

JOURNAL OF THE HOUSE

Fifty-seventh Legislative Assembly

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Bismarck, April 9, 2001

The House convened at 1:00 p.m., with Speaker Bernstein presiding.

The prayer was offered by Pastor Gordon Stork, Century Baptist Church, Bismarck.

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

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1308, line 26, replace "**CONFERENCE COMMITTEE REPORT**" with "**MESSAGE FROM THE SENATE**"

Page 1308, line 27, replace "conference committee report on" with "House concur with the amendments to" and remove "be"

Page 1309, line 28, remove "adopted"

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

MOTION

REP. BELTER MOVED that SB 2354 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Rep. Belter's motion, SB 2354 was rereferred.

SIXTH ORDER OF BUSINESS

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

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

SEVENTH ORDER OF BUSINESS**MOTION**

REP. GLASSHEIM MOVED that the report of the Minority as printed on HJ page 1350 be substituted for the report of the Majority on Engrossed SB 2022.

REQUEST

REP. GLASSHEIM REQUESTED a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2022, which request was granted.

ROLL CALL

The question being on the motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2022, the roll was called and there were 30 YEAS, 66 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Grumbo; Guleson; Hanson; Huether; Hunskor; Kelsh, S.; Kerzman; Kliniske; Kroeber; Lemieux; Mahoney; Metcalf; Mueller; Niemeier; Nottestad; Onstad; Sandvig; Schmidt; Solberg; Warner; Winrich

NAYS: Bellew; Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; DeKrey; Delzer; Devlin; Disrud; Dosch; Drovdal; Froseth; Galvin; Grande; Grosz; Haas; Hawken; Herbel; Jensen; Johnson, D.; Johnson, N.; Kasper; Keiser; Kelsch, R.; Kempenich; Kingsbury; Klein, F.; Klein, M.; Klemin; Koppang; Koppelman; Kretschmar; Lloyd; Maragos; Martinson; Meier; Monson; Nelson; Nicholas;

Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Severson; Skarphol; Svedjan; Thoreson, B.; Thoreson, L.; Tieman; Timm; Wald; Weiler; Weisz; Wentz; Wikenheiser; Wrangham; Speaker Bernstein

ABSENT AND NOT VOTING: Gunter; Thorpe

The motion that the report of the Minority be substituted for the report of the Majority on Engrossed SB 2022 failed, therefore, the report of the Majority was adopted.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of the information technology department; to provide a contingent appropriation; to provide a statement of legislative intent; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Cleary; Delmore; Delzer; Devlin; Ruby

ABSENT AND NOT VOTING: Gunter; Thorpe

Engrossed SB 2022 passed and the title was agreed to.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. WEISZ MOVED that the conference committee report on Engrossed SB 2095 be adopted, which motion prevailed on a voice vote.

Engrossed SB 2095, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2095: A BILL for an Act to amend and reenact subsection 1 of section 50-29-02 of the North Dakota Century Code, relating to implementation of the income provisions of the children's health insurance program by the department of human services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Gunter; Thorpe

Engrossed SB 2095 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2204, as engrossed: Your conference committee (Sens. Erbele, Klein, Nichols and Reps. D. Johnson, Renner, Onstad) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 945 and place SB 2204 on the Seventh order.

Engrossed SB 2204 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. D. JOHNSON MOVED that the conference committee report on Engrossed SB 2204 be adopted as printed on HJ page 945 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SB 2345: Your conference committee (Sens. Christmann, Tollefson, Kelsh and Reps. Nottestad, F. Klein, Hanson) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1004-1005 and place SB 2345 on the Seventh order.

SB 2345 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. NOTTESTAD MOVED that the conference committee report on Engrossed SB 2345 be adopted as printed on HJ pages 1004-1005 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SB 2389, as engrossed: Your conference committee (Sens. Erbele, Klein, Kroeplin and Reps. Brandenburg, Kingsbury, Sandvig) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 986 and place SB 2389 on the Seventh order.

