682,420	682,420	
Total all funds	\$5,396,932	\$(16,843)	\$55,000	\$ 38,157	\$5,435,089	\$5,520,161	\$(85,072)
Less estimated income	1,818,054	(5,495)		(5,495)	1,812,559	1,812,559	
General fund	\$3,578,878	\$(11,348)	\$55,000	\$ 43,652	\$3,622,530	\$3,707,602	\$(85,072)
FTE	53.00				53.00	54.00	(1.0)
Salaries and wages	\$4,750,982		\$55,000	\$ 55,000	\$4,805,982	\$4,891,054	\$(85,072)
Operating expenses	580,950	\$(16,843)		(16,843)	564,107	564,107	
Equipment	65,000				65,000	65,000	
Total all funds	\$5,396,932	\$(16,843)	\$55,000	\$ 38,157	\$5,435,089	\$5,520,161	\$(85,072)
Less estimated income	1,818,054	(5,495)		(5,495)	1,812,559	1,812,559	
General fund	\$3,578,878	\$(11,348)	\$55,000	\$ 43,652	\$3,622,530	\$3,707,602	\$(85,072)

Engrossed HB 1004 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1035, as reengrossed:** Your conference committee (Sens. Andrist, Lee, Yockim and Reps. Poolman, Grande, Rose) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1316-1317, adopt amendments as follows, and place HB 1035 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1316 and 1317 of the House Journal and pages 1125 and 1126 of the Senate Journal and that Engrossed House Bill No. 1035 be amended as follows:

Page 13, line 5, remove "Election -"

Page 13, line 6, replace "twenty" with "ten"

Page 13, remove line 7

Page 13, line 8, remove "education or the commissioner's designee, the state librarian, and the"

Page 13, line 9, replace "are" with "is an", replace "members" with "member", and after the underscored period insert "The state librarian is an ex officio nonvoting member of the council."

Page 13, line 10, replace "four" with "eight", remove "a", and replace "or institutional" with "libraries, one of whom must represent public higher education institution libraries, one of whom must represent private higher education institution libraries, one of whom must represent school libraries, two of whom must represent public libraries"

Page 13, line 11, remove "library" and replace "individuals, one of whom must represent" with ", economically disadvantaged, and"

Page 13, line 12, replace "state librarian shall divide the state into four" with "governor shall take into account reasonable geographic considerations when appointing members of the council"

Page 13, remove lines 13 through 16

Page 13, line 17, remove "established North Dakota libraries are qualified voters for purposes of the election"

Page 13, line 18, replace "four" with "three" and remove "elected and two"

Page 13, line 19, remove the first "members", replace "four" with "three", and remove "elected and"

Page 13, line 20, remove "two members" and replace "four" with "two"

Page 13, line 21, replace "elected" with "appointed by the governor" and remove ", as designated by the state librarian"

Page 13, line 23, replace "council" with "governor"

Page 13, line 24, remove "elected or"

Page 14, line 18, replace "Advise the state librarian on" with "Approve"

Page 15, line 5, replace "\$95,000" with "\$55,000"

Page 15, line 11, replace "\$30,000" with "\$70,000"

Page 15, line 13, replace "and" with a comma and after "schools" insert ", or regional library cooperatives"

Page 15, line 14, replace the second "and" with a comma

Page 15, line 15, after "schools" insert ", or regional library cooperatives"

Page 15, line 17, replace "or" with a comma and after "school" insert ", or regional library cooperative"

Page 15, line 18, replace the first "and" with a comma and after "schools" insert ", and regional library cooperatives"

Renumber accordingly

Reengrossed HB 1035 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1168, as engrossed:** Your conference committee (Sens. Lee, Andrist, Mutzenberger and Reps. Berg, Skarphol, Coats) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1141-1142, adopt amendments as follows, and place HB 1168 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1141 and 1142 of the House Journal and pages 865 and 866 of the Senate Journal and that Engrossed House Bill No. 1168 be amended as follows:

Page 1, line 1, remove "and a new section to chapter"

Page 1, line 2, remove "26.1-36.4" and remove "and"

Page 1, line 3, remove "rulemaking authority"

Page 1, line 8, after "26.1-08-05" insert "of the North Dakota Century Code"

Page 1, line 9, after the first semicolon insert "to provide for application;"

Page 2, line 12, replace "prior" with "the most recent qualifying previous" and after "coverage" insert "described in paragraph 2"

Page 3, line 15, replace "implementing only the minimum" with "complying with"

Page 3, line 16, remove "compliance requirements of" and after "Portability" insert "and Accountability"

Page 26, line 8, remove the overstrike over "~~chapter and section 26.1-36-37.2~~" and remove "Act"

Page 28, line 21, replace "may not provide for coverage" with "must be consistent with"

Page 28, line 22, remove "greater than the minimum requirements of" and after "Portability" insert "and Accountability"

Page 28, line 23, replace "104-791" with "104-191"

Page 32, line 17, after "26.1-36.3-01" insert ", whether offered on a group or individual basis. The term does not include short-term major medical policies offered in the individual market.

3. "Short-term", except as required by the Health Insurance Portability and Accountability Act of 1996, means a policy or plan providing coverage for one hundred eighty-five days or less"

Page 33, remove lines 1 through 5

Page 36, line 25, after "offering" insert "coverage"

Page 37, after line 8, insert:

**"SECTION 19. APPLICATION.** Except as required by the Health Insurance Portability and Accountability Act of 1996 [Pub. L. 104-191; 110 Stat. 1936; 29 U.S.C. 1181 et seq.], this Act applies to:

1. Any health insurance coverage that is offered, sold, issued, or renewed in the individual market after June 30, 1997; and

2. Any group health benefit plan, and health insurance coverage offered in connection with a group health benefit plan, for any plan year beginning after June 30, 1997."

Renumber accordingly

Engrossed HB 1168 was placed on the Seventh order of business on the calendar.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2012, SB 2014, SB 2030, SB 2132, SB 2153.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2015.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 11:13 a.m., April 9, 1997: HB 1001, HB 1007, HB 1021, HB 1026, HB 1085, HB 1306, HB 1312, HB 1357, HB 1448, HB 1456, HB 1478.

**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 2004.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2064.

**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 1015:** Sens. Goetz; G. Nelson; Robinson

**HB 1018:** Sens. Holmberg; Solberg; Robinson

**REPORT OF CONFERENCE COMMITTEE**

**SB 2004, as engrossed:** Your conference committee (Sens. St. Aubyn, Nalewaja, Tallackson and Reps. Delzer, Bernstein, Nichols) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1012-1015, adopt amendments as follows, and place SB 2004 on the Seventh order:

That the House recede from its amendments as printed on pages 1012-1015 of the Senate Journal and pages 1117-1120 of the House Journal and that Engrossed Senate Bill No. 2004 be amended as follows:

Page 1, line 7, after the second semicolon insert "to provide legislative intent;"

Page 1, line 16, replace "25,038,634" with "24,851,601"

Page 1, line 17, replace "31,421,679" with "31,307,181"

Page 1, line 18, replace "1,280,850" with "1,230,440"

Page 1, line 20, replace "19,777,146" with "19,537,146"

Page 1, line 21, replace "77,546,452" with "76,954,511"

Page 1, line 22, replace "62,063,038" with "62,020,071"

Page 1, line 23, replace "15,483,414" with "14,934,440"

Page 2, line 2, replace "\$400,000" with "\$300,000"

Page 10, line 29, replace "year" with "two years"

Page 12, line 27, replace "fifty" with "not licensed and inspected by any other federal or local health unit, twenty-five"

Page 14, line 10, replace "fifty" with "not licensed and inspected by any other federal or local health unit, twenty-five"

Page 15, after line 29, insert:

**"SECTION 28. LEGISLATIVE INTENT.** It is the intent of the legislative assembly that women, infants, and children food payments be budgeted as a separate line item in the department of health's 1999-2001 budget request.

**SECTION 29. LEGISLATIVE COUNCIL STUDY - RELOCATION OF THE STATE CRIME LABORATORY.** If the legislative council studies the criminal justice system pursuant to Senate Concurrent Resolution No. 4020 during the 1997-98 interim, the study should include a review of the feasibility of placing the administrative responsibility for the state crime laboratory with the office of the attorney general."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 301 - DEPARTMENT OF HEALTH

CONFERENCE COMMITTEE - This amendment removes a proposed \$50 annual fee for food processing plants and makes the following changes:



	1997-99 EXECUTIVE BUDGET	TOTAL SENATE CHANGES	SENATE RECOMMENDED AMOUNTS	REDUCE LOCAL HEALTH DISTRICTS AND COMPUTER EQUIPMENT FUNDING	REMOVE RISK MANAGEMENT PREMIUMS	REDUCE ABANDONED AUTO GRANTS	RESTORE TRAUMA CARE FTE POSITION	REMOVE 3 FTE POSITIONS REDUCE EMS FUNDING	TOTAL CONFERENCE COMMITTEE CHANGES	TOTAL CONFERENCE COMMITTEE RECOMMENDED AMOUNTS
Salaries and wages	\$25,101,601	\$ (62,967)	\$25,038,634				\$ 62,967	\$(250,000)	\$(187,033)	\$24,851,601
Operating expenses	32,106,219	(684,540)	31,421,679		\$(171,531)		57,033		(114,498)	31,307,181
Equipment	1,293,480	(12,630)	1,280,850	\$ (50,410)					(50,410)	1,230,440
Capital improvements	28,143		28,143							28,143
Grants	<u>19,623,646</u>	<u>153,500</u>	<u>19,777,146</u>	<u>(110,000)</u>		<u>\$(100,000)</u>		<u>(30,000)</u>	<u>(240,000)</u>	<u>19,537,146</u>
Total all funds	\$78,153,089	\$ (606,637)	\$77,546,452	\$ (160,410)	\$(171,531)	\$(100,000)	\$120,000	\$(280,000)	\$(591,941)	\$76,954,511
Less estimated income	<u>62,483,338</u>	<u>(420,300)</u>	<u>62,063,038</u>			<u>(100,000)</u>	<u>57,033</u>		<u>(42,967)</u>	<u>62,020,071</u>
Total general fund appropriation	\$15,669,751	\$ (186,337)	\$15,483,414	\$ (160,410)	\$(171,531)	\$ 0	\$ 62,967	\$(280,000)	\$(548,974)	\$14,934,440
FTE	311.00	(1.00)	310.00				1.00	(3.00)	(2.00)	308.00

This amendment:

Changes the annual license fee from \$50 to \$25 for a food processing plant and provides that the fee is required only if the plant is not licensed and inspected by any other federal or local health unit.

