

JOURNAL OF THE HOUSE

Fifty-sixth Legislative Assembly

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Bismarck, April 14, 1999

The House convened at 8:00 a.m., with Speaker Wald presiding.

The prayer was offered by Carol Dx. Two Eagle, Keeper of a Sacred Pipe for the People, Standing Rock Community.

The roll was called and all members were present except Representatives Bernstein, Byerly, Mueller, Nicholas, Stefonowicz, and Sveen.

A quorum was declared by the Speaker.

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

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

HB 1131: Sens. Cook; B. Stenehjem; Thompson

ANNOUNCEMENT

THE SPEAKER ANNOUNCED that Representative Dorso would replace Representative Byerly on the Conference Committee on SB 2015.

REPORT OF CONFERENCE COMMITTEE

HB 1022, as engrossed: Your conference committee (Sens. St. Aubyn, Nething, Robinson and Reps. Dalrymple, Wentz, Nichols) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1092, adopt amendments as follows, and place HB 1022 on the Seventh order:

That the Senate recede from its amendments as printed on page 1092 of the House Journal and pages 942 and 943 of the Senate Journal and that Engrossed House Bill No. 1022 be amended as follows:

Page 1, replace lines 16 and 17 with:

"Department of corrections and rehabilitation	Pine cottage - Youth correctional center	1,475,000"
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Page 2, replace lines 4 through 7 with:

"The department of corrections and rehabilitation may obtain and utilize federal funds to assist in the renovation of pine cottage at the youth correctional center. There is hereby appropriated to the department of corrections and rehabilitation the sum of \$500,000, or so much of the sum as may be necessary, from any federal or other funds that may become available for this project for the biennium beginning July 1, 1999, and ending June 30, 2001."

Page 2, line 8, replace "10,915,000" with "10,890,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 405 - INDUSTRIAL COMMISSION

CONFERENCE COMMITTEE - This amendment removes the \$2 million of bonding for the electrical distribution, steamline distribution, and roof replacement projects at the State College of Science. These projects were funded with \$2 million of general fund moneys in House Bill No. 1003, the appropriation bill for the North Dakota University System.

The amendment adds \$1,475,000 of bonding and \$500,000 of federal or other funds for a total project cost of \$1,975,000 for the Pine Cottage renovation project at the Youth Correctional Center.

Engrossed HB 1022 was placed on the Seventh order of business on the calendar.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1003, HB 1016, HB 1475.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2242.

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

MADAM PRESIDENT: The House has adopted the conference committee report on SCR 4033.

REPORT OF CONFERENCE COMMITTEE

REP. KEISER MOVED that the conference committee report on Engrossed HB 1011 be adopted, which motion prevailed.

Reengrossed HB 1011 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1011: A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bernstein; Byerly; Stefonowicz

Reengrossed HB 1011 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. WEISZ MOVED that the conference committee report on Engrossed HB 1038 be adopted, which motion prevailed.

Reengrossed HB 1038 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1038: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to medical assistance coverage of prehospital emergency medical services; to amend and reenact section 23-27-04.2 of the North Dakota Century Code, relating to state assistance to prehospital emergency medical services; and to provide legislative intent regarding state department of health assistance for prehospital emergency medical services and department of human services medical assistance reimbursement rates.

CONFLICT OF INTEREST

REP. PORTER STATED that he had a conflict of interest on HB 1038 and requested permission to vote.

MOTION

REP. DORSO MOVED that Representative Porter be allowed to vote on Engrossed HB 1038, which motion prevailed.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bernstein; Byerly; Stefonowicz

Reengrossed HB 1038 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. DORSO MOVED that the conference committee report on Engrossed HB 1108 be adopted, which motion prevailed.

Reengrossed HB 1108 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1108: A BILL for an Act to create and enact five new sections to chapter 57-34 of the North Dakota Century Code, relating to the audit and assessment of telecommunications carriers, deficiency notice, protest and appeal procedure, claim for credit or refund of the tax on telecommunications carriers, preservation of records, and resale certificates; to amend and reenact sections 57-34-01, 57-34-02, 57-34-03, 57-34-06, and 57-34-10 of the North Dakota Century Code, relating to definitions, identification of taxable resellers and pay telephone operators, elimination of tentative assessments, allocation of revenue, filing extensions, tax liabilities of less than five dollars, and interest and lien provisions; to provide for retroactive application; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 75 YEAS, 20 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Carlisle; Carlson; Clark; Dalrymple; Delmore; Delzer; Disrud; Dorso; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleson; Gunter; Haas; Hawken; Henegar; Herbel; Huether; Johnson, D.; Johnson, N.; Keiser; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Renner; Rennerfeldt; Sandvig; Schmidt; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Wentz; Wikenheiser; Speaker Wald

NAYS: Aarsvold; Cleary; DeKrey; Devlin; Ekstrom; Fairfield; Hanson; Hoffner; Jensen; Kelsch, R.; Kelsh, S.; Kroeber; Lemieux; Maragos; Niemeier; Price; Rose; Solberg; Weisz; Winrich

ABSENT AND NOT VOTING: Bernstein; Byerly; Stefonowicz

Reengrossed HB 1108 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. MICKELSON MOVED that the conference committee report on HB 1131 be adopted, which motion prevailed.

Engrossed HB 1131 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1131: A BILL for an Act to amend and reenact subdivisions b and e of subsection 4 of section 39-08-01 and section 39-08-01.3 of the North Dakota Century Code, relating to the penalties for operating a vehicle while under the influence of intoxicating liquor or drugs; 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 89 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Cleary; Froelich; Herbel; Hoffner; Meyer; Nichols

ABSENT AND NOT VOTING: Bernstein; Byerly; Stefonowicz

Engrossed HB 1131 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. BERG MOVED that the conference committee report on Engrossed HB 1135 be adopted, which motion prevailed.

Reengrossed HB 1135 was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1135: A BILL for an Act to amend and reenact sections 52-04-05, 52-04-06, 52-04-09, and 52-06-05 of the North Dakota Century Code, relating to the required level of the unemployment compensation trust fund reserve, employer contribution rates, and maximum potential benefits.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bernstein; Byerly; Stefonowicz

Reengrossed HB 1135 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. MICKELSON MOVED that the conference committee report on Engrossed HB 1462 be adopted.

REQUEST

REP. THORPE REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on HB 1462, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on HB 1462, the roll was called and there were 42 YEAS, 53 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg; Boucher; Brusegaard; Carlisle; Carlson; Clark; Dalrymple; Devlin; Disrud; Dorso; Drovdal; Froseth; Gorder; Gunter; Hawken; Herbel; Huether; Johnson, D.; Keiser; Kempenich; Klein; Klemm; Kliniske; Maragos; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Price; Severson; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Wentz

NAYS: Belter; Boehm; Brandenburg; Brekke; Byerly; Cleary; Delmore; Delzer; Eckre; Ekstrom; Fairfield; Froelich; Galvin; Glassheim; Grande; Grosz; Grumbo; Gulleson; Haas; Hanson; Henegar; Hoffner; Jensen; Johnson, N.; Kelsch, R.; Kelsch, S.; Kerzman; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Meyer; Mueller; Nichols; Niemeier; Nowatzki; Porter; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Solberg; Thorpe; Warner; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Bernstein; DeKrey; Stefonowicz

The conference committee report on Engrossed HB 1462 failed.

MOTION

REP. DORSO MOVED that the same conference committee members of Representatives Mickelson, Timm, and Warner be reappointed to the Conference Committee on Engrossed HB 1462, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. BYERLY MOVED that the conference committee report on Engrossed SB 2023 be adopted, which motion prevailed.

Engrossed SB 2023, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to provide an appropriation to the public service commission; to provide for a study by the state engineer of the feasibility and desirability of constructing dams and other impoundments in the Pembina River watershed; 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 89 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Carlson; Cleary; Delzer; Lemieux; Nichols; Sandvig

ABSENT AND NOT VOTING: Bernstein; DeKrey; Stefonowicz

Engrossed SB 2023, as amended, passed, the title was agreed to, and the emergency clause carried.

REPORT OF CONFERENCE COMMITTEE

REP. DELZER MOVED that the conference committee report on Engrossed SB 2168 be adopted, which motion prevailed.

Engrossed SB 2168, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2168: A BILL for an Act to create and enact a new chapter to title 6, a new section to chapter 50-24.4, and a new chapter to title 50 of the North Dakota Century Code, relating to a funding pool to establish the North Dakota health care trust fund to make grants and loans to support development of basic care facilities, assisted living facilities, and other alternatives to nursing facility care; to repeal chapter 50-21 of the North Dakota Century Code, relating to the administration of a revolving fund for nursing homes and homes for aged; to provide continuing appropriations to make funding pool payments and disbursements from the North Dakota health care trust fund; to declare a retroactive application; to provide an appropriation; to provide an expiration date; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bernstein; DeKrey; Stefonowicz

Engrossed SB 2168, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

REP. D. JOHNSON MOVED that the conference committee report on Engrossed SB 2344 be adopted, which motion prevailed.

Engrossed SB 2344, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

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

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

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

NAYS: Boucher; Ekstrom; Fairfield; Gulleson; Kelsh, S.; Lemieux; Lundgren; Meyer; Thorpe; Winrich

ABSENT AND NOT VOTING: Bernstein; DeKrey; Stefonowicz

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

ANNOUNCEMENT

THE SPEAKER ANNOUNCED that Representative Boucher would replace Representative Huether on the Conference Committee on SB 2015.

REPORT OF CONFERENCE COMMITTEE

REP. BRUSEGAARD MOVED that the conference committee report on Engrossed SB 2355 be adopted, which motion prevailed on a verification vote.