Engrossed SB 2389 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. BRANDENBURG MOVED that the conference committee report on Engrossed SB 2389 be adopted as printed on HJ page 986, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SCR 4020, as engrossed: Your conference committee (Sens. Wardner, Dever, T. Mathern and Reps. Devlin, Brusegaard, Hunskor) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 872-873 and place SCR 4020 on the Seventh order.

Engrossed SCR 4020 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. DEVLIN MOVED that the conference committee report on Engrossed SCR 4020 be adopted, which motion prevailed on a voice vote.

REPORT OF CONFERENCE COMMITTEE

HB 1189, as engrossed: Your conference committee (Sens. Trenbeath, Stenehjem, O'Connell and Reps. R. Kelsch, Hawken, Schmidt) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 856-857, adopt amendments as follows, and place HB 1189 on the Seventh order:

That the Senate recede from its amendments as printed on page 1025 of the House Journal and pages 856 and 857 of the Senate Journal and that Engrossed House Bill No. 1189 be amended as follows:

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to cancellation of a minor's driving privileges;"

Page 1, line 2, replace the second "section" with "sections 39-06-35,"

Page 1, line 6, after the first comma insert "suspended licenses,"

Page 1, line 7, after "permit" insert "; and to declare an emergency"

Page 1, after line 8, insert:

"**SECTION 1.** A new section to chapter 26.1-40 of the North Dakota Century Code is created and enacted as follows:

Cancellation of minor's driving privileges - Effect. An insurer may not use or rely on the cancellation of a minor's driving privileges under section 39-06-01.1 as the sole reason to cancel, deny, or not renew the automobile insurance policy of the minor or a parent of the minor unless the points or offenses on the minor's public driving record, separate from a cancellation under section 39-06-01.1, would be a reason to cancel, deny, or not renew the policy."

Page 2, after line 19, insert:

"**SECTION 5. AMENDMENT.** Section 39-06-35 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-06-35. Period of suspension. When the period of suspension imposed under this title ceases, the operator's license or driving privilege that has been suspended may not be returned or reinstated, and remains under suspension, until the operator pays to the director a reinstatement fee of fifty dollars, or twenty-five dollars if the suspension was the result of a suspension under subsection 4, 5, or 7 of section 39-06-03 or subsection 2 of section 39-06-32, or one hundred dollars if the suspension was the result of a violation under section 39-08-01 or chapter 39-20, and, if applicable, until compliance with subsection 3.1 of section 39-06.1-10. Upon payment of the reinstatement fee the license must be returned to the operator. A reinstatement fee is not required for a license to be returned to the operator if the return of the license is due to the findings of a hearing, reexamination of hearing, or court or judicial review under chapter 39-06, 39-06.1, or 39-20."

Page 4, after line 24, insert:

"**SECTION 11. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Engrossed HB 1189 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. R. KELSCH MOVED that the conference committee report on Engrossed HB 1189 be adopted as printed on HJ pages 856-857 be adopted, which motion prevailed on a voice vote.

Engrossed HB 1189, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1189: A BILL for an Act to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to cancellation of a minor's driving privileges; and to amend and reenact section 39-06-20, subsection 6 of section 39-06-32, subsection 1 of section 39-06-33, sections 39-06-35, 39-06.1-04, subsection 2 of section 39-06.1-13, section 39-16.1-01, subsection 2 of section 39-20-03.2, and subsection 1 of section 39-20-05 of the North Dakota Century Code, relating to notice of change of address for an operator's license or permit, suspension for failure to appear in court or post and forfeit bond, means to request a hearing, suspended licenses, reduction of point total, proof of financial responsibility, serving results of a blood test on a nonresident operator, and extension of a temporary operator's permit.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; DeKrey; Delmore; Delzer; Devlin; Disrud; Dosch; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grande; Grosz; Grumbo; Gullerson; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, D.; Johnson, N.; Kasper; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kingsbury; Klein, F.; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Meier; Metcalf; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Onstad; Pietsch; Pollert; Porter; Price; Renner; Rennerfeldt; Ruby; Sandvig; Schmidt; Severson; Skarphol; Solberg; Svedjan;