Reduces funding for emergency medical services grants from \$500,000 to \$470,000, a \$30,000 reduction.

Provides funding for aid to local health districts at \$990,000, compared to \$921,500 in the executive budget and the House version and \$1,100,000 in the Senate version.

In addition, this amendment:

- Provides that the department's reduction of three FTE positions required by this amendment not include the one new FTE chemist for methamphetamine cases and the one new FTE chemist for the forensic unit authorized in the budget.
- Amends Section 16 to allow the department to inspect food establishments once every two years rather than once every year.
- Retains Section 20, providing a license fee increase on January 1, 1999, for food and lodging establishments.
- Adds a new section of legislative intent that the Department of Health include the WIC food payments as a separate line item in the 1999-2001 budget request.
- Adds a section providing that if the Legislative Council studies the criminal justice system pursuant to Senate Concurrent Resolution No. 4020, the study include a review of the feasibility of relocating the State Crime Laboratory within the office of the Attorney General.

Engrossed SB 2004 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2064, as engrossed:** Your conference committee (Sens. Naaden, Solberg, Tallackson and Reps. Dalrymple, Lloyd, Aarsvold) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 981-997, adopt amendments as follows, and place SB 2064 on the Seventh order:

That the House recede from its amendments as printed on pages 981-997 of the Senate Journal and pages 1168-1185 of the House Journal and that Engrossed Senate Bill No. 2064 be amended as follows:

Page 1, line 3, after the semicolon insert "to provide a contingent appropriation;"

Page 1, line 4, after "enact" insert "six new sections to chapter 4-05.1 and" and replace "subsection to section 54-44-04" with "section to chapter "4-22"

Page 1, line 5, after the first "to" insert "the state board of agricultural research and" and replace "director of the office of management and budget" with "extension service"

Page 1, line 6, after "sections" insert "4-05.1-01, 4-05.1-02, 4-05.1-03, 4-05.1-04, 4-22-02, 4-22-03," remove the second "and", and after "4-22-22" insert ", 4-22-47, and 4-22-48"

Page 1, line 7, after "state" insert "agricultural experiment station and state"

Page 1, line 20, replace "20,665,371" with "20,654,371"

Page 1, line 21, replace "3,547,204" with "3,483,064"

Page 1, line 22, replace "450,000" with "450,000"

Page 1, after line 22, insert:

"Soil conservation district grants	<u>580,000</u> "
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Page 1, line 23, replace "24,662,575" with "25,167,435"

Page 2, line 2, replace "11,644,577" with "12,149,437"

Page 2, line 6, replace "121,231" with "118,650"

Page 2, line 8, replace "974,359" with "971,778"

Page 2, line 10, replace "638,382" with "635,801"

Page 2, line 14, replace "1,530,665" with "1,526,794"

Page 2, line 17, replace "4,857,793" with "4,853,922"

Page 2, line 19, replace "454,376" with "450,505"

Page 2, line 22, replace "40,678,794" with "40,617,544"

Page 2, line 23, replace "40,678,794" with "40,617,544"

Page 2, line 25, replace "10,082,075" with "14,127,692"

Page 2, after line 25, insert:

"Hettinger research center	63,473
Langdon research center	66,152"

Page 2, line 26, replace "45,787" with "85,663"

Page 2, line 27, replace "151,483" with "325,821"

Page 2, line 28, replace "10,279,345" with "14,668,801"

Page 2, line 29, replace "30,399,449" with "25,948,743"

Page 3, line 1, replace "4,727,617" with "4,638,480"

Page 3, line 3, replace "1,158,800" with "1,123,800"

Page 3, line 5, replace "special" with "all", remove "appropriation", and replace "7,554,163" with "7,430,026"

Page 3, after line 5, insert:

"Less estimated income	<u>3,508,546</u>
Total general fund appropriation	\$3,921,480"

Page 3, line 8, replace "467,618" with "463,503"

Page 3, after line 9, insert:

"Capital improvements	35,000"
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Page 3, line 11, replace "621,694" with "652,579"

Page 3, line 13, replace "90,018" with "120,903"

Page 3, line 16, replace "390,156" with "388,543"

Page 3, line 19, replace "575,349" with "573,736"

Page 3, line 21, replace "121,949" with "122,336"

Page 3, line 24, replace "230,608" with "228,027"

Page 3, line 27, replace "443,208" with "440,627"

Page 3, line 28, replace "301,068" with "237,595"

Page 3, line 29, replace "142,140" with "203,032"

Page 4, line 1, replace "175,181" with "173,002"

Page 4, line 3, replace "217,981" with "215,802"

Page 4, line 4, replace "178,350" with "112,198"

Page 4, line 5, replace "39,631" with "103,604"

Page 4, line 8, replace "325,439" with "323,503"

Page 4, line 10, replace "200,000" with "250,000"

Page 4, line 11, replace "special" with "all", remove "appropriation", and replace "631,639" with "679,703"

Page 4, after line 11, insert:

"Less estimated income	<u>591,763</u>
Total general fund appropriation	\$87,940"

Page 4, line 14, replace "303,213" with "300,632"

Page 4, line 16, replace "463,113" with "460,532"

Page 4, line 18, replace "229,990" with "227,409"

Page 4, line 21, replace "652,890" with "635,712"

Page 4, line 22, replace "182,500" with "151,250"

Page 4, line 24, replace "935,390" with "886,962"

Page 4, after line 24, insert:

"Less estimated income	<u>761,052</u>
Total general fund appropriation	\$125,910"

Page 4, line 28, replace "598,468" with "597,500"

Page 5, line 1, replace "1,253,699" with "1,252,731"

Page 5, line 2, replace "44,422,512" with "44,147,100"

Page 5, line 3, replace "40,107,245" with "42,206,277"

Page 5, line 4, replace "84,529,757" with "86,353,377"

Page 5, replace lines 5 through 11 with:

**"SECTION 2. APPROPRIATION.** There is hereby appropriated out of any moneys in the agricultural research fund in the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much of the sum as may be necessary, to the agricultural experiment station for the purpose of distributing agricultural research grants.

**SECTION 3. CONTINGENT APPROPRIATION - WILLISTON RESEARCH CENTER.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much of the sum as may be necessary, and from special funds derived from other income, the sum of \$100,000, or so much of the sum as may be necessary, to the Williston research center for the purpose of defraying a portion of the construction costs relating to the Ernie French center, for the biennium beginning July 1, 1997, and ending June 30, 1999. The general fund appropriation provided in this section may only be spent upon certification with the state treasurer that the Williston research center has received commitments to provide the \$100,000 of special funds derived from the other income for the project."

Page 5, line 26, replace "for agriculture" with "of agricultural affairs"

Page 5, line 27, replace "5" with "6" and after the period insert "The office of management and budget shall establish a salaries and wages line item for each entity of the agricultural experiment station for the 1997-99 biennium and shall transfer appropriation authority included in subdivision 4 of section 1 of this Act to the salaries and wages line item for each entity as requested by the vice president of agricultural affairs at North Dakota state university."

Page 5, line 30, replace "for agriculture" with "of agricultural affairs"

Page 6, line 17, replace "ninety-five" with "ninety"

Page 6, line 19, replace "for agriculture" with "of agricultural affairs"

Page 7, after line 16, insert:

**"SECTION 12. UNEXPENDED FUNDS - EXEMPTION.** Capital improvements funds contained in subdivision 2 of section 1 of chapter 5 of the 1995 Session Laws for the northern crops institute and capital improvements funds contained in subdivision 8 of section 1 of chapter 5 of the 1995 Session Laws for the north central research center are not subject to the provisions of section 54-44.1-11 and any unexpended funds from these appropriations are available during the biennium beginning July 1, 1997, and ending June 30, 1999.

**SECTION 13. ADDITIONAL INCOME - NORTH CENTRAL RESEARCH CENTER.** Notwithstanding the provisions of section 4 of this Act, the north central research center may utilize up to \$25,000 of unanticipated earned income received during the 1997-99 biennium for defraying the costs associated with the construction of a new headquarters building at the center for the biennium beginning July 1, 1997, and ending June 30, 1999."

