

## JOURNAL OF THE HOUSE

## Fifty-fifth Legislative Assembly

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Bismarck, April 8, 1997

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

The prayer was offered by Representative Glassheim.

The roll was called and all members were present except Representatives Aarsvold, Belter, Berg, Fairfield, Gorder, Gunter, Kempenich, Kliniske, Koppelman, and Stenehjem.

A quorum was declared by the Speaker.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HCR 3025.

**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:

**SB 2043:** Sens. Thane; B. Stenehjem; DeMers

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2301.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1019, HB 1028, HB 1163, HB 1238, HB 1301, HB 1387.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has signed the veto certification on: HB 1137, HB 1440.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for his filing at the hour of 10:26 a.m., April 7, 1997: HCR 3025.

Enrolled HB 1440, with the signed certification verifying that HB 1440 did pass both chambers over the Governor's veto, was delivered to the Secretary of State for his filing at the hour of 1:30 p.m., April 7, 1997.

Enrolled HB 1137, with the signed certification verifying that HB 1137 did pass both chambers over the Governor's veto, was delivered to the Secretary of State for his filing at the hour of 11:30 a.m., April 7, 1997.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2301, as engrossed:** Your conference committee (Sens. Lee, Fischer, DeMers and Reps. Maragos, Grande, Rose) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 809, adopt amendments as follows, and place SB 2301 on the Seventh order:

That the House recede from its amendments as printed on page 809 of the Senate Journal and page 957 of the House Journal and that Engrossed Senate Bill No. 2301 be amended as follows:

Page 1, line 7, remove "retroactive"

Page 2, line 2, after the first "review" insert ", regardless of when the record is created"

Page 5, replace lines 7 and 8 with:

**"SECTION 6. APPLICATION OF ACT.** Section 1 of this Act does not apply in any action that was commenced before the effective date of this Act."

Renumber accordingly

Engrossed SB 2301 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**HB 1482, as engrossed:** Your conference committee (Sens. Traynor, Thompson, Fischer and Reps. Grosz, Brown, Hanson) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1236, adopt amendments as follows, and place HB 1482 on the Seventh order:

That the Senate recede from its amendments as printed on page 1236 of the House Journal and page 1055 of the Senate Journal and that Engrossed House Bill No. 1482 be amended as follows:

Page 1, line 23, replace "provisions for an inlet to Devils Lake and" with "plans"

Page 2, line 10, remove the second "and"

Page 2, line 11, after the second "River" insert "; and an inlet to Devils Lake"

Page 2, line 22, replace "four" with "three"

Renumber accordingly

Engrossed HB 1482 was placed on the Seventh order of business on the calendar.

#### HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1001, HB 1007, HB 1021, HB 1026, HB 1085, HB 1306, HB 1357, HB 1448, HB 1456, and HB 1478.

#### POINT OF PERSONAL PRIVILEGE

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

#### REMARKS

On April 25, 1951, at Tong-mang-ni, Korea, 18-year-old "Corporal Charles Gilliland of Yellville, Arkansas, performed an act of herosim his grateful country deemed, "above and beyond the call of duty."

While defending a narrow passage, Cpl. Gilliland killed two enemy soldiers in hand-to-hand combat, being grievously wounded in the process. When his platoon was ordered to retreat, Cpl. Gilliland insisted on staying behind to hold off the enemy assault while his comrades escaped. One eyewitness recalls he last saw Charles, standing alone, facing the enemy.

When the passage was retaken days later, no trace of him was ever found.

In 1954 Corporal Charles Leon Gilliland was awarded the Congressional Medal of Honor.

Charles Gilliland has a loving extended family living in Arkansas, but he also has a North Dakota family; he is a North Dakota hero. Charles Gilliland was my uncle, my mother's younger brother. My parents, Barbara and Neil Medley, live in Thompson, North Dakota. My sister, Deborah Carlson Hadland, my brother Neil A. Medley and myself, our respective families, children and grandchildren live in Grand Forks.

My dear grandmother, Margaret Evangeline Gilliland never really gave up hope Uncle Charles would come home. Upon her death last October 12, in the tenets of her faith, she went home to be with Charles.

On May 24, 1997, (coincidentally - and unknown to the government when the date was chosen - is Charles' birthday) the United States Navy will launch a ship in his honor, the USS Gilliland.

A hero belongs to the ages, but a son, a brother, an uncle lives in the heart, mind, soul, and memory of the family who loves him.

#### COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

The following communication was received from the Governor at 5:45 p.m. on Friday, April 4, 1997.

This is to inform you that on April 4, 1997, I signed the following: HB 1153, HB 1262, and HB 1445.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

The following communication was received from the Governor at 10:15 a.m., Saturday, April 5, 1997.

I respectfully return unsigned and hereby veto HB 1191. This bill expands the authority given in the 1995 session to the Administrative Rules Committee. Currently the Committee may void any part of a rule within ninety days after it is published in the administrative code. HB 1191 expands that authority to any rule upon 30 days notice to the agency which issued the rule. Under HB 1191, the committee may call up a rule regardless of how long it has been in place, and void all or any part of an administrative rule. I am troubled by the bill and its direction.

Administrative rules serve a very important function. They represent the Legislature's delegation of its authority to the agency and serve as the means by which air quality standards are set, water quality is maintained, child support obligations are determined, and a host of other complex issues are managed. Rules are carefully reviewed by the agency, the Attorney General, the Legislative Council, the public, and the Administrative Rules Committee before they become effective. I urge us to be cautious in striking down rules that are developed under the stringent requirements of chapter 28-32 NDCC.

Specifically, these are my concerns.

First, the bill is unnecessary. The Legislature itself, by enacting a law, has the authority to change any administrative rule it chooses. The Legislature rightfully retains that authority. An agency also may change a rule through Chapter 28-32 of the North Dakota Century Code. And the Administrative Rules Committee also has limited authority to void all or part of a rule within ninety days of the rule being published. But, I do not believe we need to extend that authority beyond the initial ninety days to allow the committee to strike down a rule at any time thereafter.

Second, I have constitutional concerns based upon separation of powers principles. The bill intrudes into essentially an executive branch arena. Our Constitution creates three branches of government that are equal - - - and does not contemplate one branch being more powerful than another. Power is dispersed by design. In the case of Verry v. Trenbeath, 148 N.W. 2d 567 (N.D. 1967) the Supreme Court explained this principle and said,

". . . The Legislative branch deliberates upon and decides the policies and principles to be adopted for the future and enacts them into law. The executive branch administers the law so enacted."

Our Constitution provides an implied exclusion of each branch from the exercise of the functions of the others, as demonstrated by the Court in the case of City of Carrington v. Foster County, 155 N.W. 2d 377 (N.D. 1969).

In that structure, the Legislature as a whole has delegated authority to administrative agencies. But this bill allows that authority to be substituted to a legislative committee. I am concerned that we continue to add more and more responsibilities to legislative committees, interim committees, and legislators themselves as we slowly migrate towards a full-time legislature, which is not consistent with the wishes of the voters, nor the Constitution.

Further, the bill raises serious constitutional questions concerning delegation of legislative authority. Article IV, Section 13 of the Constitution says that, "No law may be enacted except by a bill passed by both houses". HB 1191 appears to run contrary to that provision. The Administrative Rules Committee would have the authority to void any rule or part of a rule, which could change the entire meaning of the rule. So, the practical effect is to give one committee of the Legislative Assembly the authority to substitute its judgment for the judgment of the whole legislature, or that of the agency. As a result, one committee is given authority to make law, rather than both houses of the Legislature.

These constitutional concerns for this process were recognized when the Administrative Rules Committee was given its authority in the 1995 session, as demonstrated by Section 5, Chapter 310 of the 1995 Session Laws, which declares,

**"Section 4 of this Act is suspended from operation and becomes effective retroactive to August 1, 1995, upon a ruling by the North Dakota Supreme Court that any portion of subsection 1 of section 28-32-03.3 as created by section 3 of this Act is unconstitutional."**

We are continuing to build upon this house of sand in section 4 of the bill, which again recognizes potential constitutional infirmity and declares,

**"Section 2 of this Act is suspended from operation, but becomes effective retroactive to August 1, 1997, upon a ruling by the North Dakota Supreme Court that any portion of subsection 1 of section 28-32-03.3 as created by section 3 of chapter 310 of the 1995 Session Laws and amended by section 1 of this Act is unconstitutional."**

The bill sets up a complex scheme of legislation which is the result of constitutional concerns, and then prepares for that possibility by suspending operation of part of the bill until the Supreme Court finds another section of the law unconstitutional.

Finally, I am concerned about the practical problems the bill may create. We could cause great mischief if we allow the bill to stand. Consider these examples. Imagine the impact to the investor, in a multi-million dollar facility if he has no confidence in the regulatory climate in which he is expected to do business. Investors in Pro Gold, or Premium Beef want to have stability in the regulations under which they do business. Likewise, our people would not approve of environmental regulations which are administrative rules, being struck down by a legislative committee that has little expertise in highly technical fields such as air quality standards. Furthermore, imagine the chaos we might face if the committee found all child support rules "arbitrary or capricious", and changed the method or manner in which child support obligations were determined. These are but a few examples that I see as being dangerous and the potential ramification of allowing HB 1991 to become law. I signed the bill giving the committee limited authority for this activity in 1995, and did so with some reservation. In this session, I also signed HB 1030 that gives the committee an additional meeting in which to accomplish its work. I hesitate to expand that authority further, and believe it will be a serious mistake to do so.

For these reasons, I have vetoed HB 1191.

#### MOTION

**REP. DORSO MOVED** that HB 1191 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto and that HB 1191 be placed on the Eleventh order of business on the calendar and laid over one legislative day, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

**REP. MARAGOS MOVED** that the conference committee report on HB 1167 as printed on HJ pages 1370-1371 be adopted, which motion prevailed.

HB 1167, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1167:** A BILL for an Act to amend and reenact subsection 5 of section 12-60-16.4, sections 40-57.3-02, 53-06.1-01, 53-06.1-01.1, 53-06.1-03, 53-06.1-06, 53-06.1-07.2, 53-06.1-07.3, 53-06.1-07.4, 53-06.1-08, 53-06.1-09, 53-06.1-10, 53-06.1-10.1, 53-06.1-11, 53-06.1-11.1, 53-06.1-12, 53-06.1-12.3, 53-06.1-14, 53-06.1-15.1, and 53-06.1-16 of the North Dakota Century Code, relating to games of chance and moneys in a city visitors' promotion capital construction fund; to repeal sections 53-06.1-01.2, 53-06.1-02, 53-06.1-03.1, 53-06.1-03.2, 53-06.1-03.3, 53-06.1-05.1, 53-06.1-06.1, 53-06.1-07, 53-06.1-07.1, 53-06.1-12.1, 53-06.1-12.2, 53-06.1-13, 53-06.1-13.1, 53-06.1-15, 53-06.1-15.2, 53-06.1-15.3, 53-06.1-15.4, 53-06.1-16.1, 53-06.1-16.2, and 53-06.1-17 of the North Dakota Century Code, relating to games of chance; to provide a penalty; and to provide for a legislative council study.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 68 YEAS, 21 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Callahan; Carlson; Christenson; Christopherson; Clark; Coats; Dalrymple; DeKrey; Delmore; Dorso; Freier; Froseth; Galvin; Gertholz; Glassheim; Grande; Grumbo; Gulletson; Hanson; Hausauer; Hawken; Henegar; Huether; Jensen; Johnsen, C.; Johnson, D.; Keiser; Kelsch, R.; Kelsh, S.; Kerzman; Kilzer; Klein; Koppelman; Kretschmar; Kunkel; Lloyd; Mahoney; Maragos; Martinson; Mickelson; Monson; Murphy; Nicholas; Nichols; Niemeier; Nottestad; Oban; Poolman; Price; Renner; Rose; Sabby; Schmidt; Soukup; Sveen; Thoreson; Tollefson; Torgerson; Weisz; Wentz; Speaker Timm

**NAYS:** Brown; Byerly; Carlisle; Delzer; Devlin; Drovdal; Grosz; Jacobs; Kroeplin; Nelson; Olson; Rennerfeldt; Sandvig; Skarphol; Svedjan; Thompson; Thorpe; Wald; Wardner; Warner; Wilkie

**ABSENT AND NOT VOTING:** Aarsvold; Belter; Fairfield; Gorder; Gunter; Kempenich; Kliniske; Stenehjem

HB 1167, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. MARAGOS MOVED** that the conference committee report on HB 1297 as printed on HJ pages 1371-1372 be adopted.

#### REQUEST

**REP. MAHONEY REQUESTED** a recorded roll call vote on the motion to adopt the conference committee report on HB 1297, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the conference committee report on HB 1297, the roll was called and there were 38 YEAS, 51 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

**YEAS:** Brown; Callahan; Carlisle; Christenson; Christopherson; DeKrey; Delmore; Drovdal; Galvin; Grande; Gulleson; Hawken; Henegar; Jacobs; Jensen; Johnsen, C.; Keiser; Kelsch, R.; Kelsch, S.; Kerzman; Mahoney; Maragos; Martinson; Mickelson; Murphy; Nichols; Niemeier; Nottestad; Poolman; Rose; Sandvig; Skarphol; Svedjan; Sveen; Thompson; Thoreson; Warner; Wentz

**NAYS:** Axtman; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brusegaard; Byerly; Carlson; Clark; Coats; Dalrymple; Delzer; Devlin; Dorso; Freier; Froseth; Gertholz; Glassheim; Grosz; Grumbo; Hanson; Hausauer; Huether; Johnson, D.; Kilzer; Klein; Koppelman; Kretschar; Kroepflin; Kunkel; Lloyd; Monson; Nelson; Nicholas; Oban; Olson; Price; Renner; Rennerfeldt; Sabby; Schmidt; Soukup; Thorpe; Tollefson; Torgerson; Wald; Wardner; Weisz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Aarsvold; Belter; Fairfield; Gorder; Gunter; Kempenich; Kliniske; Stenehjem

The motion to adopt the conference committee report on HB 1297 failed.