Engrossed SB 2355, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2355: A BILL for an Act to amend and reenact sections 11-33-02 and 58-03-11 of the North Dakota Century Code, relating to zoning regarding farming and ranching.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 52 YEAS, 43 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Belter; Berg; Boehm; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; Delzer; Disrud; Dorso; Froelich; Froseth; Gorder; Grande; Grosz; Gunter; Haas; Herbel; Huether; Johnson, D.; Johnson, N.; Kelsch, R.; Kempenich; Klemin; Kliniske; Koppang; Koppelman; Lloyd; Maragos; Meyer; Mickelson; Monson; Nelson; Nicholas; Nottestad; Pollert; Poolman; Porter; Renner; Rennerfeldt; Severson; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Weisz; Speaker Wald

NAYS: Aarsvold; Boucher; Cleary; Delmore; Devlin; Drovda; Eckre; Ekstrom; Fairfield; Galvin; Glasheim; Grumbo; Guleson; Hanson; Hawken; Henegar; Hoffner; Jensen; Keiser; Kelsh, S.; Kerzman; Klein; Kroeber; Lemieux; Lundgren; Mahoney; Martinson; Metcalf; Mueller; Nichols; Niemeier; Nowatzki; Price; Rose; Sandvig; Schmidt; Solberg; Sveen; Thorpe; Warner; Wentz; Wikenheiser; Winrich

ABSENT AND NOT VOTING: Bernstein; DeKrey; Stefonowicz

Engrossed SB 2355, as amended, passed and the title was agreed to.

MOTION

REP. DORSO MOVED that all action taken by the House this morning be messaged to the Senate immediately, which motion prevailed.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2023, SB 2168, SB 2344, SB 2355.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1011, HB 1038, HB 1108, HB 1131, HB 1135.

MOTION

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

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 2009.

REPORT OF CONFERENCE COMMITTEE

SB 2009, as engrossed: Your conference committee (Sens. Solberg, Naaden, Tomac and Reps. Lloyd, Boehm, Nichols) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1097-1100, adopt amendments as follows, and place SB 2009 on the Seventh order:

That the House recede from its amendments as printed on pages 1097-1100 of the Senate Journal and pages 1159-1162 of the House Journal and that Engrossed Senate Bill No. 2009 be amended as follows:

Page 1, line 2, replace the first "and" with "to create a legislative council committee; to provide an appropriation to the legislative council; to provide a statement of legislative intent; to

provide for a transfer; to create and enact a new subdivision to subsection 1 of section 57-38-01.2 and a new subdivision to subsection 3 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax exemption for indemnities received for destruction of cattle;"; replace "section" with "sections", and after "4-01-21" insert ", 4-35-06.3, and 19-18-04"

Page 1, line 3, after "to" insert "the minor use pesticide fund," and after "commissioner" insert ", and pesticide registration fees; to provide an effective date; to provide an expiration date; and to declare an emergency"

Page 1, remove line 11

Page 1, line 13, replace "3,053,452" with "3,128,452"

Page 1, line 14, replace "828,957" with "778,957"

Page 1, line 18, replace "851,681" with "801,681"

Page 1, line 24, replace "553,907" with "573,907"

Page 2, line 2, replace "8,599,579" with "8,594,579"

Page 2, line 3, replace "4,068,216" with "4,133,216"

Page 2, line 4, replace "4,531,363" with "4,461,363"

Page 2, after line 11, insert:

"SECTION 3. AMENDMENT. Section 4-35-06.3 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-35-06.3. Minor use pesticide fund - Continuing appropriation. The minor use pesticide fund is created as a special fund in the state treasury. All moneys in the fund are appropriated on a continuing basis to the pesticide control board for the purpose of conducting or commissioning studies, investigations, and evaluations regarding the registration and use of pesticides for minor crops, minor uses, and ~~emergency uses~~ other uses as determined by the board.

SECTION 4. AMENDMENT. Section 19-18-04 of the North Dakota Century Code is amended and reenacted as follows:

19-18-04. Registration - Fees.

1. Any person before selling or offering for sale any pesticide for use within this state shall file biennially with the commissioner an application for registration of the pesticide. The application must:
 - ~~4-~~ a. Give the name and address of each manufacturer or distributor.
 - ~~2-~~ b. Give the name and brand of each product registered.
 - ~~3-~~ c. Be accompanied by a current label of each product so registered.
 - ~~4-~~ d. Be accompanied by a registration fee of three hundred fifty dollars for each product registered. At the close of each calendar month, the commissioner shall transmit to the state treasurer all moneys received for the registrations. The state treasurer shall credit fifty dollars for each registered product to the general fund in the state treasury and the remainder of the registration fee for each registered product to the environment and rangeland protection fund.
 - ~~5-~~ e. Be accompanied by a material safety data sheet.
2. The commissioner may require an applicant or registrant to provide efficacy, toxicity, residue, and any other data necessary to determine if the pesticide will perform its intended function without unreasonable adverse effects on the environment. If the commissioner finds that the application conforms to law, the commissioner shall issue to the applicant a certificate of registration of the product. If after public hearing before the

commissioner the application is denied, the product may not be offered for sale.

3. Each registration covers a two-year period beginning January first and expiring December thirty-first of the following year. A certificate of registration may not be issued for a term longer than two years, and is not transferable from one person to another, or from the ownership to whom issued to another ownership, or from one place to another place or location. A penalty of fifty percent of the license or registration fee must be imposed if the license or certificate of registration is not applied for on or before January thirty-first following the expiration date, or within the same month the pesticides are first manufactured or sold within this state. Each product must go through a two-year discontinuance period in order to clear all outstanding products in the channel of trade.
4. This section does not apply to a pesticide sold by a retail dealer if the registration fee has been paid by the manufacturer, jobber, or any other person, as required by this section.

SECTION 5. A new subdivision to subsection 1 of section 57-38-01.2 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

Reduced by an amount equal to any indemnity received under this Act for the destruction of cattle infected or suspected of being infected with bovine tuberculosis.

SECTION 6. A new subdivision to subsection 3 of section 57-38-30.3 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

An amount equal to any indemnity received under this Act for the destruction of cattle infected or suspected of being infected with bovine tuberculosis."

Page 2, line 14, replace "\$1,860,576" with "\$1,925,576"

Page 2, after line 21, insert:

"SECTION 9. ESTIMATED INCOME - GAME AND FISH FUND. The estimated income line item in section 1 of this Act includes the sum of \$200,000, or so much of the sum as may be necessary, from the game and fish department operating fund for the waterbank program for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 10. TRANSFER. The office of management and budget shall transfer \$285,000 from the environment and rangeland protection fund to the minor use pesticide fund for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 11. LEGISLATIVE COUNCIL - CROP HARMONIZATION COMMITTEE. The legislative council shall create a crop harmonization committee consisting of the chairman of the house agriculture committee, the chairman of the senate agriculture committee, and three other individuals appointed by the legislative council chairman, one of whom must represent the crop protection manufacturing industry. In consultation with the pesticide control board, the committee shall:

1. Identify and prioritize crop protection product labeling needs;
2. Explore the extent of authority given to this state under the federal Insecticide, Fungicide, and Rodenticide Act;
3. Identify the data necessary to enable registration of a use to occur in a timely manner;
4. Determine what research, if any, is necessary to fulfill data requirements for activities listed in this section and communicate its findings to the agriculture commissioner;
5. Request the agriculture commissioner to pursue specific research funding options from public and private sources; and

6. Report to the legislative council in the same manner as do other interim legislative council committees.

SECTION 12. APPROPRIATION - LEGISLATIVE COUNCIL. There is hereby appropriated out of any moneys in the minor use pesticide fund in the state treasury, not otherwise appropriated, the sum of \$15,000, or so much of the sum as may be necessary, out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$15,000, or so much of the sum as may be necessary, and from special funds derived from grants or donation income, the sum of \$150,000, or so much of the sum as may be necessary, to the legislative council for the purpose of addressing crop protection product registration and labeling as provided for in section 11 of this Act for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 13. LEGISLATIVE INTENT. It is the intent of the fifty-sixth legislative assembly that the agriculture commissioner, agricultural experiment station, and North Dakota state university extension service use resources available to them to assist in the registration of crop protection pesticides in cooperation with the crop protection industry for use in the North Dakota agriculture industry for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 14. APPROPRIATION - BOARD OF ANIMAL HEALTH - 1997-99 BIENNIUM. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$65,000, or so much of the sum as may be necessary, to the agriculture commissioner for the purpose of paying an indemnity and other expenses associated with destroying a herd of cattle infected with bovine tuberculosis for the period beginning with the effective date of this Act and ending June 30, 1999.

SECTION 15. BUDGET SECTION REPORT. The agriculture commissioner and the state veterinarian shall periodically report to the budget section on the status of the bovine tuberculosis disease in cattle and associated costs during the 1999-2000 interim.

SECTION 16. EFFECTIVE DATE - EXPIRATION DATE. Sections 5 and 6 of this Act are effective for the first two taxable years beginning after December 31, 1998, and are thereafter ineffective.

SECTION 17. EXPIRATION DATE. Section 4 of this Act is effective through June 30, 2001, and after that date is ineffective.

SECTION 18. EMERGENCY. Section 14 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 160 - LEGISLATIVE COUNCIL

CONFERENCE COMMITTEE - This amendment creates for the 1999-2000 interim an interim Crop Harmonization Committee and appropriates \$180,000, \$15,000 of which is from the general fund, \$15,000 of which is from the minor use pesticide fund, and up to \$150,000 of grants or donations to the committee to address crop protection registration and labeling issues. The House had established a crop protection task force and appropriated \$300,000 from the environment and rangeland protection fund to the task force for addressing these issues.