Page 7, line 23, replace "study" with "consider studying"

Page 7, replace lines 28 through 31 with:

**"SECTION 16. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying, during the 1997-98 interim, alternative methods of governing and delivering soil conservation services in North Dakota. The study must address the advisability of continuing to elect state soil conservation committee members and district supervisors.

**SECTION 17. AMENDMENT.** Section 4-05.1-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-05.1-01. Definitions.** In this chapter, unless the context otherwise requires:

1. "Agricultural experiment station" means the North Dakota state university main research ~~station~~ center, the Dickinson research extension center, the Williston research extension center, the Langdon research extension center, the central grasslands research extension center, the Carrington research extension center, the Hettinger research extension center, the north central research extension center, the agronomy seed farm, and any other department or agency designated by the state board of higher education.
2. ~~"Director" means the director of the North Dakota agricultural experiment station.~~
3. ~~"Superintendent" "Center director" means an administrator in charge of a research or research extension center.~~
3. "Station director" means the administrator of the agricultural experiment station.

**SECTION 18. AMENDMENT.** Section 4-05.1-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-05.1-02. Agricultural experiment station.** The state board of agricultural research and the president of North Dakota state university shall control and administer the North Dakota agricultural experiment station ~~is under the control of and~~ subject to the supervision of the state board of higher education. ~~The agricultural experiment station shall develop research programs involving the basic and applied biological, physical, and social sciences that will enhance agricultural systems and improve the quality of life.~~ Funds appropriated to the agricultural experiment station may not be commingled with funds appropriated to North Dakota state university. Appropriation requests to defray expenses of the agricultural experiment station must be separate from appropriation requests to defray expenses of North Dakota state university.

**SECTION 19. AMENDMENT.** Section 4-05.1-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-05.1-03. ~~Director—Superintendents Center directors - Research station and research extension centers - Records and information.~~** The director is under the direction of the president of the North Dakota state university of agriculture and applied science. The research station and research extension centers of the North

Dakota agricultural experiment station are under the jurisdiction of the station director. Each research or research extension center must be administered by a superintendent center director who shall report to the station director. Each research or research extension center shall keep detailed records of all research activities and publish and disseminate research results and information for the benefit of this state.

**SECTION 20. AMENDMENT.** Section 4-05.1-04 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-05.1-04. Reports to director and state board of higher education.** Each ~~superintendent center director~~ shall submit a ~~biennial~~ an annual report to the station director ~~on or before the first day of August of each odd-numbered year as directed by the state board of agricultural research.~~ Each report must set forth in detail the investigations and experiments made during the preceding ~~fiscal biennium year~~, recommendations for the welfare of the center, the financial condition of the center, how all moneys have been expended, and the results of experiments. The station director shall submit these reports, with a ~~biennial~~ report of the North Dakota state university main research ~~station center~~, to the state board of agricultural research and the state board of higher education on or before the first day of September of each ~~odd-numbered~~ year. If the state board of higher education submits a biennial report to the governor and the secretary of state in accordance with section 54-06-04, the report must include a composite of the reports from the main research station center and each research extension center.

**SECTION 21.** A new section to chapter 4-05.1 of the North Dakota Century Code is created and enacted as follows:

**State board of agricultural research - Membership - Terms.**

1. The state board of agricultural research consists of:
  - a. The president of North Dakota state university;
  - b. The vice president of agricultural affairs at North Dakota state university;
  - c. The administrator of the agricultural experiment station;
  - d. The five persons appointed to the agricultural consultation board by the ag coalition and serving in that capacity on July 1, 1997;
  - e. The five persons appointed to the agricultural consultation board by the extension service's multicounty program units and serving in that capacity on July 1, 1997;
  - f. The two persons appointed to the agricultural consultation board by the president of North Dakota state university as representatives of the state's research extension centers and serving in that capacity on July 1, 1997;
  - g. The commissioner of agriculture who serves in an ex officio capacity; and
  - h. The director of the North Dakota state university extension service who serves in an ex officio capacity.
2. a. The initial five members appointed by the ag coalition shall select their terms by lot so that one member serves for one year, one member serves for two years, one member serves for three years, one member serves for four years, and one member serves for five years.
  - b. The initial five members appointed by the extension service's multicounty program units shall select their terms by lot so that one member serves for one year, one member serves for two years, one member serves for three years, one member serves for four years, and one member serves for five years.
  - c. The two persons appointed as representatives of the state's research extension centers shall serve only through June 30, 1998.

3. At the completion of each initial term, the term of office for each member is five years, beginning on July first. No person may be appointed to a second five-year term.
4.
  - a. At least ninety days before the conclusion of the initial term of each member appointed by the ag coalition, the ag coalition shall provide to the state board of higher education a list of two or more names from which the state board of higher education shall appoint a successor. Future appointments to these five positions must be made in the same manner. The state board of higher education shall ensure that four out of the five seats are held by agricultural producers.
  - b. At least ninety days before the conclusion of the initial term of each member appointed by the extension service's multicounty program units, the units through their advisory groups shall provide to the state board of higher education a list of two or more names from which the state board of higher education shall appoint a successor. Future appointments to these five positions must be made in the same manner. The state board of higher education shall ensure that four out of the five seats are held by agricultural producers.

**SECTION 22.** A new section to chapter 4-05.1 of the North Dakota Century Code is created and enacted as follows:

**Compensation of board members - Expenses.** Each appointed member of the state board of agricultural research is entitled to receive sixty-two dollars and fifty cents per day as compensation for the time actually spent devoted to the duties of office and is entitled to receive necessary expenses in the same manner and amounts as state officials for attending meetings and performing other functions of office.

**SECTION 23.** A new section to chapter 4-05.1 of the North Dakota Century Code is created and enacted as follows:

**State board of agricultural research - Chairman - Meetings.** The state board of agricultural research annually shall elect one of its members to serve as chairman. The board shall meet at the times and locations designated by the chairman in consultation with the vice president of agricultural affairs at North Dakota state university.

**SECTION 24.** A new section to chapter 4-05.1 of the North Dakota Century Code is created and enacted as follows:

**State board of agricultural research - Duties.** Within the policies of the state board of higher education, the state board of agricultural research is responsible for the budgeting, supervision, and policymaking responsibilities associated with the supervision of the agricultural experiment station. The agricultural research board shall:

1. Determine the causes of any adverse economic impacts on crops and livestock produced in this state;
2. Develop ongoing strategies for the provision of research solutions to negate adverse economic impacts on crops and livestock produced in this state;
3. Make available financial resources, including grants and salaries, and make available equipment and facilities to implement the strategies developed under subsection 2, subject to approval by the state board of higher education;
4. Develop an annual budget for the operation of the agricultural experiment station;
5. Develop a biennial budget request and submit that request to the state board of higher education on or before March first of each even-numbered year;
6. Maximize the use of existing financial resources, equipment, and facilities to generate the greatest economic benefit from research efforts and to promote efficiency;

7. Annually evaluate the results of research activities and expenditures and report the findings to the legislative council and the state board of higher education;
8. Advise the administration of North Dakota state university regarding the recruitment and selection of the vice president of agricultural affairs and the station director; and
9. Advise the director of the extension service regarding the dissemination of research information and the best practices for management of the extension service.

**SECTION 25.** A new section to chapter 4-05.1 of the North Dakota Century Code is created and enacted as follows:

**Agricultural research fund.** The agricultural research fund is a special fund in the state treasury. The moneys in the fund must be expended for purposes of agricultural research.

**SECTION 26.** A new section to chapter 4-05.1 of the North Dakota Century Code is created and enacted as follows:

**State board of agricultural research - Apportionment of research funds.**

1. The state board of agricultural research annually shall apportion the proceeds of the agricultural research fund as follows:
  - a. Seventy percent to research activities affecting North Dakota agricultural commodities that account for at least two percent of the gross sales of all agricultural commodities grown or produced in the state. The percentage of the dollars available for each agricultural commodity under this section may not exceed the percentage that the gross sales of the agricultural commodity bear to the North Dakota gross sales of all agricultural commodities grown or produced during the previous year, as determined by the agricultural statistics service;
  - b. Eighteen percent to research activities affecting North Dakota animal agriculture; and
  - c. Twelve percent to research activities affecting new and emerging crops in North Dakota.
2. The state board of agricultural research shall solicit proposals for research from the public and private sectors and shall appoint committees to review the proposals and award the agricultural research grants on a competitive basis. Each committee must consist of a majority of agricultural producers selected in consultation with the agricultural commodity groups representing commodities that are the subjects of the proposed research and may include researchers and other individuals knowledgeable about the proposed area of research. Whenever possible, the committees shall require that a grant recipient commit matching funds.
3. The state board of agricultural research shall develop policies regarding the award of research grants, including requirements for matching funds, cooperation with other in-state and out-of-state researchers, and coordination with other in-state and out-of-state proposed or ongoing research projects.