#### REPORT OF CONFERENCE COMMITTEE

**REP. GROSZ MOVED** that the conference committee report on Engrossed HB 1482 be adopted, which motion prevailed.

Engrossed HB 1482, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1482:** A BILL for an Act to provide for the issuance of bonds to finance construction of an outlet to Devils Lake and to finance a statewide water development program; 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 85 YEAS, 4 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

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

**NAYS:** Henegar; Nichols; Thompson; Wilkie

**ABSENT AND NOT VOTING:** Aarsvold; Belter; Fairfield; Gorder; Gunter; Kempenich; Kliniske; Stenehjem

Engrossed HB 1482, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**APPOINTMENT OF CONFERENCE COMMITTEE**

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

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE SPEAKER ANNOUNCED** the following appointment to a new Conference Committee on HB 1340: Reps. Mickelson, Rennerfeldt, Warner.

**MOTION**

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

**REPORT OF CONFERENCE COMMITTEE**

**HB 1018:** Your conference committee (Sens. Holmberg, Solberg, Mathern and Reps. Freier, Kunkel, Wilkie) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1331-1334 and place HB 1018 on the Seventh order.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1116, as engrossed:** Your conference committee (Sens. Klein, Mutch, Thompson and Reps. Poolman, Skarphol, Thorpe) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1188-1189, adopt amendments as follows, and place HB 1116 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1188 and 1189 of the House Journal and pages 927 and 928 of the Senate Journal and that Engrossed House Bill No. 1116 be amended as follows:

Page 1, line 1, replace "five" with "six"

Page 3, line 11, after "rehabilitation" insert "allowance"

Page 3, line 13, remove "accrue and"

Page 3, line 14, after the underscored period insert "If the director of the department of corrections and rehabilitation and the bureau determine that an inmate who suffers a compensable injury under this chapter is in need of vocational rehabilitation services while the inmate is incarcerated, the penitentiary and the bureau may provide vocational rehabilitation services to the inmate."

Page 4, line 13, after the underscored period insert "The bureau may not provide the additional excess coverage or reinsurance required under this section. This modified workers' compensation coverage may not be effective unless the excess coverage or reinsurance required under this section is in place."

Page 4, after line 24, insert:

**"SECTION 8.** A new section to chapter 65-06.2 of the North Dakota Century Code is created and enacted as follows:

**Safety and performance audit.** The bureau shall perform a safety audit of the roughrider industries work programs covered under this chapter and a performance audit of the program of modified workers' compensation coverage. The bureau shall submit a report with recommendations based on the safety and performance audit to an interim committee designated by the legislative council no later than thirty days before the commencement of each regular session of the legislative assembly."

Page 4, line 25, replace "1999" with "2003"

Renumber accordingly

Engrossed HB 1116 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1435:** Your conference committee (Sens. Grindberg, Lee, Yockim and Reps. Poolman, C. Johnsen, Delmore) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1142-1143, adopt amendments as follows, and place HB 1435 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1142 and 1143 of the House Journal and page 866 of the Senate Journal and that House Bill No. 1435 be amended as follows:

Page 1, line 9, replace "l" with "As provided in chapter 54-40.3 or chapter 11-35, if"

Page 2, remove lines 4 through 6

Page 2, line 7, replace "3" with "2"

Page 2, line 12, replace "4" with "3", replace "The" with "A record of the", replace "recorded electronically" with "kept as required by law", and after the underscored semicolon insert "and"

Page 2, remove lines 13 through 31

Page 3, line 1, replace "6" with "4"

Page 3, line 12, after "The" insert "composition of the" and overstrike "membership shall consist of five members"

Page 3, line 13, remove the overstrike over the comma and insert immediately thereafter "unless otherwise agreed to under chapter 54-40.3, may be in any of the following forms:" and remove the underscored period

Page 3, line 14, replace "2" with "a"

Page 3, line 16, overstrike the first "two", replace "members" with "one member", overstrike "the rural region" and insert immediately thereafter "each township", and overstrike the second "two" and insert immediately thereafter "one member"

Page 3, line 17, remove "members"

Page 3, line 18, after the period insert:

"b."

Page 3, line 21, replace "three members" with "one member" and replace "the rural region" with "each township"

Page 3, line 23, after the underscored period insert:

"c."

Page 3, line 25, replace "four members" with "one member" and replace "the rural region" with "each township"

Page 3, line 28, replace "3" with "2"

Renumber accordingly

HB 1435 was placed on the Seventh order of business on the calendar.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: HB 1001, HB 1026, HB 1312, HB 1456.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1001, HB 1026, HB 1312, HB 1456.

**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 2228, SB 2344.

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

**MR. SPEAKER:** The Senate has not adopted the conference committee report on HB 1340. The President has appointed as a new conference committee to act with a like committee from the House on:

**HB 1340:** Sens. Kringstad; Urlacher; Tomac

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

**MR. SPEAKER:** The President has signed: HB 1412.

**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 2372, SB 2399, SCR 4010.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: HB 1007, HB 1021, HB 1085, HB 1306, HB 1357, HB 1448, HB 1478.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1007, HB 1021, HB 1085, HB 1306, HB 1357, HB 1448, HB 1478.

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

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

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

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

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

**HB 1340:** Reps. Mickelson; Rennerfeldt; Warner

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 11:05 a.m., April 8, 1997: HB 1019, HB 1028, HB 1163, HB 1238, HB 1301, HB 1387, HB 1412.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1006, as engrossed:** Your conference committee (Sens. Nalewaja, Bowman, Krauter and Reps. Gerntholz, Byerly, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1214-1215, adopt amendments as follows, and place HB 1006 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1214 and 1215 of the House Journal and pages 1043 and 1044 of the Senate Journal and that Engrossed House Bill No. 1006 be amended as follows:

Page 1, line 2, after "commissioner" insert "; to provide a statement of legislative intent"

Page 1, line 10, replace "11,589,981" with "11,641,812"

Page 1, line 11, replace "4,219,055" with "4,460,817"

Page 1, line 12, replace "162,937" with "229,384"

Page 1, line 15, replace "16,325,545" with "16,685,585"

Page 1, line 17, replace "16,021,973" with "16,382,013"

Page 1, after line 22, insert:

**"SECTION 3. LEGISLATIVE INTENT.** It is the intent of the legislative assembly that the tax commissioner coordinate the development of "Project 2001", the department's new tax processing system to allow, when completed, the exchange of information with other agencies, where appropriate, and to share equipment and processes with other agencies, where possible."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 127 - TAX DEPARTMENT

CONFERENCE COMMITTEE - This amendment makes the following changes:

	HOUSE VERSION	COMPUTER SYSTEM FUNDING	REMOVE RISK MANAGEMENT PREMIUMS	FUNDING SHIFT	COSTS RELATING TO OTHER BILLS	OTHER CHANGES	TOTAL CHANGES TO HOUSE VERSION	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
Salaries and wages	\$11,589,981			\$ 69,202	\$32,629*	\$150,000 <sup>5</sup>	\$ 51,831	\$11,641,812	\$11,691,812	\$ (50,000)
Operating expenses	4,219,055	\$250,000	\$(150,332)	(69,202)	40,000 <sup>4</sup>	71,296 <sup>6</sup>	241,762	4,460,817	4,560,817	(100,000)
Equipment	162,937					66,447 <sup>7</sup>	66,447	229,384	229,384	
City tax	50,000							50,000	50,000	
administration fees										
Motor fuels federal grant	303,572							303,572	303,572	
Total	\$16,325,545	\$250,000 <sup>1</sup>	\$(150,332)	\$ 0 <sup>2</sup>	\$72,629	\$ 87,743	\$360,040	\$16,685,585	\$16,835,585	\$ (150,000)
General fund	\$16,021,973	\$250,000	\$(150,332)		\$72,629	\$ 87,743	\$360,040	\$16,382,013	\$16,532,013	\$ (150,000)
Special funds	303,572							303,572	303,572	
Total	\$16,325,545	\$250,000	\$(150,332)	\$ 0	\$72,629	\$ 87,743	\$360,040	\$16,685,585	\$16,835,585	\$ (150,000)
FTE	150.50				0.50		0.50	151.00	151.00	0.00

<sup>1</sup> Additional funding is provided for redesigning the tax payment and return processing system. A comparison of funding for the system in various versions is listed below.

EXECUTIVE BUDGET HOUSE VERSION SENATE VERSION CONFERENCE COMMITTEE

General fund \$1,528,500 \$750,000 \$1,100,000 \$1,000,000

<sup>2</sup> The House removed one FTE federal fund position and moved the associated funding from salaries and wages to operating expenses. Because funding for the position was not included in salaries and wages but in the motor fuels grant line item, the House change is being reversed and the funding remains in the motor fuels federal grant line item. Authorization for the FTE position, removed by the House, is not restored. The Senate made this same change.

<sup>3</sup> Adds funding for costs associated with provisions of House Bill No. 1068 (telecommunications gross receipts tax), including a .5 FTE auditor position. The Senate also made this change.

<sup>4</sup> Adds funding for costs associated with provisions of Senate Bill No. 2331 (financial institutions tax). The Senate also made this change.

<sup>5</sup> Reduces salaries and wages funding for anticipated savings resulting from employee turnover.

<sup>6</sup> Adds funding for the increase in costs charged to the Tax Department by other agencies. The Senate also made this change.

<sup>7</sup> Adds equipment funding to address departmental technology needs, the same as the Senate version.

A section of legislative intent is added providing that the Tax Commissioner coordinate the development of "Project 2001", the new tax return processing system, to allow the transfer of information with other agencies, where appropriate, and to share equipment and processes with other agencies, where possible.

THE HOUSE RECONVENED, with Speaker Timm presiding.

**REPLACEMENT APPOINTMENTS TO CONFERENCE COMMITTEES**

**THE SPEAKER ANNOUNCED** the following replacements to the respective Conference Committees:

**HB 1009:** Rep. Boucher replaces Rep. Aarsvold

**HB 1013:** Rep. Wilkie replaces Rep. Aarsvold

**HB 1025:** Rep. Lloyd replaces Rep. Boehm

**REPORT OF CONFERENCE COMMITTEE**

**REP. GERNTHOLZ MOVED** that the conference committee report on Engrossed HB 1006 be adopted, which motion prevailed.

Engrossed HB 1006, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1006:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner; to provide a statement of legislative intent; and to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the salary of the state tax commissioner.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 83 YEAS, 4 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

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

**NAYS:** Carlson; Grande; Grosz; Skarphol

**ABSENT AND NOT VOTING:** Aarsvold; Belter; Gorder; Gunter; Kempenich; Kliniske; Koppelman; Kunkel; Nicholas; Stenehjem

Engrossed HB 1006, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. FREIER MOVED** that the conference committee report on HB 1018 be adopted, which motion failed on a verification vote.

**REPORT OF CONFERENCE COMMITTEE**

**REP. POOLMAN MOVED** that the conference committee report on Engrossed HB 1116 be adopted, which motion prevailed.

Engrossed HB 1116, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1116:** A BILL for an Act to create and enact six new sections to chapter 65-06.2 of the North Dakota Century Code, relating to workers' compensation coverage for inmates engaged in work programs through roughrider industries; to amend and reenact sections 65-05-07.2 and 65-06.2-01 of the North Dakota Century Code, relating to the requirement that employers pay a portion of the medical benefits of workers' compensation claims and to the definition of an inmate; 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 86 YEAS, 5 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** Brusegaard; Carlson; Grosz; Rennerfeldt; Soukup

**ABSENT AND NOT VOTING:** Aarsvold; Belter; Gorder; Kempenich; Kliniske; Stenehjem

Engrossed HB 1116, as amended, passed and the title was agreed to.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. POOLMAN MOVED** that the conference committee report on HB 1435 be adopted, which motion prevailed.

HB 1435, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1435:** A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to political subdivision hearings concerning public health, natural resources, or the environment; and to amend and reenact section 11-35-01 of the North Dakota Century Code, relating to formation of joint zoning commissions by political subdivisions.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 54 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Boucher; Brandenburg; Callahan; Carlisle; Christenson; Christopherson; Coats; Delmore; Devlin; Galvin; Glassheim; Gulleson; Hanson; Henegar; Jacobs; Jensen; Johnson, D.; Kelsh, S.; Kerzman; Kroeplin; Kunkel; Mahoney; Maragos; Nicholas; Nichols; Niemeier; Oban; Olson; Rose; Sandvig; Schmidt; Soukup; Sveen; Thompson; Thoreson; Wentz

**NAYS:** Berg; Bernstein; Boehm; Brown; Brusegaard; Byerly; Carlson; Clark; Dalrymple; DeKrey; Delzer; Dorso; Drovdal; Fairfield; Freier; Froseth; Gerntholz; Grande; Grosz; Grumbo; Gunter; Hausauer; Hawken; Huether; Johnsen, C.; Keiser; Kelsch, R.; Kilzer; Klein; Koppelman; Kretschmar; Lloyd; Martinson; Mickelson; Monson; Murphy; Nelson; Nottestad; Poolman; Price; Renner; Rennerfeldt; Sabby; Skarphol; Svedjan; Thorpe; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wilkie; Speaker Timm

**ABSENT AND NOT VOTING:** Aarsvold; Belter; Gorder; Kempenich; Kliniske; Stenehjem

HB 1435, as amended, was declared lost.

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**MOTION**

**REP. DORSO MOVED** that all action taken on bills today and including SB 2255 be messaged to the Senate immediately, which motion prevailed.

