

## JOURNAL OF THE HOUSE

## Fifty-sixth Legislative Assembly

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Bismarck, March 18, 1999

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

The prayer was offered by Pastor Tom Dunham, First Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 9:50 a.m., March 18, 1999: HB 1266, HB 1367, HB 1374, HB 1379, HB 1384, HB 1393, HB 1416, HB 1418, HB 1423, HB 1456.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 10:06 a.m., March 18, 1999: HCR 3002, HCR 3003, HCR 3021, HCR 3039, HCR 3040, HCR 3055, HCR 3062, HCR 3079.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFFER**

This is to inform you that on March 17, 1999, I have signed the following: HB 1296, HB 1333, and HB 1366.

**SIXTH ORDER OF BUSINESS**

**REP. DORSO MOVED** that the amendments on the Sixth order of business to Engrossed SB 2030, Engrossed SB 2036, Engrossed SB 2055, SB 2088, Engrossed SB 2127, SB 2154, Engrossed SB 2166, Engrossed SB 2171, Engrossed SB 2181, SB 2396, Engrossed SB 2413, and Engrossed SCR 4036 be adopted, which motion prevailed.

Engrossed SB 2171, as amended, was rereferred to the **Appropriations Committee**.

Engrossed SCR 4036, as amended, was placed on the Tenth order of business on the calendar.

Engrossed SB 2030, Engrossed SB 2036, Engrossed SB 2055, SB 2088, Engrossed SB 2127, SB 2154, Engrossed SB 2166, Engrossed SB 2181, SB 2396, and Engrossed SB 2413, as amended, were placed on the Fourteenth order of business on the calendar.

**MOTION**

**REP. DORSO MOVED** that House Rule 329(4), with reference to the deadline date for rereferring Senate bills to the **Appropriations Committee** be suspended, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2189:** A BILL for an Act to amend and reenact section 29-19-02 of the North Dakota Century Code, relating to a speedy trial.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

Stefonowicz; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Warner; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** DeKrey

Engrossed SB 2189, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2287:** A BILL for an Act to create and enact a new section to chapter 28-20 of the North Dakota Century Code, relating to application of a partial payment on a judgment; to amend and reenact subsection 6 of section 14-09-25 of the North Dakota Century Code, relating to partial payments on child support arrears; and to provide for retroactive application.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Drovdal

Engrossed SB 2287, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2288:** A BILL for an Act to amend and reenact subsection 1 of section 14-08.1-05 of the North Dakota Century Code, relating to treatment of child support arrears as judgments; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2288, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

**SB 2299:** A BILL for an Act to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to the registration of offenders against children and sexual

offenders; and to repeal section 27-20-52.1 of the North Dakota Century Code, relating to the law enforcement data base.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

Engrossed SB 2299, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2319:** A BILL for an Act to create and enact a new subsection to section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages for accidents involving motor vehicle operators under the influence of alcohol or a controlled substance.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 98 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2319, as amended, passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2349:** A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to limitations on exemplary damages.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 90 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Ekstrom; Fairfield; Kelsh, S.; Lundgren; Meyer; Solberg; Stefonowicz

**ABSENT AND NOT VOTING:** Weisz

Engrossed SB 2349, as amended, passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2080:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 27-10-01.3 of the North Dakota Century Code, relating to contempt of court in child or spousal support actions.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** DeKrey; Weisz

SB 2080 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2031:** A BILL for an Act to create and enact two new sections to chapter 54-35 of the North Dakota Century Code, relating to a legislative agency review committee; and to amend and reenact sections 54-03.1-03 and 54-35-14 of the North Dakota Century Code, relating to the organizational session and the legislative budget analyst and auditor.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 89 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Boucher; Carlson; Delzer; Grande; Kempenich; Nelson; Nichols

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

**ABSENT AND NOT VOTING:** DeKrey; Lemieux

Engrossed SB 2031 was declared lost.

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### SECOND READING OF SENATE BILL

**SB 2321:** A BILL for an Act to amend and reenact sections 39-05-17.2 and 39-05-20.2 of the North Dakota Century Code, relating to vehicle damage disclosure.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 65 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Berg; Boehm; Boucher; Brekke; Byerly; Cleary; Delmore; Delzer; Devlin; Eckre; Ekstrom; Froelich; Froseth; Galvin; Gorder; Grumbo; Gulleson; Gunter; Haas; Hawken; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Klein; Kliniske; Kroeber; Lemieux; Lloyd; Lundgren; Maragos; Metcalf; Meyer; Monson; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, L.; Thorpe; Tollefson; Warner; Weisz; Winrich; Speaker Wald

**NAYS:** Aarsvold; Belter; Bernstein; Brandenburg; Brusegaard; Carlisle; Carlson; Clark; Dalrymple; Disrud; Dorso; Drovdal; Fairfield; Glassheim; Grande; Grosz; Hanson; Henegar; Johnson, N.; Keiser; Klemin; Koppang; Koppelman; Mahoney; Martinson; Mickelson; Mueller; Pollert; Thoreson, B.; Timm; Wentz; Wikenheiser

**ABSENT AND NOT VOTING:** DeKrey

Engrossed SB 2321 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1071:** A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to postretirement adjustments for supreme and district court judges under the public employees retirement system; to amend and reenact subdivision e of subsection 4 of section 54-52-17 and subsection 6 of section 54-52-17 of the North Dakota Century Code, relating to disability retirement and survivor's benefits for supreme and district court judges under the public employees retirement system; 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 96 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Kerzman