**SECTION 27. AMENDMENT.** Section 4-22-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-22-02. Definitions.** In this chapter, unless the context or ~~subject matter~~ otherwise requires:

1. ~~"Agency of this state" includes the government of this state and any subdivision, agency, or instrumentality, corporate or otherwise, of the government of this state.~~
2. ~~"Committee" or "state soil conservation committee" means the state soil conservation committee established by this chapter.~~



- 3- 2. "Director" means the director of the North Dakota state university extension service.
3. "District" or "soil conservation district" means a governmental subdivision of this state, and a public body, corporate and politic, organized in accordance with the provisions of this chapter for the purposes, with the powers, and subject to the restrictions hereinafter set forth provided by law.
4. "Due notice" means notice published at least twice, with an interval of at least seven days between the two publication dates, in a newspaper or other publication of general circulation within the appropriate area, ~~or if no such~~. If this type of publication of general circulation is not available, by posting the term means notice posted at a reasonable number of conspicuous places within the appropriate area, ~~such~~ the posting to include, where possible, posting at public places where it may be customary to post notices concerning county or municipal affairs generally. At any hearing held pursuant to ~~such~~ due notice, at the time and place designated in ~~such~~ the notice, adjournment may be made from time to time without the necessity of renewing the notice for the adjourned dates.
5. "Government" or "governmental" includes the government of this state, the government of the United States, and any subdivision, agency, or instrumentality, corporate or otherwise, of either of them.
6. "Land occupier" or "occupier of land" includes any person, ~~firm, corporation, or limited liability company who that~~ holds title to or is in possession of any lands lying within a district ~~organized under the provisions of this chapter, whether as owner, lessee, renter, tenant, or otherwise, and whether or not the person, firm, corporation, or limited liability company is living or located in a rural or urban area within the district.~~
7. "Petition" means a petition filed under ~~the provisions of~~ this chapter for the creation of a soil conservation district.
8. "Qualified elector" means ~~every person of the age of an individual who is at least eighteen or upwards who years old, is a citizen of the United States, and who has resided in the state and in the precinct thirty days next preceding any election, whether or not the person individual is living in a rural or urban area.~~
9. ~~"State" means the state of North Dakota.~~
10. "Supervisor" means one of the members of the governing body of a district, elected or appointed in accordance with ~~the provisions of~~ this chapter.
11. "United States" or "agencies of the United States" includes the United States of America, the soil conservation service of the United States department of agriculture, and any other agency or instrumentality, corporate or otherwise, of the United States of America.

**SECTION 28. AMENDMENT.** Section 4-22-03 of the North Dakota Century Code is amended and reenacted as follows:

**4-22-03. State soil conservation committee - Elective and appointive members - Records and seal.**

1. ~~The state soil conservation committee must be maintained as an agency of this state to~~ shall perform the functions conferred upon it in this chapter within the limits of legislative appropriations. The committee consists of seven voting members, of whom five must be elected and two must be appointed by the governor ~~as provided herein.~~
4. ~~Elective members:~~
2. For the purpose of electing the five elective members of the committee, the state ~~of North Dakota is hereby~~ divided into five areas, ~~as follows:~~

- A. a. (1) Area I includes ~~the counties of~~ Benson, Cavalier, Eddy, Foster, Grand Forks, Nelson, Pembina, Ramsey, Towner, Walsh, and Wells counties.
- ~~B.~~ (2) Area II ~~shall include the counties of~~ includes Barnes, Cass, Dickey, Griggs, LaMoure, Ransom, Richland, Sargent, Steele, and Traill counties.
- ~~C.~~ (3) Area III ~~shall include the counties of~~ includes Bottineau, Burke, Divide, McHenry, Mountrail, Pierce, Renville, Rolette, and Ward counties.
- ~~D.~~ (4) Area IV ~~shall include the counties of~~ includes Burleigh, Emmons, Kidder, Logan, McIntosh, McLean, Morton, Oliver, Sheridan, Sioux, and Stutsman counties.
- ~~E.~~ (5) Area V ~~shall include the counties of~~ includes Adams, Billings, Bowman, Dunn, Golden Valley, Grant, Hettinger, McKenzie, Mercer, Stark, Slope, and Williams counties.
- b. One member of the committee must be elected from each of the five areas by vote of the members of the boards of supervisors of the ~~conservation~~ districts in that area. Every voting member of a board of supervisors of a ~~conservation~~ district organized under this chapter is eligible to vote in the election for a member of the committee in the area in which the district is located.
- c. Elections must be held under ~~regulations to be issued~~ rules adopted by the committee and in cooperation with and at the time of the North Dakota association of soil conservation districts area meetings. In those cases where the territory of a district does not lie wholly within the boundaries of one of the five areas established under this section, the ~~regulations~~ rules must provide for the assignment of ~~such~~ the district by the committee for the purposes of ~~such~~ the elections, to the area within which most of its population resides.
- d. The committee shall conduct the election of members of the committee ~~must be conducted by the committee and~~. The election need not be held on the same dates or in the same places as the general elections for state or local officers.
2. ~~Appointive members:~~
3. ~~Two~~ The governor shall appoint two members of the committee ~~must be appointed by the governor, who~~. The governor shall ~~select appointees~~ appoint individuals who can represent those interests within the state not already represented, or less fully represented, by one or more of the five elected members of the committee. The governor shall attempt, so far as feasible, to make possible suitable representation for all interests in the state in the membership of the committee, including the interests of, ~~but not limited to,~~ farmers, livestock growers, rural areas, small towns, cities, and industry and business, recognizing that any single member of the committee may sometimes appropriately be regarded as representing more than one of these interests.
4. The committee shall invite representatives of the state association of soil conservation districts, North Dakota ~~cooperative state university~~ extension service, the soil conservation service, ~~North Dakota~~ state water commission, the commissioner of agriculture, and the game and fish department to serve as advisory, nonvoting members of the committee.
5. The term of office of every member of the committee is three years and until a successor is elected or appointed. ~~The governor has the power to extend the terms of one or more members of the committee in office upon the effective date of this chapter, in order to provide for overlapping terms for the members of the committee.~~ A member of the committee is eligible for reelection and reappointment, but no member may serve for more than two full, successive terms. ~~Vacancies~~ The governor may fill a vacancy in either an elective or appointive ~~terms may be filled~~ term for the unexpired term by appointment by the governor. ~~The committee shall keep a record~~

~~of its official actions, shall adopt a seal, which seal must be judicially noticed, and may perform such acts, hold such public hearings, and adopt such rules as may be necessary for the execution of its functions under this chapter.~~

**SECTION 29. AMENDMENT.** Section 4-22-04 of the North Dakota Century Code is amended and reenacted as follows:

**4-22-04. Committee - Chairman - Quorum - Compensation** ~~—Provision for surety bonds and annual audit.~~ The committee shall meet annually and select its chairman, ~~who.~~ The chairman shall serve for one year from the date of his selection and ~~who~~ is not eligible for a second term as chairman. Additional meetings may be held by the committee as considered necessary by the chairman, at a time and place to be fixed by the chairman. ~~Special~~ The chairman shall call special meetings must be called by the chairman upon written request of any four members. ~~A majority of the committee constitutes a quorum, and the concurrence of a majority in any matter within its duties is required for its determination.~~ The members of the committee ~~shall~~ are entitled to receive forty-five dollars per day as compensation for their services on the committee, and are entitled to expenses, including traveling expenses, necessarily incurred in the discharge of their duties on the committee, in the same manner and at the same rate as prescribed by law for state employees and officials. ~~The committee shall provide for the execution of surety bonds, which may be issued by the state bonding fund, for all employees who are entrusted with funds or property; shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions, rules, and orders issued or adopted; and shall provide for an annual audit of the accounts of receipts and disbursements.~~

**SECTION 30. AMENDMENT.** Section 4-22-06 of the North Dakota Century Code is amended and reenacted as follows:

**4-22-06. Duties and powers generally.** ~~In addition to the duties and powers hereinafter conferred upon the state soil conservation~~ The committee, it has the following duties and powers:

1. To offer such assistance as may be appropriate to the supervisors of ~~soil conservation~~ districts in the carrying out of any of their powers and programs.
2. To keep the supervisors of each of the several districts informed of the activities and experience of all other districts, and to facilitate an interchange of advice and experience between such districts and cooperation between them.
3. ~~To coordinate the programs of the several conservation districts so far as this may be done by advice and consultation.~~
4. To secure the cooperation and assistance of state, federal, regional, interstate, and local, public, and private agencies with ~~conservation~~ districts; and to facilitate arrangements under which ~~conservation~~ districts may assist or serve county governing bodies and other agencies in the administration of any activity concerned with the conservation of natural resources.
5. ~~To disseminate information throughout the state concerning the activities and programs of the soil conservation districts, and to encourage the formation of such districts in areas where their organization is desirable.~~
6. ~~To review district programs, to coordinate the programs of the several districts, and to coordinate programs and activities as they relate to other special purpose districts.~~
7. 4. To review agreements, or forms of agreements, proposed to be entered into by districts with other districts or with state, federal, interstate, or other public or private organizations, and advise the districts concerning such agreements or forms of agreement.
8. 5. To recommend ~~to the inclusion in annual and longer term~~ director biennial budgets ~~of funds~~ necessary ~~from the legislative assembly~~ to finance the activities of the committee and districts; and to distribute ~~such~~ moneys

appropriated by the legislative assembly ~~according to applicable state laws or regulations~~ for grants to soil conservation districts.