**MOTION**

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

**REPORT OF CONFERENCE COMMITTEE**

**HB 1010, as engrossed:** Your conference committee (Sens. Naaden, Lips, Robinson and Reps. Soukup, Byerly, Huether) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1146-1147, adopt amendments as follows, and place HB 1010 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1146 and 1147 of the House Journal and pages 885 and 886 of the Senate Journal and that Engrossed House Bill No. 1010 be amended as follows:

Page 1, line 11, replace "4,020,813" with "4,045,813"

Page 1, line 12, replace "1,244,742" with "1,228,289"

Page 1, line 14, replace "5,306,000" with "5,314,547"

Page 2, after line 19, insert:

**"SECTION 8. LEGISLATIVE INTENT - BUDGET SECTION REPORT.** It is the intent of the legislative assembly that the insurance commissioner utilize \$25,000 appropriated in section 1 of this Act to analyze during the biennium beginning July 1, 1997, and ending June 30, 1999, the amount of insurance payments to fire departments distributed to fire districts in fiscal years 1996, 1997, and 1998 and present a report to the budget section in December 1998 containing the commissioner's findings and the actions taken to stabilize the distribution of funds to each fire district."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 401 - INSURANCE DEPARTMENT

CONFERENCE COMMITTEE - This amendment makes the following changes:

	HOUSE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	FIRE DISTRICT PAYMENT STUDY	TOTAL CHANGES TO HOUSE VERSION	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE (DECREASE) TO SENATE VERSION
Salaries and wages	\$4,020,813		\$25,000	\$25,000	\$4,045,813	\$4,058,313	\$ (12,500)
Operating expenses	1,244,742	\$(16,453)		(16,453)	1,228,289	1,228,289	
Equipment	40,445				40,445	42,945	(2,500)
Computer network project	<u>275,000</u>				<u>275,000</u>	<u>275,000</u>	
Total special funds	\$5,581,000	\$(16,453)	\$25,000*	\$ 8,547	\$5,589,547	\$5,604,547	\$ (15,000)
FTE	45.50	0.00	0.00	0.00	45.50	46.00	(0.50)
Payments to fire departments	<u>\$5,200,000</u>				<u>\$5,200,000</u>	<u>\$5,200,000</u>	
Total special funds	\$5,200,000	\$ 0	\$ 0	\$ 0	\$5,200,000	\$5,200,000	\$ 0

\* Adds funding from excess revenue in the insurance regulatory trust fund generated from the 1995-97 biennium increase in insurance agent license fees relating to the department's new computer system. The additional \$25,000 is for the department to hire temporary personnel to analyze payments to fire districts. The Senate added \$40,000 from the insurance regulatory trust fund and a .5 FTE position for this purpose.

A section of legislative intent is added providing that the Insurance Commissioner analyze fire district payments distributed during 1996, 1997, and 1998 and report to the Budget Section in December 1998 on the commissioner's findings and actions taken to stabilize the payments to fire districts.

Engrossed HB 1010 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1013, as engrossed:** Your conference committee (Sens. Holmberg, Solberg, Robinson and Reps. Hausauer, R. Kelsch, Wilkie) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1341-1352, adopt amendments as follows, and place HB 1013 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1341-1352 of the House Journal and pages 1173-1185 of the Senate Journal and that Engrossed House Bill No. 1013 be amended as follows:

Page 1, line 2, replace the second "and" with "to create and enact two new sections to chapter 15-34.1 of the North Dakota Century Code, relating to home schooling for children with autism;"

Page 1, line 3, replace "section" with "sections" and after "15-21-02" insert ", 25-01-03, 54-24-01, and subsection 3 of section 54-44.3-20"

Page 1, line 4, after "instruction" insert "and to the classified status of the superintendent of the school for the blind, the superintendent of the school for the deaf, and the state librarian; to provide an expiration date; and to declare an emergency"

Page 1, line 16, replace "8,764,344" with "8,704,612"

Page 1, line 23, replace "122,915,847" with "123,940,847"

Page 1, after line 23, insert:

"Grants - technology reimbursement payments	5,000,000
Grants - SENDIT	876,000"

Page 1, line 24, replace "Geographic" with "Grants - geographic"

Page 2, line 1, replace "705,251,455" with "712,092,723"

Page 2, line 2, replace "187,038,203" with "187,229,971"

Page 2, line 3, replace "518,213,252" with "524,862,752"

Page 2, line 6, replace "1,876,280" with "1,958,201"

Page 2, line 7, replace "1,050,550" with "1,041,033"

Page 2, line 9, replace "1,260,521" with "1,135,521"

Page 2, line 10, replace "4,209,851" with "4,157,255"

Page 2, line 11, replace "1,273,641" with "1,355,562"

Page 2, line 12, replace "2,936,210" with "2,801,693"

Page 2, line 16, replace "930,822" with "913,958"

Page 2, line 19, replace "5,120,207" with "5,103,343"

Page 2, line 21, replace "4,588,329" with "4,571,465"

Page 2, line 25, replace "663,429" with "652,154"

Page 2, line 28, replace "3,317,260" with "3,305,985"

Page 2, line 30, replace "2,360,193" with "2,348,918"

Page 2, line 31, replace "528,097,984" with "534,584,828"

Page 3, line 1, replace "189,800,789" with "190,074,478"

Page 3, line 2, replace "717,898,773" with "724,659,306"

Page 3, line 3, after the first boldfaced period insert "**LEGISLATIVE**" and after "**INTENT**" insert "**- TUITION APPORTIONMENT**"

Page 3, line 10, after the first boldfaced period insert "**LEGISLATIVE**"

Page 3, line 15, after "**INTENT**" insert "**- DISTRIBUTION OF SPECIAL EDUCATION AID**"

Page 4, after line 8, insert:

**SECTION 5. LEGISLATIVE INTENT - GRANTS FOR SENDIT.** It is the intent of the fifty-fifth legislative assembly that the funds appropriated in subdivision 1 of section 1 of this Act for grants to the SENDIT network be distributed by the educational telecommunications council to support the electronic connectivity and networking of schools through the SENDIT network.

**SECTION 6. LEGISLATIVE INTENT - TECHNOLOGY REIMBURSEMENT PAYMENTS.** It is the intent of the fifty-fifth legislative assembly that the funds appropriated in subdivision 1 of section 1 of this Act for technology reimbursement payments be used for reimbursing school districts for technology-related expenditures. The educational telecommunications council shall determine the maximum amount to which each school district is entitled by dividing the number of elementary and secondary students in average daily membership in this state into the funds appropriated in subdivision 1 of section 1 of this Act for technology reimbursement payments and then multiplying the result by the number of students in average daily membership in each district. Upon receiving substantiating documentation from a school district indicating the expenditure of funds on or after July 1, 1996, for the acquisition of computer technology for student uses or instructional purposes, interactive television, or teacher inservice programs related to the use of computer technology in classroom instruction, the educational telecommunications council shall provide reimbursement to the school district in an amount equal to that expended but not exceeding that to which the school district is entitled.

**SECTION 7. LEGISLATIVE INTENT - MEAT IN SCHOOL LUNCH PROGRAMS.** It is the intent of the fifty-fifth legislative assembly that the superintendent of public instruction encourage school boards operating or providing for the operation of child nutrition and food distribution programs in schools to not offer yogurt as a substitute for meat in school lunches served to students.

**SECTION 8. LEGISLATIVE INTENT - DIVISION OF INDEPENDENT STUDY TUITION RATES.** It is the intent of the fifty-fifth legislative assembly that during the 1997-99 biennium, the division of independent study review the tuition rates charged for resident and nonresident students enrolled in independent study courses and consider increasing the tuition rate charged nonresident students.

**SECTION 9. LEGISLATIVE INTENT - POSITION TRANSFERS.** It is the intent of the fifty-fifth legislative assembly that for the 1997-99 biennium, the department of public instruction be authorized to have no more than 135.45 full-time equivalent positions and that no more than 39.2 of these positions be in the division of independent study. It is the intent of the fifty-fifth legislative assembly that if, during the 1997-99 biennium, the superintendent of public instruction transfers any positions to the division of independent study from other divisions of the department of public instruction, the transfers be reported to the budget section of the legislative council at its next meeting.

**SECTION 10. LEGISLATIVE INTENT - GRANT TO LEADERSHIP IN EDUCATION ADMINISTRATION CONSORTIUM - REPORT TO LEGISLATIVE COUNCIL COMMITTEE.** It is the intent of the fifty-fifth legislative assembly that \$25,000 of the amount appropriated in the grants - other grants line item in subdivision 1 of section 1 of this Act be used to provide a grant to the leadership in education administration consortium to develop training programs in cooperation with teacher learning centers. It is the intent of the fifty-fifth legislative assembly that the leadership in education administration consortium and the teacher learning centers work cooperatively to develop training programs for teachers and education administrators. The leadership in education administration consortium shall present, no later than September 30, 1998, a report to the legislative council or its designated committee on training programs for teachers and education administrators developed in cooperation with the teacher learning centers.

**SECTION 11. PAYMENTS FOR LIMITED ENGLISH PROFICIENT STUDENTS.** Notwithstanding section 2 of Senate Bill No. 2029 as passed by the

fifty-fifth legislative assembly, payments to school districts educating limited English proficient students, as provided by that bill, must be paid from up to \$300,000 of the amount appropriated in subdivision 1 of section 1 of this Act for grants - foundation aid and transportation.

**SECTION 12. CREDENTIALING PROCESS FOR SPECIAL EDUCATION TEACHERS.** The superintendent of public instruction may not change the credentialing process for special education teachers as it is in effect on March 1, 1997, without first convening a meeting to include representatives of the council of educational leaders, the council for exceptional children, the North Dakota education association, and the North Dakota school boards association. The purpose of the meeting is to receive comments regarding the proposed changes, including the scheduling and manner of implementation, associated costs, the applicability of the proposed changes, and the short-term and long-term effects of the proposed changes. If, within thirty days after the date of the meeting, any representative present at the meeting objects in writing to the proposed change, the superintendent may not implement the change prior to July 1, 1999.

**SECTION 13. FEDERAL FUNDING FOR SPECIAL EDUCATION.** The legislative assembly urges Congress to fund the education of children with disabilities at the level authorized in the Education for All Handicapped Children Act of 1975. In that legislation, now known as the Individuals with Disabilities Education Act, Congress included a graduated formula for determining state entitlement and provided that for the fiscal year ending September 30, 1982, and for each fiscal year thereafter, the federal funding level was to be set at forty percent of the average per student expenditure in public elementary and secondary schools in the United States. Because the level of federal funding received by this state has never exceeded ten percent, this federal legislation constitutes an underfunded mandate. The secretary of state shall forward copies of this section to the secretary of the department of education, to the chairman of the senate labor and human resources committee, to the chairman of the house economic and educational opportunities committee, and to each member of the North Dakota congressional delegation."

Page 4, line 14, after "district" insert ", in accordance with the district's locally developed goals 2000 educational improvement application plan"

Page 4, after line 16, insert:

**"SECTION 15. School-to-work - Student participation voluntary.** Before any elementary or secondary school student may participate in any course, program, or project offered under the auspices of the School-to-Work Opportunities Act of 1994, [Pub. L. 103-239; 108 Stat. 568; 20 U.S.C. 2394 et seq.], the student's school principal shall obtain the written consent of the student's parent or legal guardian. Participation by a student is voluntary and may not be deemed a condition of graduation. Neither school personnel, school district personnel, nor the superintendent of public instruction may impose any academic penalties or any other sanctions on a student for failure to participate. A student's participation in a course, program, or project offered under the auspices of the School-to-Work Opportunities Act of 1994 is subject to all state and federal child labor laws."

Page 5, after line 7, insert:

**"SECTION 20.** A new section to chapter 15-34.1 of the North Dakota Century Code is created and enacted as follows:

**Children with autism - Home school.** Notwithstanding any other law, a parent or legal guardian may provide home schooling to a developmentally disabled child with autism if:

1. The child has been determined to be autistic by a licensed psychologist;
2. The child's parent or legal guardian qualifies to provide home schooling under section 15-34.1-06;
3. The child's parent or legal guardian files with the superintendent of the child's school district of residence:
  - a. A notice that the child will be home schooled;

- b. A copy of the child's diagnosis of autism prepared and attested to by a licensed psychologist; and
- c. A description of the instructional plan to be followed during the school year, together with an attestation by a licensed psychologist and a North Dakota certified teacher that the instructional plan is appropriate for the child.

**SECTION 21.** A new section to chapter 15-34.1 of the North Dakota Century Code is created and enacted as follows:

**Children with autism - Home school - Progress reports.**

1. On or before November first, February first, and May first of each school year, a parent providing home schooling to an autistic child under section 20 of this Act shall file with the superintendent of the child's school district of residence progress reports prepared by a licensed psychologist, an occupational therapist, a speech pathologist, and a certified teacher. If at any time the licensed psychologist, the occupational therapist, the speech pathologist, and the certified teacher agree that adequate progress is not being made, they shall notify the superintendent of the child's school district of residence and request that the child be evaluated by a multidisciplinary team.
2. The superintendent of the child's school district of residence shall forward copies of all documentation required by this section to the superintendent of public instruction. The superintendent of public instruction shall provide a report and recommendations regarding the home schooling of developmentally disabled children with autism under this section and section 20 of this Act to the legislative council.

**SECTION 22. AMENDMENT.** Section 25-01-03 of the North Dakota Century Code is amended and reenacted as follows:

**25-01-03. Supervising officer to appoint superintendent of institutions - Salaries - Removal.**

1. The supervising officer shall appoint a superintendent for each of the institutions under its control, except for the state hospital, where the supervising officer shall appoint a superintendent and a medical director in consultation with a state hospital governing body.
2. The tenure of office of each superintendent is two years from the date of the superintendent's appointment, and the superintendent must possess qualifications required by this title. Any superintendent may be removed by the supervising officer for misconduct, neglect of duty, incompetency, or other proper cause showing the superintendent's inability or refusal properly to perform the duties of office, but a removal at a time other than a termination of the superintendent's two-year tenure may be had only after an opportunity is given to the person to be heard before a board consisting of the governor, attorney general, and supervising officer of the institution on preferred written charges. A removal when made, however, is final. This subsection does not apply to the superintendent of the school for the blind or the superintendent of the school for the deaf, whose positions are included in the classified service as provided in section 54-44.3-20.
3. The supervising officer shall fix the compensation of each superintendent within the limits prescribed in this title and within the appropriations made by the legislative assembly for compensation.