Thoreson, B.; Thoreson, L.; Tieman; Timm; Warner; Weiler; Weisz; Wentz; Wikenheiser; Winrich; Wrangham; Speaker Bernstein

NAYS: Keiser; Wald

ABSENT AND NOT VOTING: Gunter; Thorpe

Engrossed HB 1189 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

HB 1261, as engrossed: Your conference committee (Sens. Stenehjem, Espegard, O'Connell and Reps. Hawken, Ruby, Schmidt) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1097, adopt further amendments as follows, and place HB 1261 on the Seventh order:

That the Senate recede from its amendments as printed on page 1097 of the House Journal and pages 923 and 924 of the Senate Journal and that Engrossed House Bill No. 1261 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-04 and a new subsection to section 57-40.3-07 of the North Dakota Century Code, relating to registration of a motor vehicle; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

Failure to register upon gainful employment. A person operating a motor vehicle in violation of subdivision c or e of subsection 2 of section 39-04-18 shall purchase an annual registration for that motor vehicle for a fee that is not discounted from the appropriate amount listed in a table in section 39-04-19. A law enforcement officer may issue a registration for that vehicle and shall remit the registration fee to the department of transportation. The department shall provide for evidence of registration to be issued by a law enforcement officer enforcing subdivision c or e of subsection 2 of section 39-04-18.

SECTION 2. A new subsection to section 57-40.3-07 of the North Dakota Century Code is created and enacted as follows:

For a vehicle leased and registered or licensed in another state by a nonresident individual who is stationed as a member of the armed services of the United States in this state, the vehicle is exempt from tax imposed under this chapter and registration in this state must be issued upon application and payment of appropriate registration fees.

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

ReNUMBER accordingly

Engrossed HB 1261 was placed on the Seventh order of business on the calendar.

CONSIDERATION OF CONFERENCE COMMITTEE REPORT

REP. HAWKEN MOVED that the conference committee report on Engrossed HB 1261 be adopted as printed on HJ page 1097, which motion prevailed on a voice vote.

Engrossed HB 1261, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1261: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to the failure to register a motor vehicle upon becoming employed in this state.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bellew; Delzer; Froseth; Nottestad; Timm

ABSENT AND NOT VOTING: Gunter; Thorpe

Engrossed HB 1261 passed, the title was agreed to, and the emergency clause was declared carried.

VETO MEASURE

The Honorable LeRoy Bernstein
Speaker of the House
House Chamber
State Capitol
Bismarck, ND 58505

Re: House Bill 1228

Dear Speaker Bernstein:

I am returning HB 1228 and hereby veto the same. The bill would allow the Administrative Rules Committee to void any rule for reasons described in section 28-32-03.3. The Administrative Rules Committee is now limited to voiding any rules prospectively, meaning that it can "call up" only those rules being considered for adoption. Its authority does not extend to existing rules. HB 1228 would expand that authority and allow the Committee to "reach back" and call up any administrative rule regardless of how long it had been in place. My primary concern is the uncertainty that it creates in the business community and amount the taxpayers, who must know the rules under which they make investments and other decisions.

Administrative rules serve a valuable function within government by providing the framework under which many activities are conducted. They represent the Legislature's delegation of its authority to an administrative agency. An administrative rule can only be adopted after careful examination by the agency, approval by the Attorney General as to the rule's lawfulness and a review by the Legislative Council and the Administrative Rules Committee. Only then does a rule become valid.

The State has improved administrative rule making over the past several sessions. We provided the Administrative Rules Committee with limited oversight in 1995, giving the Committee the ability to reject proposed rules. We have required an economic analysis of the regulated community and a takings analysis by the agency. (NDCC 28-32-02.2 and 28-32-02.5) We require the agency to provide the Legislative Council with a copy of the proposed rule (Ch. 286, 1999 S.L.) and require agencies to amend and repeal rules adopted under federal guidelines that are not relevant to North Dakota's regulatory program. (Ch. 289, 1999 S.L.) This session we will require agencies to adopt procedures to allow citizens to request notice when a proposed rule will be reviewed by the Administrative Rules Committee (HB 1027); will require emergency rules to be approved by the Governor in advance (HB 1028); and will require the agency to provide a copy of each written comment and a summary of any oral comment to the Legislative Council as part of the publication of the rule. In short, we are improving the responsiveness of administrative rules. But, I believe we run the risk of going too far with HB 1228.