9. ~~To compile information and make studies, summaries, and other analyses of district programs in relation to each other and to other resource conservation programs on a statewide basis.~~
10. ~~6.~~ 6. To represent the state in matters affecting soil conservation.
11. ~~7.~~ 7. To require annual reports from ~~conservation~~ districts, ~~the form and content of which must be developed by the committee on consultation with district supervisors.~~
12. ~~8.~~ 8. To establish uniform accounting methods which must be used by ~~soil~~ ~~conservation~~ districts, and to establish a uniform auditing reporting system.
13. ~~9.~~ 9. ~~Pursuant to procedures developed mutually by the committee and other state and local agencies that are authorized to plan or administer activities significantly affecting the conservation of natural resources, to receive from such~~ To receive from other state and local agencies for review and comment suitable descriptions of their plans, programs, and activities affecting the conservation of natural resources for purposes of coordination with district conservation programs; to arrange for and participate in conferences necessary to avoid conflict among such plans and programs; to call attention to omissions; and to avoid duplication of effort.
14. ~~To develop and administer policy guidelines which the districts shall follow in the operation of district activities.~~

**SECTION 31.** A new section to chapter 4-22 of the North Dakota Century Code is created and enacted as follows:

**Soil conservation - Duties.** The North Dakota state university extension service shall assist the committee in performing the committee's duties, within the limits of legislative appropriation. The director shall instruct extension agents to cooperate in the delivery of information and services to the districts."

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 30

Page 10, remove lines 1 through 4

Page 11, replace lines 24 through 27 with:

**"SECTION 33. AMENDMENT.** Section 4-22-47 of the North Dakota Century Code is amended and reenacted as follows:

**4-22-47. Consolidation of districts - Petition - Referendum - Conduct of referendum.** Two or more ~~soil conservation~~ districts may be consolidated into one district by compliance with ~~the provisions of~~ this chapter. A petition ~~or petitions~~ for consolidation of soil conservation districts must be filed with the ~~secretary of the state~~ soil conservation committee and must be signed by at least twenty-five qualified electors living in each district. Upon the filing of ~~such a petition or petitions,~~ the state committee ~~shall~~ by resolution shall fix a date for a referendum to be held in each ~~such~~ district and shall direct the ~~board of supervisors thereof~~ to cause notice of ~~such~~ the referendum to be posted in at least five conspicuous places within the district and to be published once each week for two consecutive weeks ~~prior to~~ before the referendum in a newspaper of general circulation ~~therein in the districts involved.~~ Only qualified electors living within the district are eligible to vote at the referendum. ~~Such~~ The notice must state the date of the referendum, ~~the~~ identify each polling place ~~or places~~ for holding ~~such the~~ referendum, the time when the polls will open and close, and the question to be submitted to the qualified electors. ~~Such~~ The notice must be substantially in the following form:

~~Notice is hereby given that on~~ On the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_ a referendum will be held at \_\_\_\_\_

(Designate polling place or places)

the purpose of submitting to the qualified electors within

\_\_\_\_\_ soil conservation district

(Name of district)  
 the question as to whether \_\_\_\_\_ soil conservation districts  
 (Names of districts)  
 embracing the following townships \_\_\_\_\_  
 (Designate townships, by number and range)  
 shall be consolidated into one soil conservation district.

The ballot ~~will~~ must be in the following form:  
 Shall \_\_\_\_\_ soil conservation districts embracing the  
 (Names of districts)  
 following townships \_\_\_\_\_ be  
 (Designate townships, by number and range)  
 consolidated into one soil conservation district?  
 Yes \_\_\_\_\_  
 No \_\_\_\_\_

The board of supervisors of the district shall appoint the board of election for each polling place ~~must be appointed by the board of supervisors of the district and consists.~~ The board of election must consist of one inspector, one judge, and one clerk. Members of ~~such~~ the election board shall be entitled to receive the sum of five dollars for their services.

**SECTION 34. AMENDMENT.** Section 4-22-48 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-22-48. Conduct of referendum - Canvass of votes.** A referendum upon the question of consolidating two or more soil conservation districts must be conducted in accordance with the laws of the state prescribing the conduct of general elections. After the polls are closed, the board of election shall ~~proceed to~~ canvass the votes and the clerk of the board shall certify to the board of supervisors of the clerk's district and to the state committee the result of the referendum. ~~The clerk shall then securely wrap the ballots cast at the referendum and shall express or mail the ballots to the secretary of the state committee. The committee shall also canvass the ballots and verify the result. The secretary of the committee shall file the ballots in the secretary's office. Upon the expiration of two years after such ballots were canvassed by the state committee they may be destroyed. The state committee shall publish the results of the referendum after having canvassed the ballots and if the committee finds that~~ If a majority of the ballots cast on the question in each district are for consolidation, the committee shall file with the secretary of state a statement certifying that the consolidated district has been duly and regularly established."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

CONFERENCE COMMITTEE - This amendment removes the \$660,000 from the general fund added in the Senate for the Office of Management and Budget to distribute technician grants (\$650,000) and for committee expenses (\$10,000). The section added in the Senate is removed which provided that the Office of Management and Budget provide support services for the committee.

DEPARTMENT 627 - UPPER GREAT PLAINS TRANSPORTATION INSTITUTE

CONFERENCE COMMITTEE - The operating expenses line item is reduced by \$3,871 from the general fund to remove funding for risk management premiums.

DEPARTMENT 630 - NDSU EXTENSION SERVICE

CONFERENCE COMMITTEE - This amendment makes the following changes:

	SENATE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	ADD SOIL CONSERVATION COMMITTEE	REMOVE UNDESIGNATED POSITION	TOTAL CHANGES TO SENATE VERSION	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE (DECREASE) TO HOUSE VERSION
Salaries and wages	\$20,665,371		\$ 99,000	\$ (110,000)	\$ (11,000)	\$20,654,371	\$20,679,960	\$ (25,589)
Operating expenses	3,547,204	\$ (76,140)	12,000		(64,140)	3,483,064	3,489,064	(6,000)
Equipment	450,000		580,000		580,000	450,000	450,000	
Grants						580,000	650,000	(70,000)
Total	\$24,662,575	\$ (76,140)	\$691,000 <sup>1</sup>	\$ (110,000) <sup>2</sup>	\$504,860	\$25,167,435	\$25,269,024	\$ (101,589)
General fund	\$11,644,577	\$ (76,140)	\$691,000	\$ (110,000)	\$504,860	\$12,149,437	\$12,251,026	\$ (101,589)
Special funds	13,017,998					13,017,998	13,017,998	
Total	\$24,662,575	\$ (76,140)	\$691,000	\$ (110,000)	\$504,860	\$25,167,435	\$25,269,024	\$ (101,589)
FTE	229.00	0.00	1.00	-1.00	0.00	229.00	229.50	(0.50)

<sup>1</sup> Adds funding relating to duties associated with the Soil Conservation Committee as follows:

Salaries and wages	
1 FTE staff position	\$ 80,000
Administrative support	15,000
Committee member per diem	4,000
Total	\$ 99,000
Operating expenses	12,000
District grants	580,000
Total	\$691,000

The Senate provided \$660,000 from the general fund for district grants of \$650,000 and for committee expenses of \$10,000 to be administered by the Office of Management and Budget.

The House provided \$790,007 from the general fund for soil conservation activities in the extension service, including 1.5 FTE and \$650,000 for district grants.

<sup>2</sup> Removes 1 FTE undesignated position. The House had removed a family economics specialist position and \$107,418.

Sections are added changing the duties of the Soil Conservation Committee and providing that the NDSU Extension Service assist the Soil Conservation Committee in administering its duties.

A section of legislative intent is added providing for an interim Legislative Council study of alternative methods of governing and delivering soil conservation services in North Dakota. The study must address the advisability of continuing to elect state Soil Conservation Committee members and district supervisors.

DEPARTMENT 638 - NORTHERN CROPS INSTITUTE

CONFERENCE COMMITTEE - The operating expenses line item is reduced by \$2,581 from the general fund to remove funding for risk management premiums.

DEPARTMENT 640 - AGRICULTURAL EXPERIMENT STATION

CONFERENCE COMMITTEE - This amendment makes the following changes:

ALL FUNDS CHANGES

	SENATE VERSION	FUNDING SOURCE	REMOVE RISK MANAGEMENT PREMIUMS	BOARD OF AGRICULTURAL RESEARCH	REMOVE UNDESIGNATED POSITION	AGRICULTURE RESEARCH GRANTS	OTHER CHANGES	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Main Research Station	\$ 7,554,163		\$(109,137)	\$20,000			\$(35,000)5	\$(124,117)	\$ 7,430,026	\$ 7,430,026	
Dickinson Research Center	621,694		(4,115)				35,000 5	30,885	652,579	652,579	
Central Grasslands Research Center	575,349		(1,613)					(1,613)	573,736	573,736	
Hettinger Research Center	443,208		(2,581)					(2,581)	440,627	440,627	
Langdon Research Center	217,981		(2,179)					(2,179)	215,802	215,802	
North Central Research Center	631,639		(1,936)				50,000 6	48,064	679,703	629,703	\$ 50,000
Williston Research Center	463,113		(2,581)				150,000 7	147,419	610,532	610,532	
Carrington Research Center	935,390		(4,678)				(43,750)8	(48,428)	886,962	861,962	25,000
Agromony Seed Farm Agricultural Experiment Station	1,953,699 40,678,794		(968)	20,000	\$(100,000)	\$2,000,000	18,750 8	(968)	1,953,731 42,617,544	1,953,731 42,592,544	25,000
Total all funds	\$83,375,030	\$ 0 1	\$(129,788)	\$40,0002	\$(100,000)3	\$2,000,0004	\$ 75,000	\$1,985,212	\$55,360,242	\$55,260,242	\$100,000
FTE	411.22	0.00	0.00	0.00	-1.00		0.00	-1.00	410.22	410.22	0.00