**SECTION 23. AMENDMENT.** Section 54-24-01 of the North Dakota Century Code is amended and reenacted as follows:

**54-24-01. State library - State librarian appointed by the superintendent of public instruction.** The superintendent of public instruction shall appoint an executive officer to be known as the state librarian, who shall report to the superintendent and must receive a salary within the amount appropriated for salaries by the legislative assembly. The state librarian shall control the work and is the director of the state library. The position of state librarian is included in the classified service, as provided in

section 54-44.3-20. The state library is an autonomous agency and retains a budget and staff separate from that of the superintendent of public instruction.

**SECTION 24. AMENDMENT.** Subsection 3 of section 54-44.3-20 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. Administrative heads of departments required by law, other than the superintendent of the school for the blind, the superintendent of the school for the deaf, and the state librarian.

**SECTION 25. EXPIRATION DATE.** Sections 20 and 21 of this Act are effective through June 30, 1999, and after that date are ineffective.

**SECTION 26. EMERGENCY.** Sections 20 and 21 of this Act are declared to be an emergency measure."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 201 - PUBLIC INSTRUCTION

CONFERENCE COMMITTEE - This amendment reduces operating expenses by \$42,732 (\$17,500 general fund, \$25,232 other funds) for risk management premiums. This amendment also reduces operating expenses by \$29,000 to reflect an anticipated reduction in the estimated cost of leases the Division of Independent Study will enter into for copiers and other equipment during the 1997-99 biennium. The amount included in the executive recommendation was approximately \$249,000 and the department estimates the cost will be approximately \$220,000. This amendment also reduces general fund appropriation authority by \$21,000 and increases other funds authority by the same amount to encourage the Division of Independent Study to consider increasing nonresident tuition rates to generate additional tuition revenue. This amendment also increases operating expenses by \$12,000 from the state general fund for a portion of the costs the department anticipates will be incurred relating to reissuing certain rules, as required by Senate Bill No. 2336. The fiscal note for Senate Bill No. 2336 indicates an anticipated cost of \$100,000 for the 1997-99 biennium.

This amendment adds the following grants:

Technology reimbursement payments (Reengrossed House Bill No. 1034 included \$3.8 million for technology reimbursement payments)	\$5,000,000
Educational Telecommunications Council	1,000,000
SENDIT	876,000

This amendment adds legislative intent relating to grants for technology and the SENDIT network.

This amendment also adds legislative intent relating to school lunch programs, Division of Independent Study tuition rates, position transfers to the Division of Independent Study, and a grant to the Leadership in Education Administration (LEAD) Consortium to develop cooperative training programs with the teacher learning centers. This amendment also increases other grants by \$25,000 from the state general fund for a grant to the LEAD Consortium.

This amendment provides that up to \$300,000 of the amount appropriated for foundation aid is to be used for payments to school districts for limited English proficient students, as provided by Senate Bill No. 2029.

This amendment requires the Superintendent of Public Instruction to obtain, from certain educational related groups, prior approval of any proposed changes to the credentialing process for special education teachers.

This amendment provides statutory changes relating to the classified status of the superintendent of the School for the Deaf, the superintendent of the School for the Blind, and the State Librarian.

This amendment also allows home school instruction for autistic children, encourages the United States Congress to increase the level of funding for the education of children with disabilities, and provides that a student's participation in school-to-work programs is voluntary.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	REDUCE GENERAL FUND OPERATING AND INCREASE OTHER FUNDS FOR DIVISION OF INDEPENDENT STUDY	ADD GRANT TO LEAD FOR COORDINATING PROGRAMS WITH TEACHER CENTERS	ADD GRANTS INCLUDED BY THE HOUSE IN HB 1034	RESTORE FTE POSITION	RULEMAKING COSTS RELATING TO SB 2136	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION
Salaries and wages	\$ 10,872,941								\$ 10,872,941	\$ 10,872,941
Operating expenses	8,764,344	\$(42,732)	\$(29,000)				\$12,000	\$(59,732)	8,704,612	8,704,612
Equipment	768,920								768,920	768,920
Grants - Foundation aid and transportation	466,356,259								466,356,259	466,356,259
Grants - Revenue	3,100,000								3,100,000	3,100,000
Grants - Tuition	49,273,144								49,273,144	49,273,144
Grants - Special	40,550,000								40,550,000	40,550,000
Grants - Goals 2000	2,600,000			\$25,000	\$1,000,000			1,025,000	2,600,000	2,600,000
Grants - Other	122,915,847								123,940,847	123,940,847
Grants - Geographic	50,000								50,000	50,000
Grants - education					876,000			876,000	876,000	876,000
Grants - SBMDIT					5,000,000			5,000,000	5,000,000	5,000,000
Grants - Technology										
Reimbursement payments										
Total	\$705,251,455	\$(42,732)	\$(29,000)	\$25,000	\$6,876,000	\$ 0	\$12,000	\$6,841,268	\$712,092,723	\$712,092,723
General fund	\$518,213,252	\$(17,500)	\$(50,000)	\$25,000	\$6,680,000		\$12,000	\$6,649,500	\$524,862,752	\$524,862,752
Other funds	187,038,203	(25,232)	21,000		196,000			191,268	187,229,971	187,229,971
Total	\$705,251,455	\$(42,732)	\$(29,000)	\$25,000	\$6,876,000	\$ 0	\$12,000	\$6,841,268	\$712,092,723	\$712,092,723
FTE	134.45					1.00		1.00	135.45	135.45

Reengrossed House Bill No. 1034 included a general fund appropriation of \$3.8 million for technology reimbursement payments. Reengrossed Senate Bill No. 2138 included a general fund appropriation of \$5 million for technology reimbursement payments.

## DEPARTMENT 250 - STATE LIBRARY

CONFERENCE COMMITTEE - This amendment increases salaries and wages by \$81,921 of other funds for a librarian III position.

This amendment reduces grants by \$125,000 from the state general fund for the Vision 2004 library and information services strategic plan. The \$125,000 appropriation is also included in Engrossed House Bill No. 1035.

This amendment also reduces operating expenses by \$9,517 from the state general fund for risk management premiums.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	ADD OTHER FUNDS AUTHORITY FOR LIBRARIAN III POSITION	REMOVE GRANTS FOR VISION 2004	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION
Salaries and wages	\$1,876,280		\$81,921		\$ 81,921	\$1,958,201	\$1,958,201
Operating expenses	1,050,550	\$(9,517)			(9,517)	1,041,033	1,041,033
Equipment	22,500					22,500	22,500
Grants	<u>1,260,521</u>			\$(125,000)	<u>(125,000)</u>	<u>1,135,521</u>	<u>1,135,521</u>
Total	\$4,209,851	\$(9,517)	\$81,921	\$(125,000)	\$(52,596)	\$4,157,255	\$4,157,255
General fund	\$2,936,210	\$(9,517)			\$(134,517)	\$2,801,693	\$2,801,693
Other funds	<u>1,273,641</u>		<u>\$81,921</u>		<u>81,921</u>	<u>1,355,562</u>	<u>1,355,562</u>
Total	\$4,209,851	\$(9,517)	\$81,921	\$(125,000)	\$(52,596)	\$4,157,255	\$4,157,255
FTE	28.00		1.00		1.00	29.00	29.00

DEPARTMENT 252 - SCHOOL FOR THE DEAF

CONFERENCE COMMITTEE - This amendment reduces operating expenses by \$16,864 from the state general fund for risk management premiums.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	CONFERENCE COMMITTEE VERSION	SENATE VERSION
Salaries and wages	\$4,064,385		\$4,064,385	\$4,064,385
Operating expenses	930,822	\$(16,864)	913,958	913,958
Equipment	100,000		100,000	100,000
Capital improvements	<u>25,000</u>		<u>25,000</u>	<u>25,000</u>
Total	\$5,120,207	\$(16,864)	\$5,103,343	\$5,103,343
General fund	\$4,588,329	\$(16,864)	\$4,571,465	\$4,571,465
Other funds	<u>531,878</u>		<u>531,878</u>	<u>531,878</u>
Total	\$5,120,207	\$(16,864)	\$5,103,343	\$5,103,343

DEPARTMENT 253 - SCHOOL FOR THE BLIND

CONFERENCE COMMITTEE - This amendment reduces operating expenses by \$11,275 from the state general fund for risk management premiums.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	CONFERENCE COMMITTEE VERSION	SENATE VERSION
Salaries and wages	\$2,177,856		\$2,177,856	\$2,177,856
Operating expenses	663,429	\$(11,275)	652,154	652,154
Equipment	81,900		81,900	81,900
Capital improvements	<u>394,075</u>		<u>394,075</u>	<u>394,075</u>
Total	\$3,317,260	\$(11,275)	\$3,305,985	\$3,305,985
General fund	\$2,360,193	\$(11,275)	\$2,348,918	\$2,348,918
Other funds	<u>957,067</u>		<u>957,067</u>	<u>957,067</u>
Total	\$3,317,260	\$(11,275)	\$3,305,985	\$3,305,985

Engrossed HB 1013 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1023, as engrossed:** Your conference committee (Sens. Nalewaja, Lips, Krauter and Reps. Kunkel, Lloyd, Wilkie) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1267-1269, adopt amendments as follows, and place HB 1023 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1267-1269 of the House Journal and pages 1088-1090 of the Senate Journal and that Engrossed House Bill No. 1023 be amended as follows:

Page 1, line 10, replace "1,637,039" with "1,626,006"

Page 1, line 11, replace "6,785,188" with "6,737,688"

Page 1, line 13, replace "9,889,324" with "9,830,791"

Page 1, line 14, replace "4,016,740" with "3,969,240"

Page 1, line 15, replace "5,872,584" with "5,861,551"

Page 1, replace lines 16 through 20 with:

**"SECTION 2. LEGISLATIVE INTENT - FUNDING FOR INTERNATIONAL PEACE GARDEN.** It is the intent of the legislative assembly that, rather than the state historical society, the department of parks and recreation include the funding request for the international peace garden in the department's 1999-2001 biennium budget request and that during the biennium beginning July 1, 1997, and ending June 30, 1999, the state historical society assist the department of parks and recreation to develop procedures to administer the funding for the international peace garden beginning July 1, 1999."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 750 - DEPARTMENT OF PARKS AND RECREATION

CONFERENCE COMMITTEE - This amendment reduces the administration program line by \$11,033 from the state general fund for risk management premiums.

This amendment reduces the natural resources program line by \$47,500 to reflect revised cost estimates for the following projects:

	EXECUTIVE BUDGET	ENGROSSED BILL	CONFERENCE COMMITTEE VERSION
Turtle River State Park roads - chip and seal	\$ 75,000	\$ 75,000	\$ 45,000
Icelandic State Park roads - chip and seal	50,000	50,000	27,500
Fort Stevenson State Park - road overlays	70,000	70,000	75,000
Lake Metigoshe State Park roads - chip and seal	<u>20,000</u>	<u>20,000</u>	<u>20,000</u>
Total	\$215,000	\$215,000	\$167,500
General fund	\$ 86,000		
Special funds	<u>129,000</u>	<u>\$215,000</u>	<u>167,500</u>
Total	\$215,000	\$215,000	\$167,500

The special funds for the road projects listed above are from excess park revenue generated during the 1995-97 biennium or other sources.

This amendment adds legislative intent that the funding request for the International Peace Garden be included in the Parks and Recreation Department's 1999-2001 biennium budget request rather than in the Historical Society's budget request.

This amendment removes Section 2 of the engrossed bill, which provided additional information relating to the program line items contained in the bill. The additional information is contained in the purpose of amendment.

	ENGROSSED BILL	REMOVE RISK MANAGEMENT PREMIUMS	ROAD PROJECTS	TOTAL CHANGES	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
Salaries and wages	\$4,106,703				\$4,106,703	\$4,106,703	
Operating expenses	3,486,751	\$ (11,033)		\$ (11,033)	3,475,718	3,475,718	
Equipment	284,370				284,370	284,370	
Capital improvements	1,536,500		\$ (47,500)	(47,500)	1,489,000	1,489,000	
Grants	<u>475,000</u>				<u>475,000</u>	<u>475,000</u>	
Total	\$9,889,324	\$ (11,033) <sup>1</sup>	\$ (47,500) <sup>2</sup>	\$ (58,533)	\$9,830,791	\$9,830,791	\$ 0
General fund	\$5,872,584	\$ (11,033)		\$ (11,033)	\$5,861,551	\$5,928,551	\$ 67,000
Special funds	<u>4,016,740</u>		<u>\$ (47,500)</u>	<u>(47,500)</u>	<u>3,969,240</u>	<u>3,902,240</u>	<u>(67,000)</u>
Total	\$9,889,324	\$ (11,033)	\$ (47,500)	\$ (58,533)	\$9,830,791	\$9,830,791	\$ 0
FTE	38.00	0.00	0.00	0.00	38.00	38.00	0.00

<sup>1</sup> Removes funding for risk management premiums from the administration program.

<sup>2</sup> The funding in the natural resources program is reduced by \$47,500 to reflect revised cost estimates.