DEPARTMENT 602 - AGRICULTURE DEPARTMENT

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE COMPARISON TO HOUSE VERSION
Salaries and wages	\$3,130,530	\$3,053,452	\$75,000	\$3,128,452	\$3,083,452	\$45,000
Operating expenses	828,957	828,957	(50,000)	778,957	628,957	150,000
Equipment	22,900	22,900		22,900	22,900	
Grants	161,700	161,700		161,700	161,700	
Board of Animal Health	506,818	502,922		502,922	502,922	
Ag mediation	857,818	851,681	(50,000)	801,681	776,681	25,000
Ag in the classroom	96,000	96,000		96,000	96,000	
Anhydrous ammonia storage	8,154	8,154		8,154	8,154	

Waterbank program	414,000	414,000		414,000	414,000	
Pride of Dakota	151,841	151,516		151,516	151,516	
Wildlife services	779,694	779,694		779,694	779,694	
Safe Send	554,363	553,907	20,000	573,907	573,907	
Noxious weeds	1,174,696	1,174,696		1,174,696	1,174,696	
Total all funds	\$8,687,471	\$8,599,579	(\$5,000)	\$8,594,579	\$8,374,579	\$220,000
Less special funds	4,080,342	4,068,216	65,000	4,133,216	4,033,216	100,000
General fund	\$4,607,129	\$4,531,363	(\$70,000)	\$4,461,363	\$4,341,363	\$120,000
FTE	46.00	47.00	0.50	47.50	46.00	1.50

Detail of Conference Committee changes to the Senate version includes:

	RESTORE FUNDING FOR PLANT SERVICES PROGRAM	REDUCE OPERATING EXPENSES	REDUCE AGRICULTURE MEDIATION	ADD FUNDING FOR COMPUTERS	ADD AG CHEMICAL REGISTRATION POSITION	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$30,000 ¹				\$45,000 ⁵	\$75,000
Operating expenses		(\$50,000) ²				(50,000)
Equipment						
Grants						
Board of Animal Health						
Ag mediation			(\$50,000) ³			(50,000)
Ag in the classroom						
Anhydrous ammonia storage						
Waterbank program						
Pride of Dakota						
Wildlife services						
Safe Send				\$20,000 ⁴		20,000
Noxious weeds						
Total all funds	\$30,000	(\$50,000)	(\$50,000)	\$20,000	\$45,000	(\$5,000)
Less special funds				20,000	45,000	65,000
General fund	\$30,000	(\$50,000)	(\$50,000)	\$0	\$0	(\$70,000)
FTE	0.00	0.00	0.00	0.00	0.50	0.50

Conference Committee changes narrative:

- ¹ Restores funding reduced by the Senate for temporary and overtime salaries in the plant services program, the same as the House version.
- ² Reduces operating expenses. The commissioner may determine the specific areas of reduction within this line item. The House had reduced the operating expenses line item by \$200,000 and allowed the commissioner line item transfer authority of up to \$100,000 without Emergency Commission approval.
- ³ Reduces the agriculture mediation line item by \$50,000 from the general fund. The House had reduced this line item by \$75,000, \$20,000 of which was from the general fund and had eliminated one FTE position. The conference committee did not remove an FTE position for agriculture mediation.
- ⁴ Adds funding from the environment and rangeland protection fund for purchasing computers and related costs for Project Safe Send.
- ⁵ Adds \$45,000 from the environment and rangeland protection fund for a .5 FTE position for minor use product registration activities, including writing and preparing federal Sections 18 and 24 crop pesticide registrations for minor use labeling. The department may use this funding to increase a .5 FTE position to a one FTE position for performing these activities.

Sections are added that:

Expand the use of the minor use pesticide fund for registering pesticides on more than just minor crops.

Increase the biennial pesticide registration fee from \$300 to \$350. The additional funds collected will be deposited in the environment and rangeland protection fund. The increase is effective only through June 30, 2001. The House had increased this fee by \$100 and deposited \$17 of the increase into the general fund and the remaining \$83 into the environment and rangeland protection fund.

Transfer \$285,000 from the environment and rangeland protection fund to the minor use pesticide fund. The House had provided for a transfer of \$85,000.

Provide legislative intent that the Agriculture Department, the Agricultural Experiment Station, and the NDSU Extension Service use resources available to them to assist in the registration of crop protection pesticides in cooperation with the crop protection industry for use in North Dakota.

Appropriate \$65,000 from the general fund for the remainder of the 1997-99 biennium for indemnifying the owner and paying other expenses associated with destroying cattle infected with bovine tuberculosis. The House had appropriated \$25,000 for this purpose.

Provide for periodic reports to the Budget Section on the status of the bovine tuberculosis infection in cattle in North Dakota and associated costs during the 1999-2000 interim.

Allow an income tax exemption for 1999 and 2000 for any indemnity received as a result of the bovine tuberculosis infection in cattle herds in North Dakota.

Sections added by the House are not included which would have provided that the Agriculture Commissioner charge wholesalers and manufacturers for the actual costs of disposing of their products under Project Safe Send and that products which are not a direct danger to the public should be disposed of by the owner in a proper manner rather than under Project Safe Send.

Engrossed SB 2009 was placed on the Seventh order of business on the calendar.

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

MADAM PRESIDENT: The Speaker has appointed Rep. Boucher to replace Rep. Huether on the Conference Committee on SB 2015.

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

MADAM PRESIDENT: The Speaker has appointed Rep. Dorso to replace Rep. Byerly on the Conference Committee on SB 2015.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on HB 1462. The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1462: Reps. Mickelson; Timm; Warner

THE HOUSE RECONVENED, with Speaker Wald presiding.

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

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

HB 1462: Sens. Wardner; Urlacher; Kinnoin

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-seventh Day and reexamined the Journal of the Fifty-eighth Day and recommends that they be corrected as follows and when so corrected, recommends that they be approved:

Page 1075, after line 38, insert:

"APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2020: Reps. Monson, Boehm, Aarsvold."

Page 1081, after line 1, insert:

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

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

SB 2020: Reps. Monson; Boehm; Aarsvold"

Page 1416, line 27, replace "C." with "G."

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

REPORT OF CONFERENCE COMMITTEE

REP. DALRYMPLE MOVED that the conference committee report on Engrossed HB 1022 be adopted, which motion prevailed.

Engrossed HB 1022, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1022: A BILL for an Act to provide an appropriation for capital projects of various state departments and institutions; to authorize the industrial commission to issue and sell bonds for capital projects; to provide an appropriation; 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 88 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Carlson; Delzer; Devlin; Drovdal; Grande; Grosz; Weisz

ABSENT AND NOT VOTING: Bernstein; Galvin; Stefonowicz

Reengrossed HB 1022 passed, the title was agreed to, and the emergency clause was declared carried.

ANNOUNCEMENT

THE SPEAKER ANNOUNCED that Representative Dalrymple would replace Representative Monson on the Conference Committee on SB 2020.

REPORT OF CONFERENCE COMMITTEE

REP. LLOYD MOVED that the conference committee report on Engrossed SB 2009 be adopted.

REQUEST

REP. GULLESON REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed SB 2009, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed SB 2009, the roll was called and there were 59 YEAS, 36 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Boucher; Cleary; Delmore; Eckre; Ekstrom; Fairfield; Froelich; Glassheim; Gorder; Grumbo; Gulleson; Hanson; Hoffner; Huether; Johnson, D.; Kelsh, S.; Kerzman; Kroeber; Lemieux; Lundgren; Mahoney; Metcalf; Meyer; Mueller; Nelson; Nichols; Niemeier; Nowatzki; Rose; Sandvig; Schmidt; Solberg; Thorpe; Warner; Winrich

ABSENT AND NOT VOTING: Bernstein; Galvin; Stefonowicz

The conference committee report on Engrossed SB 2009 was adopted.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; to create a legislative council committee; to provide an appropriation to the legislative council; to provide a statement of legislative intent; to provide for a transfer; to create and enact a new subdivision to subsection 1 of section

57-38-01.2 and a new subdivision to subsection 3 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax exemption for indemnities received for destruction of cattle; to amend and reenact sections 4-01-21, 4-35-06.3, and 19-18-04 of the North Dakota Century Code, relating to the minor use pesticide fund, the salary of the agriculture commissioner, and pesticide registration fees; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 80 YEAS, 15 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Boucher; Cleary; Ekstrom; Fairfield; Gulleson; Hanson; Hoffner; Kelsh, S.; Kroeber; Lemieux; Lundgren; Rose; Sandvig; Solberg; Winrich

ABSENT AND NOT VOTING: Bernstein; Galvin; Stefonowicz

Engrossed SB 2009, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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

MADAM PRESIDENT: The Speaker has appointed Rep. Dalrymple to replace Rep. Monson on the Conference Committee on SB 2020.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1022.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2009.

MOTION

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

DELIVERY OF VETOED MEASURE AND CERTIFICATION

The following enrolled House bill along with the veto certification was delivered to the Secretary of State for filing on April 13, 1999: HB 1266.

REPORT OF CONFERENCE COMMITTEE

HB 1012, as engrossed: Your conference committee (Sens. Nething, Kringstad, Robinson and Reps. Byerly, Poolman, Gulleson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1193-1196, adopt amendments as follows, and place HB 1012 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1193-1196 of the House Journal and pages 1064-1067 of the Senate Journal and that Engrossed House Bill No. 1012 be amended as follows:

Page 1, line 2, after "transportation" insert "; to provide an appropriation to the department of corrections and rehabilitation; to provide for a legislative council study; to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to commemorative Lewis and Clark number plates; and to amend and reenact sections 39-04-08.1, 39-04-11, and subsection 4 of section 39-04-19 of the North Dakota Century Code, relating to the display of and fees for number plates and tabs"

Page 1, line 9, replace "25,797,360" with "25,957,360"

Page 1, line 10, replace "7,413,072" with "7,913,072"

Page 1, line 11, replace "9,281,759" with "9,448,859"

Page 1, line 12, replace "553,523,851" with "548,126,965"

Page 1, line 13, replace "34,677,551" with "33,751,351"

Page 1, line 14, replace "630,693,593" with "625,197,607"

Page 1, after line 20, insert:

"SECTION 3. APPROPRIATION - ROUGHRIDER INDUSTRIES. There is hereby appropriated from special funds, derived from income, the sum of \$300,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of defraying the expenses associated with the production of a Lewis and Clark commemorative license plate for the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 4. LEGISLATIVE COUNCIL STUDY. The legislative council shall consider studying, during the 1999-2000 interim, the fleet services program of the department of transportation. The study should include a review, the cost-effectiveness of the program, and the methods used to project and set motor pool rates.