GENERAL FUND CHANGES

	SENATE VERSION	FUNDING SOURCE	REMOVE RISK MANAGEMENT PREMIUMS	BOARD OF AGRICULTURAL RESEARCH	REMOVE UNDESIGNATED POSITION	AGRICULTURE RESEARCH GRANTS	OTHER CHANGES	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Main Research Station	\$ 4,845,617		\$(109,137)	\$20,000			\$(35,000)5	\$(3,921,480)	\$ 3,921,480	\$ 3,921,480	
Dickinson Research Center	99,018		(4,115)				35,000 5	30,885	120,903	120,903	
Central Grasslands Research Center	123,949		(1,613)					(1,613)	122,336	122,336	
Hettinger Research Center	142,140	63,473	(2,581)					60,892	203,032	203,032	
Langdon Research Center	39,631	66,152	(2,179)					63,973	103,604	103,604	
North Central Research Center	229,990	39,876	(1,936)				50,000 6	87,940	87,940	87,940	\$ 50,000
Williston Research Center	229,990		(2,581)				50,000 7	47,419	277,409	277,409	
Carrington Research Center	174,338		(4,678)				(43,750)8	125,910	125,910	100,910	25,000
Agromony Seed Farm Agricultural Experiment Station	30,399,449	(4,389,456)		20,000	\$(100,000)		18,750 8	(4,450,706)	25,946,743	25,923,743	25,000
Total general fund	\$31,025,177	\$ 0 1	\$(128,820)	\$40,0002	\$(100,000)3	\$ 0	\$ 75,000	\$(113,820)	\$30,911,357	\$30,811,357	\$100,000

1 Provides that the respective funding sources for the pooled salaries and wages of the Agricultural Experiment Station be appropriated in the subdivision with the pooled salaries. The Senate version transferred the maximum amount of general fund appropriations to the pooled salaries subdivision.

2 The guidelines added by the Senate relating to the allocation of the pooled salaries to the entities of the Agricultural Experiment Station for the 1997-99 biennium provided that each entity must receive at least 95 percent of the salaries and wages funding it received during the 1995-97 biennium. The House version reduces this percentage to 90 percent.



- 2 Provides funding to support the activities of the Board of Agricultural Research, including per diem and expense reimbursement for board members. The board is being established by provisions of this bill. This funding is not to be spent until the \$8,800 provided in the North Dakota State University's 1997-99 appropriation for paying per diem and travel expenses of Agriculture Consultation Board members is spent for paying expenses of the Board of Agricultural Research members during the 1997-99 biennium.
- 3 Removes one FTE undesignated position and \$100,000 from the general fund associated with the position.
- 4 Provides in a separate section a \$2,000,000 appropriation from the agricultural research fund for agriculture research grants. Grant committees appointed by the Board of Agricultural Research will determine the distribution of the grants. See 'Other Sections' below for additional information.
- 5 Reduces the capital improvements line item of the Main Research Station by \$35,000 from the general fund, from \$1,158,800 to \$1,123,800. A capital improvements line item of \$35,000 from the general fund is added to the Dickinson Research Center for providing sanitation and decontamination facilities at the ranch headquarters of the Dickinson Research Center.
- 6 The capital improvements line item of the North Central Research Center is increased by \$50,000 from the general fund for providing additional general fund support for the new headquarters building project. Funding for the project totals \$850,000, \$350,000 of which is from the general fund and \$500,000 of special funds.
- 7 A contingent appropriation section is added providing a \$150,000 appropriation, \$50,000 of which is from the general fund, to the Williston Research Center to pay a portion of the costs associated with the construction of the Ernie French Center for the 1997-99 biennium. The general fund moneys are contingent on the center raising at least \$100,000 of other funds for the project.
- 8 Funding added in the Senate of \$25,000 from the general fund for a bison research program at the Carrington Research Center is reduced by \$25,000, to \$100,000. The \$100,000 provides \$50,000 for the .5 FTE position added in the Senate and \$50,000 for operating expenses. The House had reduced the funding added in the Senate by \$75,000.

## Other Sections:

## Sections are added which:

- . Continue the 1995-97 appropriation authority for capital improvement projects at the Northern Crops Institute of \$1,500,000 of special funds for the food processing pilot plant project and at the North Central Research Center of \$600,000, \$300,000 of which is from the general fund and \$300,000 of special funds for the headquarters building project.
- . Authorize the North Central Research Center to use up to \$25,000 of unanticipated earned income which may be received during the 1997-99 biennium for the new headquarters building project.
- . Establish a Board of Agricultural Research that is responsible for the budgeting, supervision, and policymaking of the Agricultural Experiment Station.
- . Establish an agricultural research fund. Revenue to the fund is generated from withholding four cents from agriculturally related motor vehicle fuel tax refund claims (the four-cent withholding provision is included in Senate Bill No. 2019).
- . Provide that the Board of Agricultural Research appoint grant committees to determine the distribution of research grants from the funds available in the agricultural research fund as follows:
  - 70 percent to agriculture commodity research.
  - 18 percent to animal agriculture research.
  - 12 percent to new and emerging crops research.

GENERAL FUND COMPARISON

DEPT. NO.	AGENCY	EXECUTIVE BUDGET	SENATE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
110	Office of Management and Budget	\$ 454,376	\$ 660,000	\$ 450,505	\$ 450,505	\$ (660,000)	
627	Transportation Institute	12,107,136	454,376	12,251,026	12,149,437	(3,871)	
630	NDSU Extension Service	638,382	11,644,577	635,801	635,801	504,860	
638	Northern Crops Institute	29,994,177	638,382	30,811,357	30,911,357	(2,581)	
640	Agricultural Experiment Station		31,025,177			(113,820)	
	Total general fund	\$43,194,071	\$44,422,512	\$44,148,689	\$44,147,100	\$ (275,412)	\$ (1,589)

Engrossed SB 2064 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1014, as engrossed:** Your conference committee (Sens. St. Aubyn, Solberg, Krauter and Reps. Bernstein, Delzer, Nichols), having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1297:** Your conference committee (Sens. Traynor, W. Stenehjem, C. Nelson and Reps. Maragos, Kretschmar, Callahan) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1149-1150, adopt amendments as follows, and place HB 1297 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1149 and 1150 of the House Journal and page 889 of the Senate Journal and that House Bill No. 1297 be amended as follows:

Page 1, line 1, after "to" insert "create and enact a new subsection to section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages in civil actions for accidents involving a motor vehicle operated by a person while under the influence of alcohol or a controlled substance; to"

Page 1, line 2, after "damages" insert "; and to provide for application"

Page 1, line 17, after the second underscored comma insert "that there is sufficient evidence to support a finding by the trier of fact"

Page 1, after line 21, insert:

**"SECTION 2.** A new subsection to section 32-03.2-11 of the North Dakota Century Code is created and enacted as follows:

- a. In a civil action involving a motor vehicle accident, it is sufficient for the trier of fact to consider an award of exemplary damages against a driver involved in the accident if the driver has been convicted of a violation of section 39-08-01 within the previous five years and a preponderance of the evidence indicates that the accident resulted in bodily injury and was caused by a driver:
  - (1) With an alcohol concentration of at least ten one-hundredths of one percent by weight;
  - (2) Who was under the influence of a controlled substance;
  - (3) Who was under the influence of alcohol and refused to take a test required under chapter 39-20; or
  - (4) Who was knowingly under significant influence of a medication or other substance that substantially affects a person's nervous system, brain, or muscles so as to impair the person's ability to drive or operate a motor vehicle.
- b. A criminal charge or conviction is not a prerequisite to consideration of exemplary damages for the accident in question. At the trial in an action in which the trier of fact will consider an award of exemplary damages, evidence that the driver has been convicted of violating section 39-08-01 or equivalent ordinance is admissible into evidence.

**SECTION 3. APPLICATION.** This Act applies only to actions commenced after the effective date of this Act."

Renumber accordingly

HB 1297 was placed on the Seventh order of business on the calendar.

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

**CORRECTION AND REVISION OF THE JOURNAL**

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

Page 1382, line 20, replace "1991" with "1191"

Page 1421, line 5, replace "**SENATE**" with "**HOUSE**"

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

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFFER**

The following communication was received from the Governor at 9:45 a.m., April 8, 1997.

This is to inform you that on April 8, 1997, I signed the following: HB 1047, HB 1098, HB 1100, HB 1103, HB 1111, HB 1164, HB 1215, HB 1240, HB 1243, HB 1274, HB 1342, HB 1393, HB 1431, HB 1433.

**REPORT OF CONFERENCE COMMITTEE**

**REP. GERNTHOLZ MOVED** that the conference committee report on Engrossed HB 1003 be adopted, which motion prevailed.

Engrossed HB 1003, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1003:** A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; and to amend and reenact subsection 1 of section 53-06.1-14 and section 54-12-11 of the North Dakota Century Code, relating to license fees for pull tabs and bingo card manufacturers and to the salary of the attorney general.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Belter; Boehm; Carlson; Delzer; Grande; Grosz; Skarphol; Weisz

**ABSENT AND NOT VOTING:** Berg; Gorder; Kunkel

Engrossed HB 1003, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. SOUKUP MOVED** that the conference committee report on Engrossed HB 1004 be adopted, which motion prevailed.