If there is a need to adjust existing administrative rules, there are a number of ways to do so. For example:

- The agency may review the rule itself.
- A taxpayer has the right to petition the agency for review of the existing rule, which is expressly provided by statute.
- If the taxpayer is dissatisfied with the agency response he can seek assistance from the executive branch or a legislator.
- The courts provide a remedy as well.
- And ultimately, the Legislature as a whole can review and modify any rule it chooses through the passage of a bill.

Finally, I am concerned about the direction we may be taking by expanding the Committee's authority in contravention of the authority of the entire Legislature. HB 1228 contemplates giving the Committee the authority to make law by striking down administrative rules, a direction that runs contrary to constitutional limits. This constitutional problem of delegating authority to a committee has been noted in the bill's own language that contemplates effective dates based upon a finding of unconstitutionality and by Justice Dale Sandstrom in the case of Ecklund v. Ecklund 538, N.W.2d. 182 (N.D. 1995).

I believe we are on the right track regarding administrative rules. I do not want to inject uncertainty into the private sector that needs confidence in the rules upon which it makes decisions. HB 1228 encroaches upon that certainty and the State's ability to provide a friendly arena in which to do business. For these reasons I must return HB 1228 and respectfully veto the same.

Sincerely,

John Hoeven
Governor

MOTION

REP. BELTER MOVED that HB 1228 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto and HB 1228 be placed on the Eleventh Order, which motion prevailed on a voice vote.

CONSIDERATION OF VETOED MEASURE

HB 1228: A BILL for an ACT to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to authority of the administrative rules committee 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 or in the alternative to amend and reenact subsection 1 of section 28-32-18 of the North Dakota Century Code, relating to authority of the administrative rules committee; and to provide an effective date.

ROLL CALL

The question being on the final passage of the enrolled bill over the Governor's veto, which has been read, the roll was called and there were 43 YEAS, 53 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bellew; Belter; Berg; Brandenburg; Brusegaard; Byerly; Carlson; DeKrey; Delzer; Devlin; Dosch; Froseth; Grande; Grosz; Johnson, D.; Kasper; Keiser; Kempenich; Klein, F.; Klein, M.; Klemin; Koppelman; Meier; Monson; Nelson; Nottestad; Pietsch; Pollert; Porter; Price; Rennerfeldt; Ruby; Sandvig; Severson; Skarphol; Svedjan; Thoreson, B.; Tieman; Timm; Wald; Weisz; Wrangham; Speaker Bernstein

NAYS: Aarsvold; Boehm; Boucher; Brekke; Carlisle; Clark; Cleary; Delmore; Disrud; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Galvin; Glassheim; Grumbo; Gulleson; Haas; Hanson; Hawken; Herbel; Huether; Hunskor; Jensen; Johnson, N.; Kelsch, R.; Kelsch, S.; Kerzman; Kingsbury; Kliniske; Koppang; Kretschmar; Kroeber; Lemieux; Lloyd; Mahoney; Maragos; Martinson; Metcalf; Mueller; Nicholas; Niemeier; Onstad; Renner; Schmidt; Solberg; Thoreson, L.; Warner; Weiler; Wentz; Wikenheiser; Winrich

ABSENT AND NOT VOTING: Gunter; Thorpe

The House has sustained the Governor's veto of HB 1228, as enrolled.

REPORT OF STANDING COMMITTEE

SB 2282, as engrossed: Transportation Committee (Rep. Weisz, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2282 was placed on the Fourteenth order on the calendar.