SECTION 5. A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

Commemorative Lewis and Clark number plates. The director shall design and issue a distinctive number plate commemorating Lewis and Clark. An applicant is entitled to receive this plate upon payment of an additional fee of ten dollars per registration period between December 1, 1999, and June 30, 2001. All additional fees collected under this section must be deposited in the highway fund for the purpose of funding the general issuance of the commemorative Lewis and Clark plate after June 30, 2001.

SECTION 6. AMENDMENT. Section 39-04-08.1 of the North Dakota Century Code is amended and reenacted as follows:

39-04-08.1. Assignment of motor vehicle number plates. Motor vehicle number plates may not be assigned as a reward for any political activity, in recognition of any political affiliation or membership in any political party, or on the basis of political favoritism. However, an elected state office may be assigned a single or double digit number on a number plate as requested by that official. Except as provided in sections 39-04-10 and 39-04-10.3, the department shall charge a nonrefundable fee of ten dollars if an applicant chooses a number plate other than the number plate randomly assigned. The department of transportation shall may adopt rules governing the assignment of numbers on motor vehicle number plates in accordance with this section.

SECTION 7. AMENDMENT. Section 39-04-11 of the North Dakota Century Code is amended and reenacted as follows:

39-04-11. Display of number plates and tabs. Except as otherwise specifically provided, ~~no~~ a person may not operate or drive a vehicle on the public highways of this state unless the vehicle has a distinctive number assigned to it by the department, and two number plates, bearing the distinctive number conspicuously displayed, horizontally and in an upright position, one on the front and one on the rear of the vehicle, each securely fastened, except number plates assigned to a motorcycle, trailer, or housetrailer must be attached to the rear thereof. When only one number plate is furnished for an apportioned vehicle licensed under the international registration plan as authorized in section 39-19-04, truck tractor, or semitrailer, the plate must be attached to the front of the apportioned vehicle or truck tractor and the rear of the semitrailer. The bottom of each number plate must be at a height of not less than twelve inches [30.48 centimeters] above the level surface upon which the vehicle stands. Each plate must be mounted in a manner that does not cover any words, letter, or number on the plate. As far as is reasonably possible, the plates must at all times be kept free and clear of mud, ice, or snow so as to be clearly visible and all number plates, markers, or evidence of registration or licensing except for the current year must be removed from the vehicle. All vehicle license plates issued by the department continue to be the property of the state of North Dakota for the period for which the

plates are valid. An annual registration tab or sticker for the current registration year must be displayed on each number plate, in the area designated by the department for the tab or sticker, in those years for which tabs or stickers are issued in lieu of number plates.

SECTION 8. AMENDMENT. Subsection 4 of section 39-04-19 of the North Dakota Century Code is amended and reenacted as follows:

4. Every trailer, semitrailer, and farm trailer required to be registered under this chapter must be furnished registration plates upon the payment of a twenty dollar annual fee. Every trailer, semitrailer, or farm trailer not required to be registered under this chapter must be furnished an identification plate upon the payment of a fee of five dollars. Upon the request of a person with a trailer or farm trailer to whom a registration or identification plate is provided under this subsection, the department shall provide a plate of the same size as provided for a motorcycle. The department shall provide notification of this option to the person before the replacement or issuance of the plate."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 530 - DEPARTMENT OF CORRECTIONS AND REHABILITATION

CONFERENCE COMMITTEE - A section is added appropriating \$300,000 of special funds to Roughrider Industries for producing Lewis and Clark license plates. The House did not include any funding and the Senate version had included \$1.7 million for producing the plates because under the Senate version the general issuance of the plates would have begun in December 2000 rather than July 2001.

DEPARTMENT 801 - DEPARTMENT OF TRANSPORTATION

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Administration	\$26,902,044	\$25,797,360	\$160,000	\$25,957,360	\$25,957,360	
Motor vehicle	10,646,562	7,413,072	500,000	7,913,072	9,713,072	(\$1,800,000)
Driver's license	9,352,175	9,281,759	167,100	9,448,859	9,448,859	
Highways	553,629,335	553,523,851	(5,396,886)	548,126,965	548,126,965	
Fleet services	34,708,905	34,677,551	(926,200)	33,751,351	33,751,351	
Total all funds	\$635,239,021	\$630,693,593	(\$5,495,986)	\$625,197,607	\$626,997,607	(\$1,800,000)
Less special funds	<u>635,239,021</u>	<u>630,693,593</u>	<u>(5,495,986)</u>	<u>625,197,607</u>	<u>626,997,607</u>	<u>(1,800,000)</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	1,042.00	1,040.00	0.00	1,040.00	1,040.00	0.00

Detail of Conference Committee changes to the House version includes:

	RESTORE INFORMATION TECHNOLOGY FUNDING	RESTORE TEMPORARY SALARIES AND REPAIRS	RESTORE TEMPORARY SALARIES	RESTORE REPAIRS AND EQUIPMENT	REDUCE INSURANCE AND EQUIPMENT LEASE/RENTALS	REDUCE HIGHWAY CONSTRUCTION FUNDING
Administration	\$160,000 ¹					
Motor vehicle		\$100,000 ²				
Driver's license			\$30,000 ³			
Highways				\$450,000 ⁴		(\$7,194,886) ⁶
Fleet services					(\$926,200) ⁵	
Total all funds	\$160,000	\$100,000	\$30,000	\$450,000	(\$926,200)	(\$7,194,886)
Less special funds	<u>160,000</u>	<u>100,000</u>	<u>30,000</u>	<u>450,000</u>	<u>(926,200)</u>	<u>(7,194,886)</u>
General fund	\$0	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	ADD PUBLIC TRANSPORTATION GRANTS	ADD FUNDING RELATED TO HB 1291	ADD FUNDING RELATED TO SB 2406	ADD FUNDING FOR NEW LICENSE PLATE ISSUE	TOTAL CONFERENCE COMMITTEE CHANGES
Administration					\$160,000
Motor vehicle				\$400,000 ¹⁰	500,000
Driver's license		\$110,000 ⁸	\$27,100 ⁹		167,100
Highways	\$1,348,000 ⁷				(5,396,886)
Fleet services					(926,200)
Total all funds	\$1,348,000	\$110,000	\$27,100	\$400,000	(\$5,495,986)
Less special funds	<u>1,348,000</u>	<u>110,000</u>	<u>27,100</u>	<u>400,000</u>	<u>(5,495,986)</u>

General fund	\$0	\$0	\$0	\$0	\$0
FTE	0.00	0.00	0.00	0.00	0.00

Conference Committee changes narrative:

- 1 Restores \$160,000 of the \$330,000 highway fund reduction made by the House to information technology hardware funding in the administration program, the same as the Senate version.
- 2 Restores \$50,000 removed by the House for temporary salaries and \$50,000 removed by the House for repairs in the motor vehicle program, the same as the Senate version.
- 3 Restores \$30,000 of funding from the highway fund removed by the House for temporary salaries in the driver's license program, the same as the Senate version.
- 4 Restores \$200,000 of funding from the highway fund removed by the House for repairs and \$250,000 of funding from the highway fund removed by the House for office equipment and furniture in the highways program, the same as the Senate version.
- 5 Reduces funding for lease/rental equipment by \$126,200 and insurance by \$800,000 from the Fleet Services fund in the Fleet Services program, the same as the Senate version.
- 6 Reduces funding for highway construction added by the House from budget reductions made in other areas of the department's budget, the same as the Senate version. The department does not need this additional appropriation authority to match anticipated federal highway construction funds for the 1999-2001 biennium.
- 7 Adds funding from the public transportation fund for grants to public transportation providers as a result of the additional funding generated pursuant to provisions of House Bill No. 1380, the same as the Senate version.
- 8 Adds funding as follows in the driver's license program for costs associated with the provisions of House Bill No. 1291 (graduated driver's license). The Senate also made this change.

Temporary salaries	\$50,000
Operating expenses	<u>60,000</u>
Total	\$110,000

- 9 Adds funding in the driver's license program for operating costs associated with the provisions of Senate Bill No. 2406 (proof of liability insurance), the same as the Senate version.
- 10 Adds \$400,000 in the Motor Vehicle Division for the department to begin issuing a distinctive Lewis and Clark plate in December 1999 that an individual may choose to purchase for an additional fee of \$10 per registration period. The general issuance of the Lewis and Clark plate will begin after June 30, 2001. The \$10 fee for the period December 1999 through June 2001 is estimated to generate \$200,000 of revenue to the highway fund. The House had not included funding for a new license plate issue and the Senate had provided for a voluntary Lewis and Clark license plate issue beginning in December 1999 with a \$10 fee and the general issue to begin in December 2000. The cost of the Senate version was \$2.2 million.

A section is added providing for an interim Legislative Council study of the Fleet Services program, the same as in the Senate version.

A section is added authorizing the department to charge an additional \$10 fee if an individual requests a specific number plate, the same as the Senate version.

Sections are added providing that license plates must be mounted in a manner that does not cover any part of the plate, that the license plate tabs be placed only in the designated area on the plate, and that the department may issue smaller plates for trailers, if requested. The Senate also made these changes.

Engrossed HB 1012 was placed on the Seventh order of business on the calendar.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2008, SB 2180, SB 2188, SB 2307, SB 2410.