Engrossed HB 1023 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1024, as engrossed:** Your conference committee (Sens. Nalewaja, Holmberg, Robinson and Reps. Lloyd, Kunkel, Aarsvold) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1269-1270, adopt amendments as follows, and place HB 1024 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1269 and 1270 of the House Journal and pages 1090 and 1091 of the Senate Journal and that Engrossed House Bill No. 1024 be amended as follows:

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

Page 1, line 10, replace "3,110,848" with "3,290,622"

Page 1, line 13, replace "4,037,195" with "4,216,969"

Page 1, line 14, replace "180,000" with "363,000"

Page 1, line 15, replace "3,857,195" with "3,853,969"

Page 1, after line 15, insert:

**"SECTION 2. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying during the 1997-98 interim the coordination of efforts of the department of tourism, department of parks and recreation, department of economic development and finance, state historical society, and council on the arts to maximize their effectiveness by providing unified services to enhance the state's public image. If conducted, the study must focus on marketing, including international marketing, public relations, advertising, promotional materials development, graphic design, customer service training, and other public perception issues affecting North Dakota. The study is not to focus on the feasibility of merging these agencies into a consolidated department."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 740 - TOURISM DEPARTMENT

CONFERENCE COMMITTEE - The operating expenses line item is increased by \$183,000 of special funds to be raised by the Tourism Department from sources including the Department of Economic Development and Finance, local organizations, and other sources for joining the Rocky Mountain International marketing organization. The funding is provided for the purpose of increasing international marketing efforts to attract more foreign tourists to the state to enhance tourism's effect on the North Dakota economy.

A section is added providing for a Legislative Council study of the coordination of efforts of the departments of Tourism, Parks and Recreation, and Economic Development and Finance; the Historical Society; and the Council on the Arts to enhance the state's public image. The study is not to focus on the feasibility of merging these agencies into a consolidated department.

This amendment also reduces operating expenses by \$3,226 from the state general fund for risk management premiums.

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

**REPORT OF CONFERENCE COMMITTEE**

**HB 1025, as engrossed:** Your conference committee (Sens. Goetz, Solberg, Robinson and Reps. Wald, Lloyd, Wilkie) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 638-640 and place HB 1025 on the Seventh order.

Engrossed HB 1025 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1359:** Your conference committee (Sens. Traynor, W. Stenehjem, C. Nelson and Reps. DeKrey, Koppelman, Delmore) recommends that the **SENATE RECEDE** from the

Senate amendments on HJ page 959, adopt amendments as follows, and place HB 1359 on the Seventh order:

That the Senate recede from the amendments as printed on page 959 of the House Journal and page 730 of the Senate Journal and that House Bill No. 1359 be amended as follows:

Page 1, line 8, overstrike "unlawfully transport, carry, sell, give away, prepare for sale, or peddle" and insert immediately thereafter "aid or assist in the manufacture, delivery, or possession with intent to manufacture or deliver a controlled substance for the purpose of receiving consideration or payment for the manufacture or delivery of"

Renumber accordingly

HB 1359 was placed on the Seventh order of business on the calendar.

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Boucher to replace Rep. Aarsvold on the Conference Committee on HB 1009.

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Lloyd to replace Rep. Boehm on the Conference Committee on HB 1025.

**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 1297:** Sens. Traynor; W. Stenehjem; C. Nelson

**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 1017, HB 1112, HB 1337, HB 1453.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1015.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1015**

Page 1, line 7, after the semicolon insert "to provide for a legislative council study of public employee health insurance benefits;"

Page 1, line 8, remove "to provide for a"

Page 1, line 9, remove "transfer from the information services division operating fund to the state general fund;"

Page 1, line 22, replace "3,405,558" with "3,366,327"

Page 1, line 24, replace "8,260,692" with "8,421,012"

Page 2, line 3, replace "843,818" with "1,094,360"

Page 2, line 4, replace "57,206,288" with "57,577,919"

Page 2, line 5, replace "41,996,220" with "42,246,762"

Page 2, line 6, replace "15,210,068" with "15,331,157"

Page 2, line 9, replace "44,897,969" with "45,326,741"

Page 2, line 10, replace "44,897,969" with "45,326,741"

Page 2, line 13, replace "4,601,858" with "4,638,793"

Page 2, line 14, replace "4,601,858" with "4,638,793"

Page 2, line 15, replace "4,247,641" with "4,240,786"

Page 2, line 16, replace "354,217" with "398,007"

Page 2, line 20, replace "1,750,927" with "1,741,249"

Page 2, line 22, replace "4,711,554" with "4,701,876"

Page 2, line 24, replace "4,124,944" with "4,115,266"

Page 2, line 25, replace "19,689,229" with "19,844,430"

Page 2, line 26, replace "91,728,440" with "92,400,899"

Page 2, line 27, replace "111,417,669" with "112,245,329"

Page 3, line 20, replace "of 1.5 percent" with "providing an average of three percent with a minimum of \$40 per month,"

Page 3, line 21, replace "another 1.5 percent" with "providing an average of three percent with a minimum of \$40 per month,"

Page 3, line 22, after the period insert "Any increases greater than \$40 per month must be based on merit."

Page 3, remove lines 23 through 29

Page 4, line 1, remove "general" and replace "1.5 percent" with "\$40 per month"

Page 4, line 2, replace "1.5 percent" with "\$40 per month"

Page 4, line 20, replace "39,372,706" with "29,594,725"

Page 5, line 1, replace "county" with "and Divide counties"

Page 5, after line 19, insert:

**"SECTION 13. LEGISLATIVE INTENT - STATE EMPLOYEE SALARY REPORT.** It is the intent of the fifty-fifth legislative assembly that during the 1997-98 interim the office of management and budget report to an interim legislative council committee on state employee salary compression problems. The report is to include information on the number of employees impacted by salary compression, the job title of each employee impacted, the dollar amount needed by position and in total to correct salary compression problems, and a ten-year projection by job class of future salary compression based on historical salary increase trends. In addition, the office of management and budget is also to develop and present a plan to compensate state employees in a fair and adequate manner.

**SECTION 14. LEGISLATIVE COUNCIL INTERIM STUDY OF PUBLIC EMPLOYEE HEALTH INSURANCE BENEFITS.** The legislative council shall consider studying public employee health insurance benefits during the 1997-98 interim. If conducted, the study must include a comparison of the cost of participating in exclusive provider organizations and preferred provider organizations as compared to participating in the standard indemnity plan; the extent to which members of the uniform group insurance program are now participating in exclusive provider organizations and preferred provider organizations; the number of public employees who are unable to participate in a preferred provider organization or exclusive provider organization because of geographical considerations; an analysis of any cost savings if up to all participants exercise the exclusive provider organization or preferred provider organization option; and methods by which the public employees retirement system board could encourage members of the public employees retirement system uniform group insurance program to participate in exclusive provider organizations and preferred provider organizations. The study must include an analysis of general fund savings that may be realized if an additional copayment is required of all members not participating in an exclusive provider organization or preferred provider organization and an analysis of general fund savings that may be realized if members of the uniform group insurance program were permitted to participate in health maintenance organizations where such organizations are available. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-sixth legislative assembly."

Page 5, line 20, after "**MANAGEMENT**" insert "**- APPROPRIATION**"

Page 5, line 21, replace "\$5,000,000" with "\$2,100,000" and replace "excess equity investment in the North Dakota insurance reserve fund to" with "surplus"

Page 5, line 22, remove "the office of management and budget" and after "1997" insert ", and \$2,100,000 on July 1, 1998, to the office of management and budget. Funds the office of management and budget receives from the North Dakota insurance reserve fund are hereby appropriated for the purposes of the risk management fund under North Dakota Century Code section 32-12.2-07"

Page 5, line 23, remove "in"

Page 5, line 24, remove the first "reserve" and replace "for claims pending before July 1, 1997" with ", except for contractual obligations pursuant to the terms of any memorandum of coverage issued by the North Dakota insurance reserve fund to a state agency"

Page 5, line 25, replace "\$5,000,000" with "\$4,200,000"

Page 5, line 26, after "fund" insert "and the contributions required from agencies or other governmental units not receiving a specific appropriation and boards and commissions"

Page 5, remove lines 27 through 30

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 4

Page 9, line 15, replace "self-insurance" with "self-retention"

Page 9, line 16, remove "supplemental"

Page 10, line 9, replace "16" with "17"

Page 10, line 11, replace "16" with "17"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

HOUSE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	HOUSE CHANGES	HOUSE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	RESTORE EVENTS COORDINATOR	RESTORE DIRECTOR OF CUSTODIAL SERVICES	ADD LOSS CONTROL ANALYSTS	TOTAL SENATE CHANGES	SENATE VERSION
Administration	\$ 3,405,558		\$ 3,405,558						\$ 3,366,327
Fiscal management	4,066,236		4,066,236						4,066,236
Facility Management	8,268,512	\$ (7,820)	8,260,692		\$80,160	\$80,160		\$ (39,231)	8,421,012
Central Personnel	1,126,728		1,126,728					160,320	1,126,728
Intergovernmental Assistance	39,503,256		39,503,256						39,503,256
Risk management	843,818		843,818				\$250,542	250,542	1,094,360
Total all funds	\$57,214,108	\$ (7,820)	\$57,206,288		\$80,160	\$80,160	\$250,542	\$371,631	\$57,577,919
Less estimated income	41,996,220		41,996,220				250,542	250,542	42,246,762
General fund	\$15,217,888	\$ (7,820)	\$15,210,068		\$80,160	\$80,160	\$ 0	\$121,089	\$15,331,157
FTE	119.60	(2.00)	117.60		1.00	1.00	2.00	4.00	121.60
Salaries and wages	\$ 9,094,855		\$ 8,962,035		\$80,160	\$80,160	\$190,542	\$350,862	\$ 9,312,897
Operating expenses	8,243,188	\$ (132,820)	8,388,188				60,000	20,769	8,388,957
Equipment	506,215	125,000	506,215						506,215
Grants	37,934,000		37,934,000						37,934,000
Capital improvements	1,435,850		1,435,850						1,435,850
Total all funds	\$57,214,108	\$ (7,820)	\$57,206,288		\$80,160	\$80,160	\$250,542	\$371,631	\$57,577,919
Less estimated income	41,996,220		41,996,220				250,542	250,542	42,246,762
General fund	\$15,217,888	\$ (7,820)	\$15,210,068		\$80,160	\$80,160	\$ 0	\$121,089	\$15,331,157

The amendment also:

- Changes Section 6 regarding intent for state employee salary increases to provide average increases of three percent, with a minimum of \$40 per month, with any increases greater than \$40 per month to be based on merit.
- Reduces the transfer from the state aid distribution fund to the general fund by \$9,777,981, from \$39,372,706 to \$29,594,725 to reflect the changes made in House Bill No. 1019.
- Adds a section of legislative intent providing for the Office of Management and Budget to report to an interim Legislative Council committee on salary compression problems within state government.
- Adds a section providing for a Legislative Council study of public employee health insurance benefits.
- Reduces the transfer from the North Dakota insurance reserve fund from \$5,000,000 to \$4,200,000.
- Removes the \$550,000 transfer from the Information Services Division operating fund to the general fund.

DEPARTMENT 112 - INFORMATION SERVICES DIVISION

SENATE - This amendment makes the following changes:



DEPARTMENT 118 - CENTRAL SERVICES

SENATE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	REMOVE RISK MANAGEMENT PREMIUMS	RESTORE FUNDING FOR INFORMATION TECHNOLOGY SYSTEM	TOTAL SENATE CHANGES	SENATE VERSION
Central services	\$4,646,858	\$(45,000)	\$4,601,858	\$(8,065)	\$45,000	\$36,935	\$4,638,793
Total all funds	\$4,646,858	\$(45,000)	\$4,601,858	\$(8,065)	\$45,000	\$36,935	\$4,638,793
Less estimated income	4,247,641		4,247,641	(6,855)		(6,855)	4,240,786
General fund	\$ 399,217	\$(45,000)	\$ 354,217	\$(1,210)	\$45,000	\$43,790	\$ 398,007
FTE	27.00		27.00			0.00	27.00
Salaries and wages	\$1,790,989		\$1,790,989				\$1,790,989
Operating expenses	2,780,869	\$(22,500)	2,758,369	\$(8,065)	\$22,500	\$14,435	2,772,804
Equipment	75,000	(22,500)	52,500		22,500	22,500	75,000
Total all funds	\$4,646,858	\$(45,000)	\$4,601,858	\$(8,065)	\$45,000	\$36,935	\$4,638,793
Less estimated income	4,247,641		4,247,641	(6,855)		(6,855)	4,240,786
General fund	\$ 399,217	\$(45,000)	\$ 354,217	\$(1,210)	\$45,000	\$43,790	\$ 398,007

## DEPARTMENT 506 - STATE RADIO COMMUNICATIONS

SENATE - This amendment reduces the operating expenses line item by \$9,678 from the general fund for risk management premiums. The amendment also adds Divide County to the counties authorized to join State Radio 911 services.

**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 2014, SB 2132.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2014, as engrossed:** Your conference committee (Sens. Solberg, Nalewaja, Tallackson and Reps. Svedjan, Delzer, Nichols) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1023-1025, adopt amendments as follows, and place SB 2014 on the Seventh order:

That the House recede from its amendments as printed on pages 1023-1025 of the Senate Journal and pages 1120-1122 of the House Journal and that Engrossed Senate Bill No. 2014 be amended as follows:

Page 1, line 15, replace "97,445" with "83,757"

Page 1, line 17, replace "all" with "special", after "funds" insert "appropriation", and replace "5,643,444" with "5,629,756"

Page 2, after line 11, insert:

**"SECTION 5. LEGISLATIVE INTENT - PARTICIPATING ENTITIES.** It is the intent of the legislative assembly that the department of human services inform eligible organizations that are not currently participating in "refinancing" activities of the benefits and the opportunity to participate in the program for the biennium beginning July 1, 1997, and ending June 30, 1999.