SECOND READING OF SENATE BILL

SB 2282: A BILL for an Act to provide for a legislative council study of methods to encourage production and consumption of ethanol.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 52 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Bellew; Belter; Berg; Brandenburg; Brusegaard; Carlson; DeKrey; Disrud; Dosch; Eckre; Froelich; Grande; Hawken; Herbel; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kerzman; Kingsbury; Klein, M.; Klemin; Kliniske; Koppang; Koppelman; Kretschmar; Maragos; Martinson; Monson; Nelson; Pietsch; Pollert; Price; Ruby; Schmidt; Svedjan; Tieman; Timm; Wald; Weisz; Wentz; Wikenheiser; Speaker Bernstein

NAYS: Boehm; Boucher; Brekke; Byerly; Carlisle; Clark; Cleary; Delmore; Delzer; Devlin; Drovdal; Ekstrom; Fairfield; Froseth; Galvin; Glassheim; Grosz; Grumbo; Gulleon; Haas; Hanson; Huether; Hunskor; Kasper; Keiser; Kelsh, S.; Kempenich; Klein, F.; Kroeber; Lemieux; Lloyd; Mahoney; Meier; Metcalf; Mueller; Nicholas; Niemeier; Nottestad; Onstad; Porter; Renner; Rennerfeldt; Sandvig; Severson; Skarphol; Solberg; Thoreson, B.; Thoreson, L.; Warner; Weiler; Winrich; Wrangham

ABSENT AND NOT VOTING: Gunter; Thorpe

SB 2282 lost.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act to provide an appropriation for defraying the expenses of the extension service, northern crops institute, upper great plains transportation institute, and the agricultural experiment station; to provide statements of legislative intent; to provide for a report to the budget section; and to amend and reenact sections 4-05.1-16, 4-05.1-17, 4-05.1-19, and 4-05.1-21 of the North Dakota Century Code, relating to the membership and duties of the state board of agricultural research and education, the compensation of board members, and the agricultural research fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Lemieux

ABSENT AND NOT VOTING: Delzer; Gunter; Thorpe

Engrossed SB 2021 passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

SB 2020, as reengrossed: Appropriations Committee (Rep. Timm, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (19 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Reengrossed SB 2020 was placed on the Sixth order on the calendar.

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

Page 1, after line 13, insert:
 "Information technology technical 422,300"
 education program development grants

Page 1, line 17, replace "28,756,397" with "29,178,697"

Page 1, line 19, replace "13,868,655" with "14,290,955"

Page 1, replace lines 20 through 24 with:

"SECTION 2. WORKFORCE DEVELOPMENT ACTIVITIES - WORKFORCE DEVELOPMENT COUNCIL REPORT TO FIFTY-EIGHTH LEGISLATIVE ASSEMBLY. The workforce development council shall prepare a report annually on workforce training and development activities of the North Dakota university system, job service North Dakota, department of human services, state board for vocational and technical education, department of commerce, and other workforce partners. The workforce development council shall present the reports to the House and Senate appropriations committees of the fifty-eighth legislative assembly.

SECTION 3. INFORMATION TECHNOLOGY TECHNICAL EDUCATION PROGRAM DEVELOPMENT GRANTS. The state board for vocational and technical education shall use the amount appropriated in the line item entitled information technology technical education program development grants in section 1 of this Act to contract with a nonprofit private entity to provide assistance to schools in information technology technical education program development.

SECTION 4. WORKFORCE TRAINING AND DEVELOPMENT - LEGISLATIVE COUNCIL STUDY. During the 2001-02 interim, the legislative council shall consider studying the various workforce training and development programs administered by agencies of the state of North Dakota and the feasibility and desirability of consolidating in a single agency the funding and administration of those programs. Agencies to be considered as part of the study include job service North Dakota, the department of economic development and finance, the state board for vocational and technical education, and the North Dakota university system. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Page 2, remove lines 1 through 19

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2020 - Vocational Education - House Action