REPORT OF CONFERENCE COMMITTEE

SB 2008, as engrossed: Your conference committee (Sens. Holmberg, Solberg, Tomac and Reps. Byerly, Poolman, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 871-873, adopt amendments as follows, and place SB 2008 on the Seventh order:

That the House recede from its amendments as printed on pages 871-873 of the Senate Journal and pages 952-954 of the House Journal and the Engrossed Senate Bill No. 2008 be amended as follows:

Page 1, line 2, after "49-01-05" insert "and subsection 3 of section 49-21-01"

Page 1, line 3, after "commissioners" insert "and the definition of an essential telecommunications service"

Page 2, after line 3, insert:

"SECTION 3. AMENDMENT. Subsection 3 of section 49-21-01 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. "Essential telecommunications service" means service that is necessary for switched access to interexchange telecommunications companies and necessary for two-way switched communications for both residential and business service within a local exchange area. A charge based on measured service may not be required for residential and business local exchange service. Essential telecommunications services are limited to:
 - a. Switched access;
 - b. Any new product or service offered in North Dakota after July 1, 1989, deemed essential by the commission after notice and hearing in accordance with chapter 28-32;
 - c. Billing and collection of the billing company's own essential telecommunications services and billing and collection recording for interexchange carriers to which the local exchange carrier provides feature group C access service;
 - d. Primary directory listing, including nonlisted and nonpublished service, and ~~local exchange~~ access to directory assistance;
 - e. Emergency 911 services and emergency operator assistance in local exchange areas in which emergency 911 service is not available;
 - f. Except as provided in section 49-02-01.1, mandatory, flat-rate extended area service to designated nearby local exchange areas;
 - g. Installation of the service connection for essential services from the end user's premises to the local exchange network;
 - h. Transmission service necessary for the connection between the end user's premises and the local exchange central office switch including a trunk connection that has direct inward dialing and necessary signaling service such as touchtone used by end users for essential telecommunications services;
 - i. Single or multiparty flat-rate or measured residence and business service;
 - j. Single or multiparty flat-rate or measured combination business and residence service; and
 - k. The transmission service line for a coin or pay telephone."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE COMPARISON TO HOUSE VERSION
Salaries and wages	\$4,614,184	\$4,389,004		\$4,389,004	\$4,383,989	\$5,015
Operating expenses	1,074,694	1,067,294		1,067,294	1,054,694	12,600
Equipment	71,311	71,311		71,311	71,311	
Grants	6,000	6,000		6,000	6,000	
AML contractual services	<u>3,668,492</u>	<u>3,668,492</u>		<u>3,668,492</u>	<u>3,668,492</u>	
Total all funds	\$9,434,681	\$9,202,101	\$0	\$9,202,101	\$9,184,486	\$17,615
Less special funds	<u>5,640,789</u>	<u>5,633,045</u>		<u>5,633,045</u>	<u>5,663,045</u>	(30,000)
General fund	\$3,793,892	\$3,569,056	\$0	\$3,569,056	\$3,521,441	\$47,615
FTE	43.00	42.00	0.00	42.00	43.00	(1.00)

Conference Committee changes narrative:

The section added by the House is included which provides that an essential telecommunications service includes access to directory assistance rather than local exchange directory assistance.

Funding and FTE positions are provided at the Senate level. The House had restored the FTE attorney position and related funding removed by the Senate, reduced salaries and wages funding by \$150,000, reduced operating expenses by \$20,000, and made a \$30,000 funding source change from the general fund to federal funds.

Engrossed SB 2008 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2180, as engrossed: Your conference committee (Sens. Klein, Sand, Heitkamp and Reps. Kempenich, N. Johnson, Ekstrom) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 727 and place SB 2180 on the Seventh order.

Engrossed SB 2180 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2188, as engrossed: Your conference committee (Sens. Nething, Traynor, Lindaas and Reps. Grosz, Tollefson, Kerzman) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 997-1001, adopt amendments as follows, and place SB 2188 on the Seventh order:

That the House recede from its amendments as printed on pages 997-1001 of the Senate Journal and pages 929-933 and page 1060 of the House Journal and that Engrossed Senate Bill No. 2188 be amended as follows:

Page 1, line 8, after "council" insert "; to provide for development of a statewide water development program"

Page 1, line 13, replace "is committed to" with "will support to the extent funds are available from the water development trust fund"

Page 1, line 17, replace "is committed to" with "will support"

Page 2, line 2, after "repayment" insert "of the total principal, interest, and cost of issuance of the bonds"

Page 2, line 10, replace "will" with "or so much of the total cost-share that is required may" and replace "local" with "loan"

Page 2, line 13, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 2, line 18, after the underscored period insert "Before bonds may be issued for a Devils Lake outlet, construction of the outlet must be approved by the state water commission and the federal government must have agreed to participate in construction of the outlet."

Page 2, remove lines 19 through 21

Page 3, line 15, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 3, line 17, replace "Twenty-four" with "Thirty-one", after the first "million" insert "seven hundred thousand", and replace "eighteen" with "twenty-five"

Page 3, line 18, replace "four" with "nine", replace the first "five" with "thirty-nine", and replace the second "five" with "eight"

Page 4, line 6, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 4, line 28, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 5, line 17, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 6, line 6, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 6, line 24, replace "payments" with "repayments"

Page 6, line 25, after "outlet" insert "to Sheyenne River and to west Stump Lake"

Page 6, line 26, replace "One hundred ninety-six" with "Two hundred twenty"

Page 6, line 27, replace "thirty-eight" with "fifty-six" and after "million" insert "four hundred thousand"

Page 6, line 28, replace "twenty-five" with "thirty-four" and replace "eight" with "three"

Page 8, line 16, after "floods" insert "and to repay the line of credit extended to the state water commission under section 4 of this Act"

Page 8, line 28, remove "and"

Page 8, after line 30, insert:

- (5) A project cooperation agreement, which contains provisions acceptable to the state engineer and is approved by the governor, is entered by the state of Minnesota or one of its political subdivisions in which the flood control or reduction project is to be constructed;
- (6) A project cooperation agreement, which contains provisions acceptable to the state engineer and is approved by the governor, is entered by the state or one of its political subdivisions in which the flood control or reduction project is to be constructed;
- (7) The governing body of the city has approved a financing plan for all amounts of the nonfederal share of a flood control or reduction project in excess of the amounts to be paid by the state;
- (8) That no order for injunctive relief has been issued by a court of competent jurisdiction enjoining construction of the flood control or reduction project; and
- (9) That the flood control or reduction project is designed to be cost-effective and that any impact on residential neighborhoods is minimized in an amount reasonably practicable as determined by the state engineer and approved by the governor;

Page 9, line 14, after "project" insert "and to repay the line of credit extended to the state water commission under section 4 of this Act"

Page 9, line 22, after the underscored period insert "If the Perkins County water system does not make payment to the state water commission, no benefits may accrue to the Perkins County water system."

Page 9, line 26, after the underscored period insert "(1)"

Page 9, line 31, replace the underscored period with ";

- (2) The state water commission or the project sponsor must sign a project cooperation agreement with the United States army corps of engineers;
- (3) The outlet from Devils Lake to west Stump Lake must comply with any environmental impact statement or National Environmental Policy Act provisions required under federal law; and
- (4) Bonds may not be issued if an order for injunctive relief has been issued by a court of competent jurisdiction enjoining construction of an outlet from Devils Lake to the Sheyenne River or to west Stump Lake."

Page 10, line 13, after "bonds" insert "authorized"

Page 10, line 14, after "unless" insert "federal funds have been appropriated for"

Page 10, line 15, remove "has received federal funds"

Page 10, after line 15, insert:

- "10. Notwithstanding this section, if bonds are issued under this chapter, any bonds subsequently issued after the first issuance must meet the same conditions as the bonds initially issued.
11. Notwithstanding this section, except for a project listed in subdivision a of subsection 7 the state water commission may not issue bonds under this chapter unless the local project sponsor has agreed to repay the local project sponsor's share of any bonds issued for the entire nonfederal share of the cost of a project."

Page 11, line 3, replace "under" with "as provided in"

Page 11, line 7, replace "under" with "as provided in"

Page 11, line 8, replace "the" with "a" and after "outlet" insert "to the Sheyenne River and to west Stump Lake"

Page 11, line 15, after "61-02.1-01" insert "and to repay the line of credit extended to the state water commission under section 4 of this Act"

Page 11, line 17, after "Lake" insert "to the Sheyenne River and to west Stump Lake"

Page 11, after line 23, insert:

- "4. For any project that requires federal participation, the state water commission may issue bonds equal to the estimated project costs less any local participation. Except for a project listed in subdivision a of subsection 7 of section 61-02.1-01, if the state water commission issues bonds for both the state and local cost-share, an agreement for the local repayment of the local cost-share must be a part of an agreement between the state water commission and the local project sponsor to issue bonds for the nonfederal share."

Page 11, line 25, replace "under" with "as provided in"

Page 12, line 2, replace "under" with "as provided in"

Page 12, line 4, replace "resources" with "water development" and replace "5 of this" with "61-02.1-05"

Page 12, line 5, remove "Act", after the underscored comma insert "then", and after the second "from" insert "revenues in the resources trust fund other than revenues from state taxes, then"

Page 12, remove lines 6 through 9

Page 12, line 10, remove "principal and interest on the bonds under a trust indenture, or"

Page 12, line 11, after "and" insert "then from"

Page 12, line 15, after the underscored period insert "If sufficient funds from these sources are not available, then from transfers to be made and appropriated by the legislative assembly from the first available current biennial earnings of the Bank of North Dakota not to exceed six million five hundred thousand dollars per biennium prorated with any other bonds payable from transfers to be made and appropriated by the legislative assembly from the available current biennial earnings of the Bank of North Dakota, to be credited by the trustee to the fund established for paying principal and interest on the bonds under a trust indenture."

Page 12, line 18, replace "resources" with "water development" and replace "5 of this" with "61-02.1-05"

Page 12, line 19, remove "Act", after the underscored comma insert "then", and after the second "from" insert "revenues in the resources trust fund other than revenues from state taxes, then"

Page 12, remove lines 20 through 23

Page 12, line 24, remove "principal and interest on the bonds under a trust indenture,"

Page 12, line 26, after "and" insert "then from"

Page 12, line 29, after the underscored period insert "If sufficient funds from these sources are not available, then from transfers to be made and appropriated by the legislative assembly from the first available current biennial earnings of the Bank of North Dakota not to exceed six million five hundred thousand dollars per biennium prorated with any other bonds payable from transfers to be made and appropriated by the legislative assembly from the available current biennial earnings of the Bank of North Dakota, to be credited by the trustee to the fund established for paying principal and interest on the bonds under a trust indenture."