**SECTION 6. LEGISLATIVE INTENT - REGIONAL CONSOLIDATION - REPORT TO BUDGET SECTION.** It is the intent of the legislative assembly that because of relatively high administrative expenses as compared to income of some regional and tribal children's services coordinating committees, the Children's Services Coordinating Committee conduct an analysis and develop a plan to reduce, by consolidation, the administrative costs of the regional and tribal committees during the biennium beginning July 1, 1997, and ending June 30, 1999. The committee shall present its report and recommendations to the budget section by October 1, 1998."

Page 2, line 26, replace "Regional" with "Children's services coordinating committee - Grants to regional" and replace "18 percent" with "\$1,080,000 (estimated at 18 percent)"

Page 2, line 27, replace "- Administration" with "for administrative costs"

Page 2, line 28, replace "59.5" with "62" and replace "25" with "20"

Page 2, line 31, replace "10" with "7.5"

Page 3, after line 1, insert:

"If less than \$6,000,000 is generated as a result of participating entities claiming federal administrative cost reimbursements for the 1997-99 biennium, the children's services coordinating committee shall proportionately reduce the percentage allocations for statewide grants and regional and tribal children's services coordinating committee grants to generate the funds necessary to provide a total of \$1,080,000 for the 1997-99 biennium for grants to regional and tribal committees for administrative costs under this section."

Page 3, remove lines 7 and 8

Page 3, line 9, replace "83.5" with "90"

Page 3, line 10, replace "25" with "20"

Page 3, line 12, replace "14" with "10"

Page 3, line 19, remove the overstrike over the third "the"

Page 3, line 20, remove the overstrike over "~~superintendent of public instruction~~" and remove "a representative of the North Dakota association of school"

Page 3, line 21, remove "administrators"

Page 3, line 22, remove ", a health district representative appointed by the governor"

Page 3, line 24, remove the overstrike over "~~the director of the department of~~"

Page 3, remove the overstrike over line 25

Page 3, line 26, remove the overstrike over "~~rehabilitation,~~"

Page 3, line 27, remove the overstrike over "~~the director of vocational and technical education,~~"

Page 4, line 27, overstrike "charter", remove "up to twelve", overstrike "public corporations", remove the overstrike over "~~designate~~" and insert immediately thereafter "up to twelve", and remove the overstrike over "~~organizations~~"

Page 4, line 31, overstrike "corporations or" and after the period insert "The committee shall discontinue the designation of regional and tribal committees if grant funds are not available for distribution to the regional and tribal committees."

Page 5, line 14, remove "temporary"

Page 5, line 21, replace "twenty-five" with "twenty"

Page 5, line 25, replace "five" with "twenty"

Page 5, line 26, replace "that" with ", excluding income received during the final thirty days of each fiscal year, which"

Page 5, line 27, replace "twenty-two" with "fifty", remove "five hundred", and after "dollars" insert "or twenty percent of annual gross income, whichever is less,"

Renumber accordingly

#### **STATEMENT OF PURPOSE OF AMENDMENT:**

##### DEPARTMENT 324 - CHILDREN'S SERVICES COORDINATING COMMITTEE

CONFERENCE COMMITTEE - The amendment reduces the operating expenses line item by \$13,688 of special funds, \$645 of which relates to removing funds for risk management premiums and \$13,043 to reducing operating expenses to match the 2.5 percent administrative expense limit based on federal funds generated by "refinancing" activities. The same as the House version.

The amendment changes the membership of the Children's Services Coordinating Committee and selected duties and responsibilities of the committee and of regional and tribal committees. Committee members will consist of the Governor, Superintendent of Public Instruction, juvenile court representative, Department of Human Services director, State Health Officer, Department of Corrections and Rehabilitation director, Vocational and Technical Education director, and an Indian Affairs Commission representative.

The amendment clarifies that the state Children's Services Coordinating Committee will determine the allocation of the 18 percent of the "refinancing" funds received to the regional and tribal committees for their administrative costs.

The amendment includes sections of legislative intent added by the House regarding informing local eligible organizations of the opportunity to participate in the "refinancing" activities and regarding options for reducing administrative costs of the regional and tribal committees.

The amendment changes the method by which the Children's Services Coordinating Committee distributes its grants as follows:

	CONFERENCE COMMITTEE	HOUSE VERSION	SENATE VERSION	CURRENT METHOD
Department of Human Services	10 percent up to a maximum of \$600,000	10 percent up to a maximum of \$600,000	10 percent up to a maximum of \$600,000	10 percent
Children's Services Coordinating Committee - Administration	2.5 percent up to a maximum of \$150,000	2.5 percent up to a maximum of \$150,000	2.5 percent	5 percent
Regional and tribal children's services coordinating committees	N/A	N/A	N/A	70 percent
Participating entities generating federal funds	20 percent	15 percent	25 percent of total	15 percent
Children's Services Coordinating Committee - Statewide grants	7.5 percent	7.5 percent	10 percent	
Children's Services Coordinating Committee - Grants to regional and tribal children's services coordinating committees for administrative costs	\$1,080,000 (estimated at 18 percent)	\$1,080,000 (estimated at 18 percent)	18 percent up to a maximum of \$1,080,000	
Regional and tribal children's services coordinating committees - Grants to providers	42 percent	47 percent	34.5 percent	

Children's services providers	As approved by the legislative Assembly or Budget Section based on Children's Services Coordinating Committee or other requests and as distributed by regional and tribal committees	As approved by the legislative Assembly or Budget Section based on Children's Services Coordinating Committee or other requests and as distributed by regional and tribal committees	As approved by the legislative Assembly or Budget Section based on Children's Services Coordinating Committee or other requests and as distributed by regional and tribal committees	As allocated from the regional or tribal children's services coordinating committees
Total	100 percent	100 percent	100 percent	100 percent
Any federal fund reimbursements received by the state in excess of \$6,000,000 during the 1997-99 biennium will be distributed, subject to Emergency Commission approval, as follows:				
Children's Services Coordinating Committee - Administration	0 percent	0 percent	2.5 percent	
Participating entities generating federal funds	20 percent	15 percent	25 percent	
Regional and tribal children's services coordinating committees - Grants	70 percent	75 percent	58.5 percent	
Children's Services Coordinating Committee - Statewide grants	10 percent	10 percent	14 percent	
Total	100 percent	100 percent	100 percent	

Engrossed SB 2014 was placed on the Seventh order of business on the calendar.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2132:** Your conference committee (Sens. Klein, Sand, Thompson and Reps. Kempenich, Murphy, Thorpe) recommends that the **SENATE RECEDE** from the House amendments on SJ page 810, adopt amendments as follows, and place SB 2132 on the Seventh order:

That the House recede from its amendments as printed on page 810 of the Senate Journal and page 955 of the House Journal and that Senate Bill No. 2132 be amended as follows:

Page 2, line 1, replace "five" with "seven"

ReNUMBER accordingly

SB 2132 was placed on the Seventh order of business on the calendar.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: HB 1008.

#### 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 2012.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2015.

#### REPORT OF CONFERENCE COMMITTEE

**SB 2012, as engrossed:** Your conference committee (Sens. Solberg, Lips, Krauter and Reps. Soukup, Martinson, Huether) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1017-1022, adopt amendments as follows, and place SB 2012 on the Seventh order:

That the House recede from its amendments as printed on pages 1017-1022 of the Senate Journal and pages 1072-1076 of the House Journal and that Engrossed Senate Bill No. 2012 be amended as follows:

Page 1, line 2, after "transportation" insert "; to limit expenditures on certain streets; to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to cooperating with other states; to amend and reenact subsection 3 of section 24-02-37, sections 24-02-37.1, 39-12-02, and 54-06-09 of the North Dakota Century Code, relating to the special road fund, special trip permits, and state employee vehicle usage; to repeal section 24-02-37.1 of the North Dakota Century Code, relating to the special road advisory committee; and to provide an effective date"

Page 1, line 9, replace "24,084,794" with "22,383,770"

Page 1, line 10, replace "6,525,312" with "6,625,312"

Page 1, line 11, replace "8,870,358" with "8,950,358"

Page 1, line 12, replace "382,681,779" with "384,730,803"

Page 1, line 14, replace "452,824,778" with "453,352,778"

Page 1, after line 23, insert:

**"SECTION 4. LEGISLATIVE INTENT - BUDGET SECTION REPORT.** It is the intent of the legislative assembly that the department of transportation evaluate the continued use of its 1978 model cessna airplane. The evaluation should include an analysis of the costs of continued maintenance and repair of the airplane and options for replacement of the airplane which may include selling or trading the airplane and leasing or purchasing a new or used airplane. The department shall present a report on its evaluation to the budget section by November 1998.

**SECTION 5. EXPENDITURES FOR SCHAFFER STREET LIMITED.** No funds from any source may be used to widen Schaffer street in the city of Bismarck. However, funds may be used to maintain or improve the street.

**SECTION 6.** A new section to chapter 24-02 of the North Dakota Century Code is created and enacted as follows:

**Intergovernmental cooperation - Infrastructure bank.** The director may contract and cooperate with other states, with political subdivisions of this state, and with the United States government to establish, maintain, and operate a multistate infrastructure bank pursuant to section 350 of the National Highway System Designation Act of 1995 [Pub. L. 104-59; 109 Stat. 568, 618-622] and the Department of Transportation and Related Agencies Appropriations Act of 1997 [Pub. L. 104-205, Title I]. The director may transfer and commit to the multistate infrastructure bank state and federal-aid highway funds, up to a maximum of ten percent of eligible federal-aid highway funds, and the required state matching funds. All funds and revenue allocated or generated under this section must be used for purposes of funding eligible projects as determined by agreement of the members of the multistate infrastructure bank and as authorized by state and federal law.

**SECTION 7. AMENDMENT.** Subsection 3 of section 24-02-37 of the North Dakota Century Code is amended and reenacted as follows:

3. The state treasurer shall deposit the moneys in the state highway fund in an interest-bearing account at the Bank of North Dakota. ~~The state treasurer shall deposit any~~ Any income derived from the deposit of the moneys in a special fund in the state treasury known as the special road fund must be retained in the state highway fund. ~~Moneys, and any earnings on the moneys, in the special road fund may be used, within the limits of legislative appropriation, exclusively for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas as designated by the commissioner with the advice of the special road advisory committee. Requests by political subdivisions or state agencies for funding from the special road fund must be made to the commissioner on forms designated by the commissioner. The commissioner may require the political subdivision or state agency to contribute to the cost of the project as a condition of any expenditure authorized from the special road fund.~~

**SECTION 8. AMENDMENT.** Section 24-02-37.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**24-02-37.1. Special road advisory committee - Special road fund.** The special road advisory committee consists of one member of the senate transportation committee and one member of the senate appropriations committee appointed by the chairman of the legislative council and one member of the house of representatives transportation committee and one member of the house of representatives appropriations committee appointed by the chairman of the legislative council and also the director of the game and fish department, the director of the parks and recreation department, the director of the department of economic development and finance, and the commissioner.

The special road fund is a special fund in the state treasury that consists of moneys deposited in the fund through June 30, 1997. Moneys, and any earnings on the moneys, in the special road fund may be used, within the limits of legislative appropriation, exclusively for the construction and maintenance of access roads to and roads within recreational, tourist, and historical areas as designated by the commissioner with the advice of the special road advisory committee. Requests by political subdivisions or state agencies for funding from the special road fund must be made to the commissioner on forms designated by the commissioner. The commissioner may require the political subdivision or state agency to contribute to the cost of the project as a condition of any expenditure authorized from the special road fund. The state treasurer shall transfer any moneys remaining in the fund on June 30, 1999, to the state highway fund.

The committee shall meet at the call of the commissioner, who is chairman of the committee, to review requests for funding from the special road fund and to advise the commissioner regarding funding requested projects. The commissioner shall provide staff services to the committee. All final decisions regarding funding requested projects are in the sole discretion of the commissioner. The members of the

commission who are members of the legislative assembly must be compensated by the department, from moneys appropriated from the special road fund, for attendance at committee meetings at the rate provided in section 54-35-10 and are entitled to reimbursement for expenses incurred in attending the meetings in the amounts provided by law for other state officers.

**SECTION 9. AMENDMENT.** Section 39-12-02 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-12-02. Special permits for vehicles of excessive size and weight issued - Contents - Fees.**

1. The highway patrol and local authorities in their respective jurisdictions, upon application and payment of the appropriate charges and for good cause shown, may issue a special written permit authorizing the applicant to operate or move a vehicle, mobile home or modular unit of a size or weight exceeding the maximum specified by this chapter, upon a highway under the jurisdiction of the body granting the permit. Every ~~such~~ permit may designate the route to be traversed, and may contain any other restrictions or conditions deemed necessary by the body granting ~~such the~~ permit. Every ~~such~~ permit must be carried in the vehicle to which it refers and must be opened to inspection by any peace officer or agent of the superintendent of the highway patrol unless prior approval is obtained from the highway patrol. It is a violation of ~~the provisions of this chapter~~ for any person to violate any of the terms or conditions of ~~such special the~~ permit. All permits for the movement of excessive size and weight on state highways must be single trips only. The highway patrol and local authorities may adopt rules governing the movement of oversize and overweight vehicles.
2. An appropriate charge must be made for each permit and all funds collected hereunder by the highway patrol must be deposited in the state highway fund ~~and are hereby appropriated~~ for use in the construction and maintenance of highways and operating expenses of the department of transportation. ~~For each permit for the movement of a mobile home or modular unit, the fee is ten dollars.~~ Official or publicly owned vehicles may not be required to pay charges for permits. The minimum fee for selected charges is as follows:
  - a. The fee for a seasonal permit, harvest and wintertime, is fifty dollars per month.
  - b. The fee for a non-self-issuing interstate permit is ten dollars per trip.
  - c. The fee for special mobile equipment is twenty-five dollars per trip.
  - d. The fee for engineering is twenty-five dollars per trip.
  - e. The fee for filing a permit is five dollars per trip.
  - f. The fee for a single trip permit is twenty dollars per trip.
3. The director of tax equalization of the county of destination must be furnished a copy of the permit for the movement of an overdimensional mobile home.