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$3,066,412	\$2,946,750		\$2,946,750
Operating expenses	682,906	596,147		596,147
Equipment	60,000	60,000		60,000
Grants	23,274,665	22,920,288		22,920,288
Information technology technical education grants			\$422,300	422,300
Adult farm management	525,760	525,760		525,760
Workforce training	875,000	1,350,000		1,350,000
Postsecondary education vocational grants	357,452	357,452		357,452
Total all funds	\$28,842,195	\$28,756,397	\$422,300	\$29,178,697
Less estimated income	<u>14,990,919</u>	<u>14,887,742</u>		<u>14,887,742</u>
General fund	\$13,851,276	\$13,868,655	\$422,300	\$14,290,955
FTE	29.50	28.50	0.00	28.50

Dept. 270 - Vocational Education - Detail of House Changes

	ADD FUNDING FOR GRANT TO EXPLORNET 1	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses		
Equipment		
Grants		
Information technology technical education grants	\$422,300	\$422,300
Adult farm management		
Workforce training		
Postsecondary education vocational grants	_____	_____
Total all funds	\$422,300	\$422,300
Less estimated income	_____	_____
General fund	\$422,300	\$422,300
FTE	0.00	0.00

¹ An information technology technical education program development line item of \$422,300 is added for a grant to ExplorNet (a 501(c)(3) nonprofit corporation) for the purpose of providing services to schools to assist in information technology technical education program development.

This amendment removes Section 2 of the reengrossed bill, which required that prior to the distribution of fiscal year 2003 workforce training grants, each workforce training region certify that at least 75 percent of the regional funds estimated to be raised during the 2001-03 biennium were received or were pledged to be received.

This amendment adds a new Section 2, which requires the Workforce Development Council to prepare an annual report on workforce training and development activities offered through various state entities and to present that report to the Appropriations Committees of the Fifty-eighth Legislative Assembly.

This amendment adds Section 3, which provides that the \$422,300 amount added for information technology education grants is to be used to provide a grant to a nonprofit private entity to provide assistance to schools in information technology technical education program development.

This amendment adds Section 4, which directs the Legislative Council to consider studying the feasibility of consolidating in a single state agency the funding and administration of workforce training and development programs.

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act to provide an appropriation for defraying the expenses of the state board for vocational and technical education; 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, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Haas; Pollert

ABSENT AND NOT VOTING: Gunter; Thorpe

Engrossed SB 2020 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2012: Reps. Koppelman, Carlisle, Glassheim.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2015: Reps. B. Thoreson, Koppelman, Huether.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2019: Reps. Skarphol, Byerly, Huether.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2106: Reps. Brusegaard, D. Johnson, Hanson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2167: Reps. Lloyd, Wrangham, Onstad.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2229: Reps. Martinson, Carlisle, Aarsvold.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2347: Reps. Renner, Koppang, Froelich.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointments to a Conference Committee on SB 2419: Reps. Pietsch, Brandenburg, Mueller.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2114, SB 2117, SB 2121, SB 2144, SB 2223, SB 2359, SB 2370, SB 2371, SB 2420, SB 2443, SB 2444, SB 2446.

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

MR. PRESIDENT: The Speaker has signed: SB 2114, SB 2117, SB 2121, SB 2144, SB 2223, SB 2359, SB 2370, SB 2371, SB 2420, SB 2443, SB 2444, SB 2446.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2005, SB 2006, SB 2010, SB 2014, SB 2018, SB 2090, SB 2097, SB 2102, SB 2113, SB 2116, SB 2150, SB 2162, SB 2187, SB 2194, SB 2197, SB 2224, SB 2226, SB 2264, SB 2297, SB 2300, SB 2314, SB 2315, SB 2337, SB 2342, SB 2352, SB 2373, SB 2379, SB 2384, SB 2403, SB 2413, SCR 4048, SCR 4049.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1008, HB 1160, HB 1162, HB 1202, HB 1400.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1008, HB 1160, HB 1162, HB 1202, HB 1400.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2034, SB 2082, SB 2118, SB 2201, SB 2265, SB 2365.

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

MR. SPEAKER: The President has signed: HB 1002, HB 1011, HB 1014, HB 1016, HB 1017, HB 1018, HB 1021, HB 1065, HB 1115, HB 1182, HB 1210, HB 1215, HB 1226, HB 1233, HB 1251, HB 1318, HB 1358, HB 1363, HB 1371, HB 1377, HB 1398, HB 1426, HB 1456, HB 1467, HCR 3015, HCR 3016, HCR 3027, HCR 3035, HCR 3039, HCR 3042, HCR 3048.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2020, SB 2021, SB 2022.