Page 13, line 1, replace "resources" with "water development", replace "5 of this Act" with "61-02.1-05", and after the underscored comma insert "then"

Page 13, line 2, replace "the first" with "revenues in the resources trust fund other than revenues from state taxes"

Page 13, remove lines 3 through 6

Page 13, line 7, replace "and interest on the bonds pursuant to a trust indenture, or" with ", then"

Page 13, line 8, after "and" insert "then from"

Page 13, line 12, after the underscored period insert "If sufficient funds from these sources are not available, then from transfers to be made and appropriated by the legislative assembly from the first available current biennial earnings of the Bank of North Dakota not to exceed six million five hundred thousand dollars per biennium prorated with any other bonds payable from transfers to be made and appropriated by the legislative assembly from the available current biennial earnings of the Bank of North Dakota, to be credited by the trustee to the fund established for paying principal and interest on the bonds under a trust indenture."

Page 13, line 13, replace "under" with "as provided in"

Page 13, line 18, replace "under" with "as provided in"

Page 13, after line 24, insert:

61-02.1-05. Water development trust fund. Moneys received by the state pursuant to the 1998 settlement agreement with tobacco product manufacturers, or any successor agreement, and any earnings on these moneys, must be deposited in the water development trust fund in the state treasury for use in paying for bonds issued as provided in this chapter and for other water projects as provided in 1999 House Bill No. 1475.

SECTION 4. LINE OF CREDIT - APPROPRIATION. The Bank of North Dakota shall extend a line of credit not to exceed \$84,800,000, which is hereby

appropriated for the biennium beginning July 1, 1999, and ending June 30, 2001, to the state water commission for the purpose of interim financing until bonds are issued under chapter 61-02.1. Advances on the line of credit may be made only when a source of repayment has been identified and determined to be available."

Page 13, line 27, replace "under" with "as provided in"

Page 13, line 31, replace "resources" with "water development"

Page 14, line 3, after "is" insert "voluntarily" and after "sale" insert ", subject to the rights of bondholders and all applicable federal requirements,"

Page 14, line 4, replace "resources" with "water development"

Page 14, line 5, after "be" insert "voluntarily"

Page 14, remove lines 16 through 20

Page 14, after line 25, insert:

"SECTION 7. APPROPRIATION. There is hereby appropriated out of any moneys in the water development trust fund, not otherwise appropriated or from bond proceeds, the sum of \$84,800,000, or so much of the sum as may be necessary, to the Bank of North Dakota for the purpose of repaying the line of credit extended to the state water commission under section 4 of this Act, for the biennium beginning July 1, 1999, and ending June 30, 2001. It is the intent of the legislative assembly that the funds appropriated in this section are from transfers to be made and appropriated by the legislative assembly from the water development trust fund as provided in section 61-02.1-05."

Page 14, line 27, replace "under" with "as provided in"

Page 15, line 1, after "**COUNCIL**" insert "**AND STANDING COMMITTEES**"

Page 15, line 4, replace "and to" with a comma and after "council" insert ", and to the house of representatives and the senate standing committees on natural resources and appropriations"

Page 15, line 8, after the period insert "The report must include information on the funding sources used to repay any bonds issued under chapter 61-02.1."

SECTION 10. STATEWIDE WATER DEVELOPMENT PROGRAM - LEGISLATIVE INTENT. The state water commission shall develop a new comprehensive statewide water development program with priorities based upon expected funds available from the water development trust fund for water development projects. It is the intent of the legislative assembly that the state water commission consider the delivery of water for usable purposes a priority for water development projects after the projects authorized in section 3 of this Act are completed."

Page 15, line 10, replace "under" with "as provided in" and after "ineffective" insert "provided, however, that the commission may continue to exercise all other powers granted to it under this Act and to comply with any covenants entered into pursuant to this Act"

Renumber accordingly

Engrossed SB 2188 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2307, as engrossed: Your conference committee (Sens. Krebsbach, Klein, Thompson and Reps. Dorso, Clark, Froelich) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1008-1009, adopt amendments as follows, and place SB 2307 on the Seventh order:

That the House recede from its amendments as printed on pages 1008 and 1009 of the Senate Journal and pages 980 and 981 of the House Journal and that Engrossed Senate Bill No. 2307 be amended as follows:

Page 1, line 1, replace the second "and" with a comma and after "57-40.6-02.2" insert ", and 57-40.6-10"

Page 1, line 2, replace the first "and" with a comma and after "fund" insert ", and planning committee"

Page 2, line 24, replace "one dollar" with "forty cents"

Page 3, line 22, replace "Twenty-five percent of the revenues" with "Revenues from twenty-five cents per month per telephone service number from the fee imposed under section 57-40.6-02.1"

Page 4, line 1, replace "Seventy-five percent of the revenues" with "Revenues remaining after the allocation under subsection 1"

Page 6, after line 17, insert:

"**SECTION 7.** Section 57-40.6-10 of the North Dakota Century Code is created and enacted as follows:

57-40.6-10. Enhanced 911 wireless service planning committee. An enhanced 911 wireless service planning committee is created to consist of five members. The governor shall appoint one member to represent commercial mobile radio service providers, one member to represent telecommunications companies providing land-line or fixed-line service, one member to represent a county served by state radio communications in the emergency services communication system, and one member from the information technology committee of the legislative council. The North Dakota association of counties shall appoint one member of the committee. The governor shall designate the chairman of the committee. The state radio communications office shall provide staff services to the committee.

The committee shall develop proposed legislation for implementation of a statewide plan regarding enhanced 911 wireless service and fees, administration, and allocation of revenues. Before November 1, 2001, the proposed legislation must be presented by the committee to the budget section of the legislative council for consideration."

Renumber accordingly

Engrossed SB 2307 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2410, as engrossed: Your conference committee (Sens. Wanzek, Cook, O'Connell and Reps. Nottestad, L. Thoreson, Grumbo) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 752 and place SB 2410 on the Seventh order.

Engrossed SB 2410 was placed on the Seventh order of business on the calendar.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on April 14, 1999, I have signed the following: HB 1007, HB 1014, HB 1156, HB 1171, and HB 1274.

DELIVERY OF VETOED MEASURE AND CERTIFICATION

The following enrolled House bills along with the veto certification was delivered to the Secretary of State for filing on April 14, 1999: HB 1330, HB 1335.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1016.

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

REPORT OF CONFERENCE COMMITTEE

HB 1462, as engrossed: Your conference committee (Sens. Wardner, Urlacher, Kinnoin and Reps. Mickelson, Timm, Warner) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 986-989, adopt amendments as follows, and place HB 1462 on the Seventh order:

That the Senate recede from its amendments as printed on pages 986-989 of the House Journal and pages 823-826 of the Senate Journal and that Engrossed House Bill No. 1462 be amended as follows:

Page 1, line 1, replace "sections 57-43.1-02.2, 57-43.1-12.1, 57-43.2-03.1," with "section"

Page 1, line 2, remove "57-43.2-04.4," and remove ", 57-43.3-02.2, 57-43.3-09, 57-43.3-14, 57-43.3-18, 57-43.3-28, and"

Page 1, line 3, remove "chapter 57-43.4" and replace "collection by the supplier of" with "use of dyed special fuel in a licensed motor vehicle and penalties"

Page 1, remove line 4

Page 1, line 5, remove "administration, enforcement, and penalties" and remove "57-43.1-02,"

Page 1, line 6, remove "57-43.1-14, 57-43.1-16,", remove "57-43.1-26,", replace "57-43.2-02," with "and", and remove the seventh comma

Page 1, line 7, remove "57-43.2-04.1, 57-43.2-05, 57-43.2-07, 57-43.2-11, 57-43.2-21, and 57-43.3-02"

Page 1, line 8, replace "collection by suppliers of motor vehicle, special fuels, aviation" with "definitions for special fuels tax purposes"

Page 1, remove line 9

Page 1, line 10, remove "penalties" and replace "sections 57-43.1-27 and 57-43.3-24" with "section 57-43.2-02.2"

Page 1, line 11, replace "motor vehicle fuels tax imposition and credit for losses and aviation fuel" with "refunds of special fuels"

Page 1, line 12, remove "collection allowances"

Page 1, remove lines 14 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 11

Page 9, replace lines 14 through 23 with:

57-43.1-24. Deduction of cost of collecting. ~~On making payments to the commissioner as provided in~~ The person required to remit the tax imposed by this chapter, the dealer shall deduct retain two percent from of the amount of tax due, up to a maximum of three hundred dollars per month, to cover the cost of collecting the tax and transmitting it to the commissioner. This provision does not apply to any tax on excess inventory losses or to additional taxes assessed during an audit.

Page 9, remove lines 24 through 31

Page 10, remove lines 1 through 20

Page 13, line 11, remove the overstrike over "~~compressed natural gas~~" and insert immediately thereafter an underscored comma

Page 13, line 17, remove "alternative fuels as defined in section 57-43.4-01,"

Page 13, remove lines 28 through 30

Page 14, remove lines 1 through 31

Page 15, remove lines 1 through 30

Page 16, remove lines 1 through 10

Page 16, line 14, remove the overstrike over "~~two percent~~"

Page 16, line 15, remove "one and two-tenths cents per gallon [3.79 liters]"

Page 16, line 16, remove "For a"

Page 16, remove lines 17 through 19

Page 16, line 20, overstrike "The special excise tax applies to all special fuels taxed under section 57-43.2-02"

Page 16, overstrike line 21

Page 16, line 22, overstrike "3."

Page 16, line 25, overstrike "4." and insert immediately thereafter "3."

Page 17, line 1, overstrike "5." and insert immediately thereafter "4."