Engrossed HB 1004, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 89 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Brandenburg; Carlson; Grande; Nichols

**ABSENT AND NOT VOTING:** Berg; Boucher; Gorder; Kunkel

Engrossed HB 1004, as amended, passed and the title was agreed to.

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#### MOTION

**REP. BERNSTEIN MOVED** that the House conference committee report on Engrossed HB 1014 be adopted, that the conference committee be dissolved, and a new conference committee be appointed on Engrossed HB 1014, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

**REP. POOLMAN MOVED** that the conference committee report on Reengrossed HB 1035 be adopted, which motion prevailed.

Reengrossed HB 1035, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1035:** A BILL for an Act to create and enact chapter 54-24.4 of the North Dakota Century Code, relating to the North Dakota library coordinating council; to amend and reenact sections 54-24-02, 54-24-03, 54-24-09, 54-24.3-01, 54-24.3-03, 54-24.3-04, 54-24.3-05, 54-24.3-06, 54-24.3-07, 54-24.3-08, 54-24.3-09, 54-24.3-10, 54-24.3-11, 54-24.3-12, 54-24.3-13, 54-24.3-14, 54-24.3-15, and 54-24.3-16 of the North Dakota Century Code, relating to the state library and multitype library authorities; to repeal sections 54-24-07 and 54-24.3-02 of the North Dakota Century Code, relating to state library printing costs and the statewide library planning committee; and to provide appropriations.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 93 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Delzer

**ABSENT AND NOT VOTING:** Berg; Gorder; Kunkel

Reengrossed HB 1035, as amended, passed and the title was agreed to.

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#### MOTION

**REP. DORSO MOVED** that HB 1297 be placed directly before Engrossed HB 1168 on the calendar, which motion prevailed.

**REPORT OF CONFERENCE COMMITTEE**

**REP. MARAGOS MOVED** that the conference committee report on HB 1297 be adopted, which motion failed.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a new Conference Committee on HB 1297: Reps. Maragos, Kretschmar, Callahan.

**REPORT OF CONFERENCE COMMITTEE**

**REP. BERG MOVED** that the conference committee report on Engrossed HB 1168 be adopted, which motion prevailed.

Engrossed HB 1168, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1168:** A BILL for an Act to create and enact section 26.1-36.4-03.1 of the North Dakota Century Code, relating to preexisting condition provisions; to amend and reenact sections 26.1-08-01, 26.1-08-04, 26.1-08-06, 26.1-08-06.1, 26.1-08-07, 26.1-08-12, subsection 3 of section 26.1-08-13, sections 26.1-36.3-01, 26.1-36.3-04, 26.1-36.3-05, 26.1-36.3-06, subsection 1 of section 26.1-36.3-11, sections 26.1-36.4-02, 26.1-36.4-03, 26.1-36.4-04, and 26.1-36.4-05 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota, small group health insurance, and individual health insurance; to repeal section 26.1-08-05 of the North Dakota Century Code, relating to the comprehensive health association of North Dakota; to provide for application; to provide an effective date; and to declare an emergency.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** Berg; Gorder; Kunkel

Engrossed HB 1168, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**REP. FREIER MOVED** that the House be on the Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand in recess until 5:00 p.m., which motion prevailed.

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

**MADAM PRESIDENT:** The House has not adopted the conference committee report on HB 1297. The committee was unable to agree and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

**HB 1297:** Reps. Maragos; Kretschmar; Callahan

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

**MADAM PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1168.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1003, HB 1004, HB 1035.

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

**MR. SPEAKER:** The Senate has sustained the Governor's veto on HB 1147. The vote was 29 YEAS, 18 NAYS, 2 ABSENT AND NOT VOTING.

**HOUSE ENGROSSING AND ENROLLING REPORT**

The following bills were engrossed and enrolled: HB 1006, HB 1034, HB 1116, HB 1167, and HB 1482.

**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 2018, SB 2353.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2018:** Your conference committee (Sens. St. Aubyn, Nalewaja, Robinson and Reps. Tollefson, Martinson, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1025-1026, adopt amendments as follows, and place SB 2018 on the Seventh order:

That the House recede from its amendments as printed on pages 1025 and 1026 of the Senate Journal and pages 1129 and 1130 of the House Journal and that Senate Bill No. 2018 be amended as follows:

Page 1, line 2, after "hearings" insert "; to create and enact a new section to chapter 54-57 of the North Dakota Century Code, relating to hearings by the office of administrative hearings; and to amend and reenact subsections 1 and 2 of section 54-57-07 of the North Dakota Century Code, relating to payment for administrative hearings"

Page 1, line 5, remove "in the general fund in"

Page 1, line 6, remove "the state treasury, not otherwise appropriated, and"

Page 1, line 10, replace "708,993" with "707,251"

Page 1, line 12, replace "all" with "special", after "funds" insert "appropriation", and replace "1,351,903" with "1,350,161"

Page 1, replace lines 13 and 14 with:

**"SECTION 2. OFFICE OF ADMINISTRATIVE HEARINGS - LOAN FROM STATE GENERAL FUND - APPROPRIATION OF LOAN REPAYMENT.**

Notwithstanding any other provision of law, the office of administrative hearings is authorized to borrow up to \$100,000, which amounts are hereby appropriated from the state general fund during the biennium beginning July 1, 1997, and ending June 30, 1999. The office of administrative hearings shall inform the office of management and budget of any loan required pursuant to this section. Any loan made to the office of administrative hearings under this section must be repaid to the state general fund by June 30, 1999, and any loan repayments made by the office of administrative hearings are hereby appropriated for the biennium beginning July 1, 1997, and ending June 30, 1999.

**SECTION 3.** A new section to chapter 54-57 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

Hearings after judgment. The office of administrative hearings may not hold hearings on the same issue involving the same parties as the original hearing after a judgment has been rendered by a court concerning that issue unless authorized to or directed to by that court.

**SECTION 4. AMENDMENT.** Subsections 1 and 2 of section 54-57-07 of the 1995 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. The office of administrative hearings ~~may~~ shall require payment for services rendered by any administrative law judge provided by it to any agency, to any unit of local government in this state, to any tribal government in this state, or to the judicial branch, in the conduct of an administrative hearing and related proceedings, and those entities must make the required payment to the office. Payment ~~may~~ must include payment for support staff necessary to render administrative law judge services. ~~General fund moneys may not be used for payment by state~~

~~agencies pursuant to this subsection except for those payments required of the department of human services and the state department of health. Moneys received by the office of administrative hearings in payment for providing an administrative law judge to conduct an administrative hearing and related proceedings must be deposited into the operating fund of the office of administrative hearings.~~

2. The office of administrative hearings ~~may~~ shall require payment for mileage, meals, and lodging in connection with services rendered by an administrative law judge provided to any agency, to any unit of local government in this state, to any tribal government in this state, or to the judicial branch, in the conduct of an administrative hearing and related proceedings, and those entities must make the required payment to the office. Payment for meals and lodging must be in the amounts allowable under section 44-08-04. Payment for mileage when using state vehicles must be in amounts set for user charges under section 24-02-03.5. All other payments must be in amounts allowed for other state officials and employees. Either general fund or special fund moneys, or other income, may be used for the payment of mileage, meals, and lodging under this subsection."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 140 - OFFICE OF ADMINISTRATIVE HEARINGS

CONFERENCE COMMITTEE - This amendment removes the \$248,196 general fund appropriation, provides the office's appropriation entirely from special funds from billing agencies for services, and reduces operating expenses by \$1,742 of special funds to remove risk management premiums.

The amendment also adds a section allowing for a loan of up to \$100,000 from the state general fund to the Office of Administrative Hearings. Any loan made under this section must be repaid by the end of the 1997-99 biennium.

SB 2018 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2353, as engrossed:** Your conference committee (Sens. Naaden, Bowman, Krauter and Reps. Rennerfeldt, Mickelson, Kroeplin) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1029, adopt amendments as follows, and place SB 2353 on the Seventh order:

That the House recede from its amendments as printed on page 1029 of the Senate Journal and page 1077 of the House Journal and that Engrossed Senate Bill No. 2353 be amended as follows:

Page 1, line 3, after "liability" insert "of telecommunications providers"

Page 1, line 5, after "service" insert "definitions"

Page 2, line 7, replace "fifty" with "forty"

Page 2, line 10, replace "twenty" with "twelve and one-half"

Page 2, line 12, replace "The" with "In a county in which state radio communications is the 911 service provider, the"

Page 2, line 14, replace "operating fund" with "911 provider equipment account" and after the underscored period insert "In a county in which state radio communications is not the 911 service provider, the county treasurer shall retain all fees received under this section."

Page 3, line 26, replace "an eleven-member" with "a nine-member"

Page 4, line 1, replace "911 association" with "wireless telephone service industry"



Page 4, line 3, replace "two members of the North Dakota house of representatives" with "one representative of counties with public safety answering points" and replace the second "two" with "one representative of counties served by state radio 911"

Page 4, line 4, remove "members of the North Dakota senate"

Page 4, line 7, remove "The legislative council is responsible for paying the expenses of"

Page 4, remove line 8

Page 4, line 9, remove "services to the committee."