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

MR. PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2095.

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

MR. PRESIDENT: The House has adopted the conference committee reports on SB 2204, SCR 4020, SB 2389, and SB 2345.

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

MR. PRESIDENT: The House has adopted the conference committee reports and subsequently passed: HB 1189 and HB 1261.

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

MR. PRESIDENT: The House has sustained the Governor's veto on HB 1228. The vote was 43 YEA, 53 NAYS, 2 ABSENT AND NOT VOTING.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2098 and SB 2454.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1462.

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

MR. SPEAKER: The Senate has adopted the conference committee reports and subsequently passed: HB 1058, HB 1269, and HB 1457.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4052.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3071.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2004, SB 2011, SB 2016, and SB 2104 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2004: Sens. Andrist; Grindberg; Robinson

SB 2011: Sens. Nething; Kringstad; Tallackson

SB 2016: Sens. Nething; Kringstad; Robinson

SB 2104: Sens. Wanzek; Erbele; Nichols

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for filing on April 9, 2001: HCR 3015, HCR 3016, HCR 3027, HCR 3035, HCR 3039, HCR 3042, HCR 3048.

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

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

HB 1003: Sens. Nething; Holmberg; Robinson

HB 1006: Sens. Kringstad; Schobinger; Tallackson

HB 1009: Sens. Bowman; Solberg; Tomac

HB 1023: Sens. Nething; Holmberg; Robinson

HB 1441: Sens. Lee; Kilzer; T. Mathern

HB 1460: Sens. Stenehjem; Grindberg; Kroeplin

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

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

SB 2012: Reps. Koppelman; Carlisle; Glassheim

SB 2015: Reps. B. Thoreson; Koppelman; Huether

SB 2019: Reps. Skarphol; Byerly; Huether

SB 2106: Reps. Brusegaard; D. Johnson; Hanson

SB 2167: Reps. Lloyd; Wrangham; Onstad

SB 2229: Reps. Martinson; Carlisle; Aarsvold

SB 2347: Reps. Renner; Koppang; Froelich

SB 2419: Reps. Pietsch; Brandenburg; Mueller

REPORT OF CONFERENCE COMMITTEE

HB 1066, as reengrossed: Your conference committee (Sens. Stenehjem, Trenbeath, Espegard and Reps. Grande, Kingsbury, Eckre) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1024-1025, adopt further amendments as follows, and place HB 1066 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1024 and 1025 of the House Journal and page 856 of the Senate Journal and that Reengrossed House Bill No. 1066 be amended as follows:

Page 1, line 1, after "to" insert "create and enact section 47-30.1-21.1 of the North Dakota Century Code, relating to credits abandoned stock; and to"

Page 1, after line 4, insert:

"SECTION 1. Section 47-30.1-21.1 of the North Dakota Century Code is created and enacted as follows:

47-30.1-21.1. Crediting of dividends or increments on stock to owner's account. Whenever property in the form of stock is paid or delivered to the administrator under this chapter, the owner is entitled to receive any dividends or other increments realized or accruing on the stock for as long as the stock is held by the administrator."

Page 1, line 15, remove "electronic or printed"

Page 1, line 16, remove the overstrike over "~~in a newspaper of general circulation in the county in which the property is to~~"

Page 1, line 17, remove the overstrike over "~~be sold~~"

Renumber accordingly

Reengrossed HB 1066 was placed on the Seventh order of business on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

SCR 4052: A concurrent resolution for the amendment of section 8 of article VII of the Constitution of North Dakota, relating to the residency of a candidate for county elective office and to permit the legislative assembly to provide for the election of a county elective officer, other than the sheriff, to serve in more than one county.

Was read the first time and referred to the **Political Subdivisions Committee**.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Tuesday, April 10, 2001, which motion prevailed.

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

MARK L. JOHNSON, Chief Clerk