Page 17, line 2, remove the overstrike over "~~identify the consumer to whom the sale was made,~~"

Page 17, line 3, remove the overstrike over "~~specify the purpose for which the special fuel was sold, and~~"

Page 17, line 5, overstrike "6." and insert immediately thereafter "5." and remove "The tax imposed by this section does not apply on sales by a supplier to another"

Page 17, remove line 6

Page 17, line 7, remove "7.", remove the overstrike over "~~The dealer~~", remove "A supplier", and remove the overstrike over "~~on all sales to a~~"

Page 17, line 8, remove "and shall pass the tax on to the distributor, retailer, or" and remove "A distributor"

Page 17, remove lines 9 through 30

Page 18, remove lines 1 through 30

Page 19, remove lines 1 through 29

Page 20, remove lines 1 through 31

Page 21, remove lines 1 through 31

Page 22, remove lines 1 through 31

Page 23, remove lines 1 through 30

Page 24, remove lines 1 through 31

Page 25, remove lines 1 through 30

Page 26, line 3, replace "**Penalties**" with "**Administrative fees**"

Page 26, line 10, replace "civil penalties" with "administrative fees"

Page 26, line 11, replace "one" with "two", after "hundred" insert "fifty", and replace "fine" with "fee"

Page 26, line 12, replace "fine" with "fee"

Page 26, line 14, replace "fine" with "fee"

Page 26, line 16, replace "fine" with "fee"

Page 27, line 5, after "hearing" insert "before the tax commissioner in the manner provided in chapter 28-32 if, within thirty days after receiving a citation, the person requests a hearing"

Page 27, after line 13, insert:

"6. All administrative fees or civil penalties under this section may be completely or partially waived by the tax commissioner for good cause shown, and any fees or penalties not waived must be collected by the tax commissioner and transferred to the state treasurer and deposited in the state highway fund."

Page 27, remove lines 14 through 29

Page 28, remove lines 1 through 31

Page 29, remove lines 1 through 31

Page 30, remove lines 1 through 31

Page 31, remove lines 1 through 31

Page 32, remove lines 1 through 30

Page 33, remove lines 1 through 29

Page 34, remove lines 1 through 31

Page 35, remove lines 1 through 31

Page 36, remove lines 1 through 30

Page 37, remove lines 1 through 30

Page 38, remove lines 1 through 30

Page 39, remove lines 1 through 31

Page 40, remove lines 1 through 30

Page 41, remove lines 1 through 30

Page 42, remove lines 1 through 31

Page 43, remove lines 1 through 31

Page 44, remove lines 1 through 31

Page 45, remove lines 1 through 31

Page 46, remove lines 1 through 30

Page 47, remove lines 1 through 31

Page 48, remove lines 1 through 31

Page 49, remove lines 1 through 31

Page 50, remove lines 1 through 31

Page 51, remove lines 1 through 31

Page 52, remove lines 1 through 31

Page 53, remove lines 1 through 19

Page 53, line 20, replace "57-43.1-27" with "57-43.2-02.2", after "the" insert "1997 Supplement to the", and replace "and" with "is repealed."

Page 53, remove lines 21 and 22

Page 53, line 24, remove ", and taxable inventories held on,"

Renumber accordingly

Engrossed HB 1462 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

REP. GROSZ MOVED that the conference committee report on Engrossed SB 2188 be adopted, which motion prevailed.

Engrossed SB 2188, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2188: A BILL for an Act to create and enact a new section to chapter 61-01 and chapter 61-02.1 of the North Dakota Century Code, relating to statewide water development goals and the issuance of bonds to finance construction of flood control projects, the southwest pipeline project, a Devils Lake outlet, and a statewide water development program; to amend and reenact subdivision d of subsection 5 of section 61-02-02 of the North Dakota Century Code, relating to the definition of works; to require the pledging of funds for certain water projects; to allocate funds from settlements with tobacco product manufacturers; to provide a statement of legislative intent; to provide for reports to the legislative council; to provide for development of a statewide water development program; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 62 YEAS, 31 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Carlisle; Clark; Delmore; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Gorder; Grosz; Grumbo; Gulleson; Gunter; Haas; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Kelsh, S.; Kempenich; Kerzman; Klemin; Kliniske; Koppang; Kroeber; Lemieux; Maragos; Martinson; Meyer; Mickelson; Nelson; Nicholas; Niemeier; Nottestad; Nowatzki; Poolman; Renner; Schmidt; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Wentz; Winrich; Speaker Wald

NAYS: Brusegaard; Byerly; Carlson; Cleary; DeKrey; Delzer; Devlin; Galvin; Grande; Hanson; Keiser; Kelsch, R.; Klein; Lloyd; Lundgren; Mahoney; Metcalf; Monson; Mueller; Nichols; Pollert; Porter; Price; Rennerfeldt; Rose; Sandvig; Severson; Tollefson; Warner; Weisz; Wikenheiser

ABSENT AND NOT VOTING: Bernstein; Dalrymple; Henegar; Koppelman; Stefonowicz

Engrossed SB 2188, as amended, passed, the title was agreed to, but the emergency clause lost.

MOTION

REP. DORSO MOVED that Engrossed HB 1462 be placed at the bottom of the calendar, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. BYERLY MOVED that the conference committee report on Engrossed HB 1012 be adopted.

REQUEST

REP. CLEARY REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on HB 1012, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on HB 1012, the roll was called and there were 0 YEAS, 95 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

NAYS: Aarsvold; Belter; Berg; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; DeKrey; Delmore; Delzer; Devlin; Disrud;

Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

ABSENT AND NOT VOTING: Bernstein; Henegar; Stefonowicz

The conference committee report on HB 1012 failed.

MOTION

REP. DORSO MOVED that the same conference committee be reappointed to Engrossed HB 1012, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. KEMPENICH MOVED that the conference committee report on Engrossed SB 2180 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. DORSO MOVED that the conference committee report on Engrossed SB 2307 be adopted, which motion prevailed on a verification vote.

Engrossed SB 2307, as amended, was placed on the Fourteenth order.

SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to create and enact sections 57-40.6-02.1 and 57-40.6-02.2 of the North Dakota Century Code, relating to a wireless 911 service fee and service fund; to amend and reenact sections 57-40.6-01, 57-40.6-06, 57-40.6-07, and 57-40.6-08 of the North Dakota Century Code, relating to wireless 911 service fees, definitions, and communications; to provide for a legislative council study; and to provide continuing 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 72 YEAS, 23 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Boucher; Brandenburg; Brekke; Clark; Cleary; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Glassheim; Gorder; Grumbo; Gulleston; Gunter; Haas; Hanson; Hawken; Herbel; Huether; Jensen; Johnson, D.; Johnson, N.; Keiser; Kelsh, S.; Kempenich; Kerzman; Klein; Klemin; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Martinson; Metcalf; Meyer; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Price; Rose; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thorpe; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

NAYS: Belter; Berg; Boehm; Brusegaard; Byerly; Carlisle; Carlson; Dalrymple; DeKrey; Delzer; Galvin; Grande; Grosz; Hoffner; Kelsch, R.; Kliniske; Lloyd; Mickelson; Porter; Renner; Rennerfeldt; Thoreson, L.; Timm

ABSENT AND NOT VOTING: Bernstein; Henegar; Stefonowicz

Engrossed SB 2307, as amended, passed and the title was agreed to.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on HB 1012. The Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

HB 1012: Reps. Byerly; Poolman; Gulleston

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1108.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2009, SB 2023, SB 2168, SB 2242, SB 2344, SB 2355, SCR 4033.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1003, HB 1011, HB 1038, HB 1131, HB 1135, HB 1475.

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

MADAM PRESIDENT: The House has adopted the conference committee report on SB 2180.

MOTION

REP. DORSO MOVED that the House stand in recess until 7:00 p.m., which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1019, as engrossed: Your conference committee (Sens. Grindberg, Kringstad, Tallackson and Reps. Poolman, Carlisle, Gulleeson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1210-1212, adopt amendments as follows, and place HB 1019 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1210-1212 of the House Journal and pages 1078-1080 of the Senate Journal and that Engrossed House Bill No. 1019 be amended as follows:

Page 1, line 3, after the second semicolon insert "to authorize a mutual fund capital pool; to create and enact a new subsection to section 54-44.3-20 of the North Dakota Century Code, relating to excepting officers and employees of the department of economic development and finance from the state classified service," after "sections" insert "4-14.1-03.1," and after "4-14.1-07" insert a comma

Page 1, line 4, after "to" insert "grant repayments and"

Page 1, line 5, after "purposes" insert "; to provide for a legislative council study; to provide legislative intent"

Page 1, line 13, replace "2,358,086" with "2,548,086"

Page 1, line 14, replace "2,008,447" with "2,158,447"

Page 1, line 15, replace "66,358" with "96,358"

Page 1, line 16, replace "1,078,061" with "1,968,061"

Page 1, remove line 17

Page 1, line 18, replace "800,000" with "750,000"

Page 1, line 20, replace "10,896,863" with "11,506,863"

Page 1, line 22, replace "7,203,788" with "7,813,788"

Page 1, after line 22, insert:

"SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the agricultural fuel tax fund in the state treasury, not otherwise appropriated, the sum of \$100,000, or so much of the sum as may be necessary, to the agricultural products utilization commission for the purpose of obtaining assistance in resolving beef industry trade issues, for the biennium beginning July 1, 1999, and ending June 30, 2001. Notwithstanding any other provisions of law, the agricultural products utilization commission may use these funds to obtain the assistance of the ranchers and cattlemen action legal foundation."

Page 3, line 16, replace "\$800,000" with "\$750,000"

Page 4, after line 6, insert:

"SECTION 10. AMENDMENT. Section 4-14.1-03.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-14.1-03.1. Agricultural products utilization commission - Authority. The North Dakota agricultural products utilization commission may apply for, accept, and expend any appropriation, grant, gift, or service made available from public or private sources consistent with the purpose of this chapter. The commission may administer grant programs consistent with the purpose of this chapter including a basic and applied research grant program, utilization and marketing grant program, cooperative marketing grant program, farm diversification grant program, agricultural prototype development grant program, and a North American marketing grant program. The commission may require, by contract, repayment of a grant, in whole or in part, if the grant recipient does not fulfill the conditions under which the grant was awarded."