Page 4, replace lines 11 through 16 with:

- "2. The advisory committee shall study the feasibility of implementing an automatic number identification and automated location identification system. The study must include the estimated cost of the system and a proposed funding plan.
3. The committee shall submit a report of its work to the budget section of the legislative council by August 1998."

Renumber accordingly

Engrossed SB 2353 was placed on the Seventh order of business on the calendar.

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

The Speaker signed the following enrolled bills: HB 1008, HB 1017, HB 1112, HB 1337, HB 1453.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1008, HB 1017, HB 1112, HB 1337, HB 1453.

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

The Speaker signed the following enrolled resolutions: SCR 4062, SCR 4063.

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

**MADAM PRESIDENT:** The Speaker has signed: SCR 4062, SCR 4063.

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

**MADAM PRESIDENT:** The House has sustained the Governor's veto on HB 1191. The vote was 44 YEAS, 46 NAYS, 7 ABSENT AND NOT VOTING.

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

The Speaker signed the following enrolled bills: HB 1006, HB 1034, HB 1116, HB 1167, HB 1482.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1006, HB 1034, HB 1116, HB 1167, HB 1482.

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

**HB 1297:** Your conference committee (Sens. Traynor, W. Stenehjem, C. Nelson and Reps. Maragos, Kretschmar, Callahan) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1149-1150, adopt amendments as follows, and place HB 1297 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1149 and 1150 of the House Journal and page 889 of the Senate Journal and that House Bill No. 1297 be amended as follows:

Page 1, line 2, after "damages" insert "; and to provide for application"

Page 1, line 17, after the second underscored comma insert "that there is sufficient evidence to support a finding by the trier of fact"

Page 1, after line 21, insert:

**"SECTION 2. APPLICATION.** This Act applies only to actions commenced after the effective date of this Act."

Renumber accordingly

HB 1297 was placed on the Seventh order of business on the calendar.

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

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a new Conference Committee on Engrossed HB 1014: Reps. Carlisle, Svedjan, Nichols.

**REPORT OF CONFERENCE COMMITTEE**

**REP. DELZER MOVED** that the conference committee report on Engrossed SB 2004 be adopted, which motion prevailed.

Engrossed SB 2004, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health; to amend and reenact sections 23-09-01, 23-09-02.1, 23-09-03, 23-09-05, 23-09-06, 23-09-07, 23-09-08, 23-09-09, 23-09-10, 23-09-11, 23-09-14, 23-09-16, 23-09-17, 23-09-18, 23-09-20.1, 23-09-21, and 23-09-22 of the North Dakota Century Code, relating to the requirements for the operation of a food and lodging establishment; to repeal section 23-09-12 of the North Dakota Century Code, relating to certificates of inspection; to provide an effective date; to provide an expiration date; to provide legislative intent; and to provide for a legislative council study.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 86 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Carlson; Drovdal; Grande; Grosz; Poolman; Skarphol; Torgerson; Weisz

**ABSENT AND NOT VOTING:** Berg; Gorder; Kunkel

Engrossed SB 2004, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. TOLLEFSON MOVED** that the conference committee report on SB 2018 be adopted, which motion prevailed.

SB 2018, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2018:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of administrative hearings; to create and enact a new section to chapter 54-57 of the North Dakota Century Code, relating to hearings by the office of administrative hearings; and to amend and reenact subsections 1 and 2 of section 54-57-07 of the North Dakota Century Code, relating to payment for administrative hearings.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 92 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Poolman; Skarphol

**ABSENT AND NOT VOTING:** Berg; Gorder; Kunkel

SB 2018, as amended, passed and the title was agreed to.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report on HB 1014. The committee was unable to agree and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

**HB 1014:** Reps. Carlisle; Svedjan; Nichols

**REPORT OF CONFERENCE COMMITTEE**

**REP. FROSETH MOVED** that the conference committee report on Engrossed SB 2047 be adopted, which motion prevailed on a verification vote.

Engrossed SB 2047, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2047:** A BILL for an Act to amend and reenact sections 54-10-13, 54-10-14, 54-10-15, and 54-40.1-05 of the North Dakota Century Code, relating to audits of political subdivisions, regional planning councils, and soil conservation districts.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 51 YEAS, 40 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Belter; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; Devlin; Dorso; Drovdal; Freier; Froseth; Gerntholz; Grande; Grosz; Hausauer; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Kempenich; Kilzer; Klein; Kliniske; Koppelman; Kretschmar; Lloyd; Martinson; Mickelson; Monson; Murphy; Nelson; Olson; Poolman; Rennerfeldt; Sabby; Skarphol; Soukup; Stenehjem; Svedjan; Thoreson; Tollefson; Torgerson; Wald; Wentz; Speaker Timm

**NAYS:** Aarsvold; Axtman; Boucher; Brandenburg; Callahan; Christenson; Coats; DeKrey; Delmore; Fairfield; Galvin; Glassheim; Grumbo; Gullerson; Gunter; Hanson; Huether; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kroeplin; Mahoney; Maragos; Nicholas; Nichols; Niemeier; Nottestad; Oban; Renner; Rose; Sandvig; Schmidt; Sveen; Thompson; Thorpe; Warner; Weisz; Wilkie

**ABSENT AND NOT VOTING:** Berg; Delzer; Gorder; Kunkel; Price; Wardner

Engrossed SB 2047, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. DALRYMPLE MOVED** that the conference committee report on Engrossed SB 2064 be adopted, which motion prevailed.

Engrossed SB 2064 was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2064:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of management and budget, extension service, northern crops institute, upper great plains transportation institute, and the experiment centers; to provide a contingent appropriation; to provide for an interim legislative council study; to create and enact six new sections to chapter 4-05.1 and a new section to chapter 4-22 of the North Dakota Century Code, relating to the state board of agricultural research and the duties of the extension service; to amend and reenact sections 4-05.1-01, 4-05.1-02, 4-05.1-03, 4-05.1-04, 4-22-02, 4-22-03, 4-22-04, 4-22-06, 4-22-22, 4-22-47, and 4-22-48 of the North Dakota Century Code, relating to the state agricultural experiment station and state soil conservation committee; to repeal section 4-22-05 of the North Dakota Century Code, relating to employees of the state soil conservation committee; 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 77 YEAS, 16 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**NAYS:** Boehm; Carlson; DeKrey; Delzer; Drovdal; Galvin; Grande; Gulleeson; Hanson; Keiser; Kempenich; Kroeplin; Olson; Renner; Skarphol; Weisz

**ABSENT AND NOT VOTING:** Berg; Gorder; Kunkel; Stenehjem

Engrossed SB 2064, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. CHRISTOPHERSON MOVED** that the conference committee report on SB 2194 as printed on HJ pages 1375-1376 be adopted, which motion prevailed.

SB 2194, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2194:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to health insurance coverage for inherited metabolic disease; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 78 YEAS, 16 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Brown; Carlson; DeKrey; Delzer; Devlin; Drovdal; Froseth; Grosz; Jacobs; Kempenich; Klein; Lloyd; Nelson; Price; Svedjan; Weisz

**ABSENT AND NOT VOTING:** Berg; Gorder; Kunkel

SB 2194, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. MARAGOS MOVED** that the conference committee report on Engrossed SB 2301 be adopted, which motion prevailed.

Engrossed SB 2301, as amended, was placed on the Fourteenth order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2301:** A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to the confidentiality of and the privilege governing medical peer review records; to amend and reenact sections 31-08-01 and 43-17.1-05.1, and subsection 1 of section 43-17.1-06 of the North Dakota Century Code, relating to records and proceedings of medical review committees and reports to the commission on medical competency; to repeal section 23-01-02.1 of the North Dakota Century Code, relating to medical peer review confidentiality and privilege; to provide for application; 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 71 YEAS, 23 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Axtman; Belter; Bernstein; Boucher; Brandenburg; Brusegaard; Byerly; Callahan; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delmore; Devlin; Dorso; Drovdal; Freier; Froseth; Gerntholz; Grande; Grumbo; Gulleston; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kitzer; Kliniske; Koppelman; Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Niemeier; Nottestad; Oban; Olson; Poolman; Price; Rennerfeldt; Rose; Sandvig; Schmidt; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Thoreson; Torgerson; Wald; Wardner; Wentz; Wilkie; Speaker Timm

**NAYS:** Boehm; Brown; Coats; Delzer; Fairfield; Galvin; Glassheim; Grosz; Gunter; Hanson; Klein; Kretschmar; Kroepelin; Mahoney; Murphy; Nichols; Renner; Sabby; Thompson; Thorpe; Tollefson; Warner; Weisz

**ABSENT AND NOT VOTING:** Berg; Gorder; Kunkel

Engrossed SB 2301, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

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

**MOTION**

**REP. FREIER MOVED** that the House be on the 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 10, 1997, which motion prevailed.

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

**MR. SPEAKER:** The President has appointed Sen. Watne to replace Sen. W. Stenehjem on the Conference Committee on HB 1297.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report on HB 1014. The committee was unable to agree and the President has appointed as a new conference committee to act with a like committee from the House on:

**HB 1014:** Sens. Solberg; Goetz; Tallackson

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: SB 2004, SB 2018, SB 2047, SB 2194.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2064 and SB 2301.

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

**ROY GILBREATH, Chief Clerk**