**SECTION 10. AMENDMENT.** Section 54-06-09 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-06-09. Mileage and travel expense of state officers and employees.**

1. State officials, whether elective or appointive, and their deputies, assistants, and clerks, or other state employees, entitled by law to be reimbursed for mileage or travel expense, must be allowed and paid for mileage and travel expense the following amounts:
  - 4- a. The sum of twenty-five cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle or twenty-seven cents per mile [1.61 kilometers] if the travel is by truck, the use of

which is required by the employing subdivision, agency, bureau, board, or commission. The sum of thirty-five cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by private airplane. Mileage by private aircraft must be computed by actual air mileage when only one state employee or official is traveling; if two or more state employees or officials are traveling by private aircraft, the actual mileage must be based on the road mileage between the geographical points. Reimbursement for private airplane travel must be calculated as follows:

- a. (1) If reimbursement is for one properly authorized and reimbursable passenger, reimbursement must be paid on a per-mile basis as provided in this subsection.
  - b. (2) If reimbursement is claimed for a chartered private aircraft, reimbursement may not exceed the cost of regular coach fare on a commercial flight, if one is scheduled between the point of departure, point of destination, and return, for each properly authorized and reimbursable passenger on the charter flight; or, where there is no such regularly scheduled commercial flight, the actual cost of the charter.
- b. Except as provided in subdivision a, when travel is by rail or certificated air taxi commercial operator or other common carrier, including regularly scheduled flights by airlines, the amount actually and necessarily expended therefor in the performance of official duties.
- 2. No reimbursement may be paid for leased private aircraft, except for leased or rented private aircraft from a recognized fixed base aviation operator who is in the business of leasing and renting private aircraft and is located on an airport open for public use.
  - 3. If only one person ~~shall engage~~ engages in such travel in a motor vehicle exceeding at any geographical point one hundred fifty miles [241.40 kilometers] beyond the borders of this state, reimbursement must be limited to eighteen cents per mile [1.61 kilometers] for the out-of-state portion of the travel beyond the first one hundred fifty miles [241.40 kilometers].
  - 4. An official, deputy, assistant, clerk, or other employee, when required to travel by motor vehicle or truck in the performance of official duty, shall use a state-owned vehicle whenever possible unless exempted under section 24-02-03.3. When official travel is by motor vehicle or airplane owned by the state or by any department or political subdivision thereof, no allowance may be made or paid for such mileage.
  - 2. ~~Except as provided in subsection 1, when travel is by rail or certificated air taxi commercial operator or other common carrier, including regularly scheduled flights by airlines, the amount actually and necessarily expended therefor in the performance of official duties.~~
  - 3. 5. Notwithstanding the other provisions of this section, state employees permanently located outside the state or on assignments outside the state for an indefinite period of time, exceeding at least thirty consecutive days, must be allowed and paid twenty-five cents per mile [1.61 kilometers] for each mile [1.61 kilometers] actually and necessarily traveled in the performance of official duty when such travel is by motor vehicle, and the one-hundred-fifty-mile [241.40-kilometer] restriction imposed by subsection 4 3 does not apply.
  - 6. Before any allowance for any such mileage or travel expenses may be made, the official, deputy, assistant, clerk, or other employee shall file with the employee's department, institution, board, commission, or agency an itemized statement showing the mileage traveled, the hour of departure and return, the days when and how traveled, the purpose thereof, and such other information and documentation as may be prescribed by rule of the employee's department, institution, board, commission, or agency. The statement must be submitted to the employee's department, institution, board, commission, or agency for approval and must be paid only when

approved by the employee's department, institution, board, commission, or agency.

**SECTION 11. REPEAL.** Section 24-02-37.1 of the 1995 Supplement to the North Dakota Century Code is repealed.

**SECTION 12. EFFECTIVE DATE.** Section 11 of this Act becomes effective on July 1, 1999."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 801 - DEPARTMENT OF TRANSPORTATION

HOUSE - This amendment makes the following changes:

Changes by line item include:

	SENATE VERSION	ADMINISTRATIVE COST CHANGES	REMOVE RISK MANAGEMENT PREMIUMS	INCREASE HIGHWAY CONSTRUCTION	TOTAL CHANGES TO SENATE VERSION	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Salaries and wages	\$ 82,990,450	\$ 90,000 <sup>2</sup>			\$ 90,000	\$ 82,990,450	\$ 82,900,450	\$ 90,000
Operating expenses	79,300,558	(1,110,000) <sup>1, 2</sup>	\$(501,024)		(1,611,024)	77,689,534	77,599,534	90,000
Equipment	21,597,257					21,597,257	21,597,257	
Capital improvements	243,554,813	1,200,000 <sup>1, 2</sup>	501,024	\$528,000	2,049,024	245,603,837	245,783,837	(180,000)
Grants	25,471,700					25,471,700	25,471,700	
Total special funds	\$452,824,778	\$ 0	\$ 0 <sup>3</sup>	\$528,000 <sup>4</sup>	\$ 528,000	\$453,352,778	\$453,352,778	\$ 0
FTE	1,042.00	0.00	0.00	0.00	0.00	1,042.00	1,042.00	0.00

Changes by program include:

	SENATE VERSION	REDUCE ADMINISTRATIVE COSTS	REMOVE RISK MANAGEMENT PREMIUMS	INCREASE HIGHWAY CONSTRUCTION	TOTAL CHANGES TO SENATE VERSION	CONFERENCE COMMITTEE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO HOUSE VERSION
Administration	\$ 24,084,794	\$(1,200,000) <sup>1</sup>	\$(501,024)		(\$1,701,024)	\$ 22,383,770	\$ 22,383,770	\$100,000
Motor vehicle	6,525,312	100,000 <sup>2</sup>			100,000	6,625,312	6,525,312	80,000
Driver's license	8,870,358	80,000 <sup>2</sup>			80,000	8,950,358	8,870,358	80,000
Highways	382,681,779	1,020,000 <sup>1, 2</sup>	501,024	\$528,000	2,049,024	384,730,803	384,910,803	(180,000)
Fleet services	30,662,535					30,662,535	30,662,535	
Total special funds	\$452,824,778	\$ 0	\$ 0 <sup>3</sup>	\$528,000 <sup>4</sup>	\$ 528,000	\$453,352,778	\$453,352,778	\$ 0

<sup>1</sup> Operating expenses in the administration program are reduced by \$1,200,000 for savings resulting from anticipated program efficiencies and the funding is added in the highways program for highways program for highway construction and maintenance costs.

<sup>2</sup> The following changes are made to provide funding for costs associated with administering provisions of House Bill No. 1103 which relate to disclosure of the department's records:

	MOTOR VEHICLE	DRIVER'S LICENSE	HIGHWAYS	TOTAL
Salaries and wages	\$ 45,000	\$45,000		\$90,000
Operating expenses	55,000	35,000		90,000
Capital improvements			\$(180,000)	(180,000)
Total	\$100,000	\$80,000	\$(180,000)	\$ 0

<sup>3</sup> Funding for risk management premiums is removed and funding is added in the highways program for highway construction and maintenance costs.

<sup>4</sup> Adds funding for highway construction and maintenance costs resulting from additional highway fund revenue which is generated by increasing special permit fees.

Sections are added which:

Provide that the department evaluate the cost-effectiveness of the continued use of one of its airplanes and report to the Budget Section regarding the department's options.

Preclude any funding to be used to widen Schafer Street in Bismarck.

Increase special permit fees for oversize and overweight vehicles. The fee increases are estimated to generate \$528,000 to the highway fund during the 1997-99 biennium.

Provide that state employees use state vehicles, whenever possible, when traveling by car or truck on state business.

Discontinue, on July 1, 1997, the deposit of interest earned on the highway fund into the special road fund for the construction and maintenance of roads relating to recreational, tourist, and historical areas. The interest earned will remain in the highway fund. This will result in an estimated increase of \$2.2 million of revenue to the highway fund during the 1997-99 biennium. The special road fund and the Special Road Advisory Committee will remain in effect until June 30, 1999, to advise the director on the expenditure of moneys remaining in the special road fund on June 30, 1997.

Engrossed SB 2012 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2015, as reengrossed:** Your conference committee (Sens. Goetz, Holmberg, Robinson and Reps. Freier, Lloyd, Wilkie) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 861-862, adopt amendments as follows, and place SB 2015 on the Seventh order:

That the House recede from its amendments as printed on pages 861 and 862 of the Senate Journal and pages 998 and 999 of the House Journal and that Reengrossed Senate Bill No. 2015 be amended as follows:

Page 1, line 16, replace "1,616,481" with "1,592,389"

Page 1, line 21, replace "37,067,425" with "37,043,333"

Page 1, line 22, replace "16,350,337" with "16,348,169"

Page 1, line 23, replace "20,717,088" with "20,695,164"

Page 2, line 3, replace "10,327,383" with "10,259,629"

Page 2, line 4, replace "554,000" with "1,454,000"

Page 2, line 6, replace "1,385,339" with "485,339"

Page 2, line 7, replace "25,998,403" with "25,930,649"

Page 2, line 10, replace "4,800,000" with "4,600,000"

Page 2, line 13, replace "6,118,600" with "5,918,600"

Page 2, line 17, replace "7,187,880" with "7,134,539"

Page 2, line 20, replace "19,495,543" with "19,442,202"

Page 2, line 24, replace "1,368,269" with "1,351,816"

Page 2, line 28, replace "25,964,210" with "25,947,757"

Page 2, line 29, replace "26,835,688" with "26,613,764"

Page 2, line 30, replace "87,808,493" with "87,668,777"

Page 2, line 31, replace "114,644,181" with "114,282,541"

Page 5, remove lines 7 through 22

Page 6, line 9, replace "13" with "12"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 405 - INDUSTRIAL COMMISSION**

CONFERENCE COMMITTEE - This amendment removes the risk management premiums of \$24,092, of which \$21,924 is from the general fund and \$2,168 is from special funds.

**DEPARTMENT 471 - BANK OF NORTH DAKOTA**

CONFERENCE COMMITTEE - This amendment removes the risk management premiums of \$67,754, all of which is from special funds, and transfers \$900,000 of other funds from the contingency line to the equipment line. The amendment also decreases the partnership in assisting community expansion (PACE) fund by \$200,000 from the general fund from \$4,800,000 to \$4,600,000.

The amendment removes the section of the bill relating to Bank transfers to the general fund. It is intended that the section be added to House Bill No. 1015 (Office of Management and Budget).

DEPARTMENT 473 - HOUSING FINANCE AGENCY

CONFERENCE COMMITTEE - This amendment removes the risk management premiums of \$16,453, all of which is from special funds.

DEPARTMENT 475 - MILL AND ELEVATOR ASSOCIATION

CONFERENCE COMMITTEE - This amendment removes the risk management premiums of \$53,341, all of which is from special funds.

Reengrossed SB 2015 was placed on the Seventh order of business on the calendar.

**SIGNING OF BILLS AND RESOLUTIONS**

The Speaker signed the following enrolled bills: SB 2228, SB 2344.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2228, SB 2344.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently failed to pass: SB 2255.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently failed to pass: HB 1435.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1006, HB 1116, HB 1167, HB 1482.

**REPORT OF CONFERENCE COMMITTEE**

**HB 1022, as engrossed:** Your conference committee (Sens. Nalewaja, Lips, Robinson and Reps. Freier, Boehm, Aarsvold) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1265-1266, adopt amendments as follows, and place HB 1022 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1265 and 1266 of the House Journal and pages 1086 and 1087 of the Senate Journal and that Engrossed House Bill No. 1022 be amended as follows:

Page 1, line 13, replace "917,905" with "901,127"

Page 1, line 18, replace "6,085,381" with "6,068,603"

Page 1, line 19, replace "1,227,227" with "1,208,157"

Page 1, line 20, replace "4,858,154" with "4,860,446"

Page 2, line 2, replace "5,277,737" with "5,280,029"

Page 2, after line 10, insert:

**"SECTION 3. LEGISLATIVE INTENT - ADMINISTRATIVE COST SAVINGS.** It is the intent of the legislative assembly that the historical society use any administrative cost savings realized during the 1997-99 biennium from either general fund or special funds sources for the following programs listed in priority order: the public information program, the volunteer/facility program, or to enter its library materials into the on-line Dakota information network, a statewide computerized library catalog and circulation system, during the biennium beginning July 1, 1997, and ending June 30, 1999.

**SECTION 4. LEGISLATIVE INTENT - HISTORICAL SOCIETY - SELF-ASSESSMENT.** It is the intent of the legislative assembly that the state historical board, during the 1997-99 biennium, assess and evaluate the services and programs, including the administrative structure of the state historical society. The assessment and evaluation must address the efficiency of its administrative structure, the effectiveness of its programs and services in all divisions, the use of its facilities, and its

customer relations efforts. The board shall present its report, including findings and recommendations to the budget section of the legislative council by June 30, 1998."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 701 - HISTORICAL SOCIETY

CONFERENCE COMMITTEE - This amendment makes the following changes:

	HOUSE VERSION	VOLUNTEER/ FACILITY PROGRAM	REMOVE RISK MANAGEMENT PREMIUMS	TOTAL CHANGES TO HOUSE VERSION	CONFERENCE COMMITTEE VERSION	SENATE VERSION	CONFERENCE COMMITTEE INCREASE (DECREASE) TO SENATE VERSION
Salaries and wages	\$4,101,499				\$4,101,499	\$4,101,499	\$ 0
Operating expenses	917,905		\$(16,778)	\$(16,778)	901,127	901,127	
Equipment	81,244				81,244	81,244	
Capital improvements	494,197				494,197	494,197	
Grants	485,559				485,559	485,559	
Yellowstone-Missouri- Ft. Union Commission	4,977				4,977	4,977	
<b>Total</b>	<u>\$6,085,381</u>	<u>\$ 0<sup>1</sup></u>	<u>\$(16,778)</u>	<u>\$(16,778)</u>	<u>\$6,068,603</u>	<u>\$6,068,603</u>	<u>\$ 0</u>
General fund	\$4,858,154	\$ 17,392	\$(15,100)	\$ 2,292	\$4,860,446	\$4,889,156	\$(28,710)
Special funds	<u>1,227,227</u>	<u>(17,392)</u>	<u>(1,678)</u>	<u>(19,070)</u>	<u>1,208,157</u>	<u>1,179,447</u>	<u>28,710</u>
<b>Total</b>	<u>\$6,085,381</u>	<u>\$ 0</u>	<u>\$(16,778)</u>	<u>\$(16,778)</u>	<u>\$6,068,603</u>	<u>\$6,068,603</u>	<u>\$ 0</u>
FTE	54.00	0.00	0.00	0.00	54.00	54.00	0.00

<sup>1</sup> Provides 60 percent of the salaries and wages funding for the volunteer/facility program from the general fund, the same as the executive budget and Senate version. The House provided 30 percent of the program's salaries and wages from the general fund. The special funds for the position may be provided from administrative cost savings or other sources.