Page 4, line 14, replace "seven" with "twelve"

Page 4, line 21, overstrike "one million" and insert immediately thereafter "seven hundred fifty thousand"

Page 4, line 22, overstrike "An ethanol plant that was in operation before July 1,"

Page 4, overstrike lines 23 through 27

Page 4, after line 27, insert:

"SECTION 12. A new subsection to section 54-44.3-20 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

Officers and employees of the department of economic development and finance."

Page 5, after line 16, insert:

"SECTION 14. MUTUAL FUND CAPITAL POOL - AUTHORIZATION. The department of economic development and finance, in conjunction with the agricultural products utilization commission, may establish a mutual fund capital pool to attract farm and nonfarm investments in value-added processing projects.

SECTION 15. APPROPRIATION - CONTINGENT ETHANOL INCENTIVE PAYMENTS. In addition to the ethanol incentive payments provided in section 1 of this Act and notwithstanding any other sections of law, there is hereby appropriated \$300,000, or so much of the sum as may be necessary, from the highway tax distribution fund for the biennium beginning July 1, 1999, and ending June 30, 2001, for the purpose of providing production incentives to any ethanol plant that becomes operational after July 1, 1999. An eligible plant shall receive ten cents for each gallon of agriculturally derived fuel as defined in this Act produced in the state which is marketed by the producing plant to a distributor or wholesaler for sale within North Dakota.

SECTION 16. LEGISLATIVE COUNCIL STUDY - ECONOMIC DEVELOPMENT AND FINANCE EFFORTS. The legislative council shall consider studying during the 1999-2000 interim the economic development efforts in the state, including the provision of economic development services statewide and the related effectiveness, the potential for the privatization of the department of economic development and finance, and the appropriate location of the North Dakota development fund, including the potential transfer of the fund to the Bank of North Dakota.

SECTION 17. LEGISLATIVE INTENT - GRANT ALLOCATION - UNITED STATES DEPARTMENT OF AGRICULTURE DESIGNATED CHAMPION COMMUNITIES. It is the intent of the legislative assembly that \$50,000 of the grants line item in section 1 of this Act be allocated to provide matching funds on a dollar-for-dollar basis to United States department of agriculture designated champion communities for the funding of an economic development coordinator employed by the champion communities to assist in economic development. Local matching funds may be in cash or in-kind contributions.

SECTION 18. LEGISLATIVE INTENT - GRANTS LINE ITEM. It is the intent of the legislative assembly that \$150,000 of the grants line item in section 1 of this Act be available for the manufacturing technology partnership."

Page 5, line 17, replace "10" with "13"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - DEPARTMENT OF ECONOMIC DEVELOPMENT AND FINANCE

CONFERENCE COMMITTEE - This amendment makes the following changes:

	EXECUTIVE BUDGET	HOUSE VERSION	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMPARISON TO SENATE VERSION
Salaries and wages	\$3,041,771	\$2,358,086	\$190,000	\$2,548,086	\$2,798,086	(\$250,000)
Operating expenses	2,158,447	2,008,447	150,000	2,158,447	2,158,447	
Equipment	96,358	66,358	30,000	96,358	96,358	
Grants	1,518,061	1,078,061	890,000	1,968,061	2,308,061	(340,000)
General allocation grants	750,000	600,000	(600,000)			
North Dakota Development Fund	1,000,000	800,000	(50,000)	750,000	550,000	200,000
Agricultural Products Utilization Comm.	4,085,911	3,985,911		3,985,911	4,535,911	(550,000)
Separate section resolving beef trade issues			100,000	100,000	100,000	
Total all funds	\$12,650,548	\$10,896,863	\$710,000	\$11,606,863	\$12,546,863	(\$940,000)
Less special funds	<u>3,695,701</u>	<u>3,693,075</u>	<u>100,000</u>	<u>3,793,075</u>	<u>4,393,075</u>	<u>(600,000)</u>
General fund	\$8,954,847	\$7,203,788	\$610,000	\$7,813,788	\$8,153,788	(\$340,000)
FTE	29.00	26.00	(3.00)	23.00	26.00	(3.00)

Detail of Conference Committee changes to the House version includes:

	RESTORE OPERATING EXPENSES	RESTORE EQUIPMENT	COMBINE GRANTS AND INCREASE BY \$290,000	REDUCE DEVELOPMENT FUND	ADD FUNDING FOR RESOLVING BEEF TRADE ISSUES	RESTORE SALARIES AND WAGES
Salaries and wages						\$190,000
Operating expenses	\$150,000					
Equipment		\$30,000				
Grants			\$890,000			
General allocation grants			(600,000)			
North Dakota Development Fund				(\$50,000)		
Agricultural Products Utilization Comm.						
Separate section resolving beef trade issues					\$100,000	
Total all funds	\$150,000	\$30,000	\$290,000	(\$50,000)	\$100,000	\$190,000
Less special funds					<u>100,000</u>	
General fund	\$150,000	\$30,000	\$290,000	(\$50,000)	\$0	\$190,000
FTE	0.00	0.00	0.0	0.00	0.00	(3.00)

	TOTAL CONFERENCE COMMITTEE CHANGES
Salaries and wages	\$190,000
Operating expenses	150,000
Equipment	30,000
Grants	890,000
General allocation grants	(600,000)
North Dakota Development Fund	(50,000)
Agricultural Products Utilization Comm.	
Separate section resolving beef trade issues	100,000
Total all funds	\$710,000
Less special funds	<u>100,000</u>
General fund	\$610,000
FTE	(3.00)

CONFERENCE COMMITTEE - These amendments also make the following changes to Engrossed House Bill No. 1019:

- Extend the number of years that an ethanol plant may receive the incentives, if in operation before July 1, 1995, from seven in the engrossed bill to 12.
- Adjust the maximum production incentive that may be paid annually to \$750,000.

- Provide for contingent ethanol incentive payments of \$300,000 for a plant that becomes operational after July 1, 1999. An eligible plant may receive 10 cents per gallon of agriculturally derived fuel (equivalent 40 cents per gallon for 25 percent of production). (Section 11)
- Provide in Section 2 \$100,000 from the agricultural fuel tax fund for resolving beef trade issues.
- Authorize mutual fund capital pool.
- Allow Economic Development and Finance employees to be exempt from central personnel system.
- Provide for a Legislative Council study of Economic Development and Finance.
- Provide legislative intent regarding funds for United States Department of Agriculture champion communities and the grants line item.

Engrossed HB 1019 was placed on the Seventh order of business on the calendar.

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

REPORT OF CONFERENCE COMMITTEE

REP. NOTTESTAD MOVED that the conference committee report on Engrossed SB 2410 be adopted, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. POOLMAN MOVED that the conference committee report on Engrossed HB 1019 be adopted, which motion prevailed.

Reengrossed HB 1019, as amended, was placed on the Eleventh order.

SECOND READING OF HOUSE BILL

HB 1019: A BILL for an Act to provide an appropriation for defraying the expenses of the department of economic development and finance and to the agricultural products utilization commission for grants; to provide for transfers of funds; to authorize a mutual fund capital pool; to amend and reenact sections 4-14.1-03.1, 4-14.1-07, and 57-43.1-03.1 of the North Dakota Century Code, relating to grant repayments and ethanol plant production incentives for fuel used for agricultural purposes; to provide for a legislative council study; to provide legislative intent; 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, 9 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Brusegaard; Carlson; Delzer; Grosz; Lloyd; Monson; Nelson; Nowatzki; Weisz

ABSENT AND NOT VOTING: Bernstein; Henegar; Solberg; Stefonowicz

Reengrossed HB 1019 passed and the title was agreed to.

MOTION

REP. DALRYMPLE MOVED that the House reconsider its action whereby Engrossed SB 2188, as amended, passed but the emergency clause lost, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2188: A BILL for an Act to create and enact a new section to chapter 61-01 and chapter 61-02.1 of the North Dakota Century Code, relating to statewide water development goals and the issuance of bonds to finance construction of flood control projects, the southwest pipeline project, a Devils Lake outlet, and a statewide water development program; to amend and reenact subdivision d of subsection 5 of section 61-02-02 of the North Dakota Century Code, relating to the definition of works; to require the pledging of funds for certain water projects; to allocate funds from settlements with tobacco product manufacturers; to provide a statement of legislative intent; to provide for reports to the legislative council; to provide for development of a statewide water development program; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 66 YEAS, 28 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Belter; Berg; Boucher; Brandenburg; Brekke; Carlisle; Clark; Dalrymple; Delmore; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Gorder; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kelsh, S.; Kerzman; Klemm; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Mahoney; Maragos; Martinson; Metcalf; Meyer; Mickelson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Nowatzki; Poolman; Schmidt; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Warner; Wentz; Winrich; Speaker Wald

NAYS: Boehm; Brusegaard; Byerly; Carlson; Cleary; DeKrey; Delzer; Devlin; Grande; Grosz; Keiser; Kempenich; Klein; Lloyd; Lundgren; Monson; Nichols; Pollert; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Severson; Tollefson; Weisz; Wikenheiser

ABSENT AND NOT VOTING: Bernstein; Henegar; Solberg; Stefonowicz

Engrossed SB 2188, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. DORSO MOVED that Engrossed HB 1462 be rereferred to the conference committee, which motion prevailed. Pursuant to Rep. Dorso's motion, Engrossed HB 1462 was rereferred.

MOTION

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

MOTION

REP. MONSON MOVED that the House be on the Seventh and Twelfth orders of business and at the conclusion of those orders, the House stand adjourned until 8:30 a.m., Thursday, April 15, 1999, which motion prevailed.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2188, SB 2307.

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

MR. SPEAKER: The conference 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 1012: Sens. Kringstad; B. Stenehjem; Robinson

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1019.

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

MADAM PRESIDENT: The House has adopted the conference committee report on SB 2410.

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

LANCE HAGEN, Chief Clerk