Funding for salaries and wages in the public information program is provided at 30 percent from the general fund, the same as the House version. The Senate provided 60 percent of the funding from the general fund. The special funds for the position may be provided from administrative cost savings or other sources.

The following sections are added to the bill:

A section of legislative intent providing that the Historical Society use any administrative cost savings realized during the 1997-99 biennium from either general fund or special funds sources for the following listed in priority order.

- The public information program
- The volunteer/facility program
- To join the On-line Dakota Information Network (ODIN)

A section of legislative intent providing that the Historical Board conduct a self-assessment and evaluation of the Historical Society's services and programs, including its administrative structure, during the 1997-99 biennium and report its findings and recommendations to the Budget Section by June 30, 1998.

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

#### REPORT OF CONFERENCE COMMITTEE

**HB 1340, as engrossed:** Your conference committee (Sens. Kringstad, Urlacher, Tomac and Reps. Rennerfeldt, Mickelson, Warner) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 988.

Engrossed HB 1340 was placed on the Seventh order of business on the calendar.

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

#### SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills and resolution: SB 2372, SB 2399, SCR 4010.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2372, SB 2399, SCR 4010.

#### COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFFER

The following communication was received from the Governor at 4:40 p.m., Tuesday, April 8, 1997.

This is to inform you that on April 8, 1997, I signed the following: HB 1068, HB 1019, HB 1163, HB 1301, HB 1387, and HB 1412.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER ANNOUNCED** the following appointment to a new Conference Committee on HB 1018: Reps. Freier, Hausauer, Nichols.

#### CONSIDERATION OF MESSAGE FROM THE SENATE

**REP. DALRYMPLE MOVED** that the House do not concur in the Senate amendments to Engrossed HB 1015, and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

**THE SPEAKER APPOINTED** as a Conference Committee on HB 1015: Reps. Dorso, Dalrymple, Nichols.

#### MOTION

**REP. WARDNER MOVED** that the House reconsider its action whereby the House did not concur in the Senate amendments to Reengrossed HB 1034 and that the Conference Committee on Reengrossed HB 1034 be dissolved, which motion prevailed.

**REP. WARDNER MOVED** that the House do concur in the Senate amendments to Reengrossed HB 1034, which motion prevailed. Reengrossed HB 1034, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1034:** A BILL for an Act to create and enact four new sections to chapter 54-44.2 of the North Dakota Century Code, relating to information technology planning, standards, setting, and reviews by the information services division; to amend and reenact sections 15-65-01, 15-65-02, 15-65-03, 15-65-06, 54-35-15, 54-44.2-00.1, 54-44.2-01, 54-44.2-02, 54-44.2-04, 54-44.2-06, 54-44.2-07, and 54-44.2-08 of the North Dakota Century Code, relating to the educational telecommunications council, information technology responsibilities of the legislative council, and duties and responsibilities of the information services division; to repeal sections 15-65-04, 54-44.2-02.1, 54-44.2-02.2, 54-44.2-02.3, 54-44.2-02.4, and 54-44.2-02.5 of the North Dakota Century Code, relating to the educational telecommunications council and duties and responsibilities of the information services division; to provide statements of legislative intent; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 77 YEAS, 15 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christenson; Christopherson; Clark; Dalrymple; DeKrey; Delzer; Devlin; Dorso; Drovda; Fairfield; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Grumbo; Guleson; Gunter; Hanson; Hausauer; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Koppelman;

Kretschmar; Kroeplin; Kunkel; Lloyd; Mahoney; Maragos; Mickelson; Monson; Murphy; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Olson; Price; Renner; Rennerfeldt; Sabby; Sandvig; Schmidt; Skarphol; Soukup; Thompson; Thoreson; Tollefson; Torgerson; Wald; Wardner; Warner; Weisz; Wilkie; Speaker Timm

**NAYS:** Callahan; Coats; Delmore; Glasheim; Hawken; Keiser; Kilzer; Martinson; Oban; Poolman; Rose; Svedjan; Sveen; Thorpe; Wentz

**ABSENT AND NOT VOTING:** Aarsvold; Gorder; Kempenich; Kliniske; Stenehjem

Reengrossed HB 1034, as amended, passed and the title was agreed to.

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

**MADAM PRESIDENT:** The House has reconsidered its action whereby it did not concur with the Senate amendments to HB 1034 and wishes to inform you that the House does now concur with the Senate amendments to HB 1034 and subsequently passed the same. Also, the House has dissolved the House Conference Committee on HB 1034.

**REPORT OF CONFERENCE COMMITTEE**

**REP. SOUKUP MOVED** that the conference committee report on Engrossed HB 1010 be adopted, which motion prevailed.

Engrossed HB 1010, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1010:** A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the salary of the insurance commissioner.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 87 YEAS, 5 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** Belter; Carlson; DeKrey; Grande; Skarphol

**ABSENT AND NOT VOTING:** Aarsvold; Gorder; Kempenich; Kliniske; Stenehjem

Engrossed HB 1010, as amended, passed and the title was agreed to.

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**MOTION**

**REP. WILKIE MOVED** that the House reconsider its action whereby HB 1435 failed to pass.

**REQUEST**

**REP. S. KELSH REQUESTED** a verification vote on the motion that the House reconsider its action whereby HB 1435 failed, which request was granted.

So the motion that the House reconsider its action whereby HB 1435 failed to pass failed on a verification vote.

**REPORT OF CONFERENCE COMMITTEE**

**REP. HAUSAUER MOVED** that the conference committee report on Engrossed HB 1013 be adopted.

**REQUEST**

**REP. OBAN REQUESTED** a verification vote on the motion that the conference committee report on Engrossed HB 1013 be adopted, which request was granted.

The question was on the motion that the conference committee report on Engrossed HB 1013 be adopted, which motion prevailed on a verification vote.

Engrossed HB 1013, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1013:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, the school for the blind, and the state library; to create and enact two new sections to chapter 15-34.1 of the North Dakota Century Code, relating to home schooling for children with autism; to amend and reenact sections 15-21-02, 25-01-03, 54-24-01, and subsection 3 of section 54-44.3-20 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction and to the classified status of the superintendent of the school for the blind, the superintendent of the school for the deaf, and the state librarian; 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 64 YEAS, 27 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Belter; Berg; Boehm; Brandenburg; Brown; Brusegaard; Byerly; Carlisle; Carlson; Christopherson; Clark; Dalrymple; Delzer; Devlin; Dorso; Drovdal; Freier; Froseth; Galvin; Gerntholz; Grande; Grosz; Gunter; Hausauer; Hawken; Henegar; Huether; Jacobs; Jensen; Johnsen, C.; Johnson, D.; Kelsch, R.; Kelsh, S.; Klein; Koppelman; Kretschmar; Kroeplin; Kunkel; Lloyd; Maragos; Martinson; Mickelson; Monson; Nelson; Nicholas; Olson; Poolman; Price; Renner; Rennerfeldt; Sabby; Schmidt; Skarphol; Soukup; Svedjan; Sveen; Thompson; Tollefson; Torgerson; Wald; Wardner; Wentz; Speaker Timm

**NAYS:** Boucher; Callahan; Christenson; Coats; DeKrey; Delmore; Fairfield; Glassheim; Grumbo; Guleson; Hanson; Keiser; Kerzman; Kilzer; Mahoney; Murphy; Nichols; Niemeier; Nottestad; Oban; Rose; Sandvig; Thoreson; Thorpe; Warner; Weisz; Wilkie

**ABSENT AND NOT VOTING:** Aarsvold; Bernstein; Gorder; Kempenich; Kliniske; Stenehjem

Engrossed HB 1013, as amended, passed, the title was agreed to, but the emergency clause lost.

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**REPORT OF CONFERENCE COMMITTEE**

**REP. FREIER 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 of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1022:** A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society and the international peace garden.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 7 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** Belter; Carlson; DeKrey; Grande; Grosz; Skarphol; Weisz

**ABSENT AND NOT VOTING:** Aarsvold; Bernstein; Gorder; Kempenich; Kliniske; Stenehjem

Engrossed HB 1022, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. KUNKEL MOVED** that the conference committee report on Engrossed HB 1023 be adopted, which motion prevailed.

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

#### SECOND READING OF HOUSE BILL

**HB 1023:** A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department.

#### 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, 3 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

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

**NAYS:** Carlson; Grande; Skarphol

**ABSENT AND NOT VOTING:** Aarsvold; Bernstein; Brusegaard; Delzer; Gorder; Jensen; Kempenich; Kliniske; Stenehjem

Engrossed HB 1023, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. LLOYD MOVED** that the conference committee report on Engrossed HB 1024 be adopted, which motion prevailed.

Engrossed HB 1024, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1024:** A BILL for an Act to provide an appropriation for defraying the expenses of the tourism department; and to provide for a legislative council study.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 85 YEAS, 6 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**NAYS:** DeKrey; Devlin; Grosz; Renner; Skarphol; Weisz

**ABSENT AND NOT VOTING:** Aarsvold; Bernstein; Gorder; Kempenich; Kliniske; Stenehjem

Engrossed HB 1024, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. WALD MOVED** that the conference committee report on Engrossed HB 1025 be adopted, which motion prevailed.

Engrossed HB 1025, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

**HB 1025:** A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to allocation of the oil extraction tax development fund; to provide for payment in lieu of taxes; to provide for a statewide water development program; to provide for the deposit of finance into the resources trust fund; to provide for retroactive application; 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 82 YEAS, 8 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

**NAYS:** Carlson; Delzer; Grande; Grosz; Nichols; Thorpe; Warner; Wilkie

**ABSENT AND NOT VOTING:** Aarsvold; Bernstein; Gorder; Kempenich; Kliniske; Rose; Stenehjem

Engrossed HB 1025, as amended, passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

**REP. RENNERFELDT MOVED** that the conference committee report on Engrossed HB 1340 be adopted.

#### MOTION

**REP. DORSO MOVED** that the conference committee report on Engrossed HB 1340 be laid on the table, which motion prevailed on a verification vote.

#### REQUEST

**REP. BOUCHER REQUESTED** that the Speaker rule the motion of Rep. Dorso out of order pursuant to Section 331, subsection 4 of Mason's 1979 Rules of Legislative Procedure and also in reference to Joint Rule 301, subsection 6.

#### RULING BY THE SPEAKER

**SPEAKER TIMM RULED** that the objections as stated by Rep. Boucher were not valid because a report received from the Legislative Council stated that a conference committee report which was moved for adoption can be laid on the table by a majority vote. Rep. Timm stated that Rep. Boucher could challenge the Speaker's ruling and that could be voted upon.

**REP. BOUCHER MOVED** that Speaker Timm's ruling be challenged. The motion was seconded. The question was on the motion to uphold the Speaker's ruling, which motion prevailed on a verification vote.

**REPORT OF CONFERENCE COMMITTEE**

**REP. DEKREY MOVED** that the conference committee report on HB 1359 be adopted, which motion prevailed.

HB 1359, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF HOUSE BILL**

**HB 1359:** A BILL for an Act to amend and reenact subsection 4 of section 19-03.1-23 of the North Dakota Century Code, relating to drug offenses.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 84 YEAS, 3 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

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

**NAYS:** Callahan; Maragos; Thorpe

**ABSENT AND NOT VOTING:** Aarsvold; Bernstein; Dalrymple; Gorder; Kempenich; Kliniske; Kunkel; Rose; Stenehjem; Warner

HB 1359, as amended, passed and the title was agreed to.

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**MOTION**

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

**MOTION**

**REP. FREIER MOVED** that the House be on the Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Wednesday, April 9, 1997, which motion prevailed.

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

**MADAM PRESIDENT:** The House has adopted the conference committee report and subsequently passed: HB 1010, HB 1022, HB 1023, HB 1024, HB 1025, HB 1359.

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

**MADAM PRESIDENT:** The House has not adopted the conference committee report on HB 1018. The committee was unable to agree and the Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

**HB 1018:** Reps. Freier; Hausauer; Nichols

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1015 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1015:** Reps. Dorso; Dalrymple; Nichols

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

**MADAM PRESIDENT:** The House has adopted the conference committee report, subsequently passed, and the emergency clause failed on HB 1013.

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

**MR. SPEAKER:** The President has signed: HB 1001, HB 1007, HB 1021, HB 1026, HB 1085, HB 1306, HB 1312, HB 1357, HB 1448, HB 1456, HB 1478.

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

**MR. SPEAKER:** The President has signed and your signature is respectfully requested on: SCR 4062, SCR 4063.

**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 1006, HB 1116, HB 1167.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1482.

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

**ROY GILBREATH, Chief Clerk**