**ABSENT AND NOT VOTING:** DeKrey

Reengrossed HB 1071 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1362:** A BILL for an Act to amend and reenact sections 11-10-10, 11-10-10.1, and subsection 2 of section 11-16-05 of the North Dakota Century Code, relating to the salaries of elected county officers and restrictions on the powers of full-time state's attorneys; 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 90 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Froelich; Gulleson; Kerzman; Mahoney; Meyer; Stefonowicz

**ABSENT AND NOT VOTING:** Boucher; DeKrey

Reengrossed HB 1362 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1211:** A BILL for an Act to amend and reenact section 16.1-09-02 and subsection 4 of section 16.1-12-02.2 of the North Dakota Century Code, relating to the filing of certificates of candidacy by write-in candidates.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** DeKrey

Reengrossed HB 1211 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1223:** A BILL for an Act to amend and reenact subsection 3 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and preferential landowner licenses to hunt deer.

### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** DeKrey; Maragos

Reengrossed HB 1223 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1284:** A BILL for an Act to amend and reenact section 16.1-03-07 of the North Dakota Century Code, relating to political party district executive committee membership.

**ROLL CALL**

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

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

**ABSENT AND NOT VOTING:** DeKrey; Maragos

Engrossed HB 1284 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1310:** A BILL for an Act to amend and reenact sections 24-03-06, 24-03-08, and 24-06-26.1 of the North Dakota Century Code, relating to construction of highways to permit a natural flow of water.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 33 YEAS, 64 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Boehm; Brusegaard; Cleary; Delmore; Devlin; Ekstrom; Froseth; Glassheim; Hanson; Hawken; Herbel; Hoffner; Jensen; Johnson, N.; Keiser; Klein; Klemin; Koppelman; Kroeber; Maragos; Metcalf; Mueller; Niemeier; Severson; Stefonowicz; Sveen; Thoreson, B.; Thorpe; Weisz; Wentz; Wikenheiser; Speaker Wald

**NAYS:** Belter; Berg; Bernstein; Boucher; Brandenburg; Brekke; Byerly; Carlisle; Carlson; Clark; Dalrymple; Delzer; Disrud; Dorso; Drovdal; Eckre; Fairfield; Froelich; Galvin; Gorder; Grande; Grosz; Grumbo; Gulleason; Gunter; Haas; Henegar; Huether; Johnson, D.; Kelsch, R.; Kelsh, S.; Kempenich; Kerzman; Kliniske; Koppang; Lemieux; Lloyd; Lundgren; Mahoney; Martinson; Meyer; Mickelson; Monson; Nelson; Nicholas; Nichols; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Sandvig; Schmidt; Solberg; Svedjan; Thoreson, L.; Timm; Tollefson; Warner; Winrich

**ABSENT AND NOT VOTING:** DeKrey

Reengrossed HB 1310 was declared lost.

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**SECOND READING OF HOUSE BILL**

**HB 1357:** A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to the training of newly elected or appointed county officials.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 67 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Berg; Boucher; Brandenburg; Brekke; Carlisle; Clark; Cleary; Delmore; Disrud; Eckre; Ekstrom; Fairfield; Froelich; Froseth; Galvin; Glassheim; Grumbo; Gulleason; Gunter; Haas; Hanson; Hawken; Herbel; Hoffner; Jensen; Johnson, D.;

Johnson, N.; Kelsch, R.; Kelsh, S.; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lundgren; Mahoney; Maragos; Metcalf; Meyer; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Rennerfeldt; Rose; Sandvig; Schmidt; Severson; Solberg; Stefonowicz; Svedjan; Sveen; Thoreson, B.; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Belter; Bernstein; Boehm; Brusegaard; Byerly; Carlson; Dalrymple; Delzer; Devlin; Dorso; Drovdal; Gorder; Grande; Grosz; Henegar; Huether; Keiser; Kempenich; Lloyd; Martinson; Mickelson; Monson; Porter; Price; Renner; Thoreson, L.; Thorpe; Timm; Tollefson; Warner

**ABSENT AND NOT VOTING:** DeKrey

Reengrossed HB 1357 passed and the title was agreed to.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3022:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing house subdistricts within senatorial districts when the Legislative Assembly redistricts after the 2000 census.

### ROLL CALL

The question being on the adoption of the amended resolution, which has been read, the roll was called and there were 17 YEAS, 79 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Fairfield; Froseth; Glassheim; Guleson; Hawken; Jensen; Kelsh, S.; Kerzman; Lundgren; Maragos; Meyer; Nichols; Nowatzki; Sandvig; Schmidt; Sveen; Warner

**NAYS:** Aarsvold; Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Cleary; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Ekstrom; Froelich; Galvin; Gorder; Grande; Grosz; Grumbo; Gunter; Haas; Hanson; Henegar; Herbel; Hoffner; Huether; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lloyd; Mahoney; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nicholas; Niemeier; Nottestad; Pollert; Poolman; Porter; Price; Renner; Rennerfeldt; Rose; Severson; Solberg; Stefonowicz; Svedjan; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Weisz; Wentz; Wikenheiser; Winrich; Speaker Wald

**ABSENT AND NOT VOTING:** DeKrey; Lemieux

Engrossed HCR 3022 was declared lost.

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### MOTION

**REP. DORSO MOVED** that House Rule 337 be suspended, which motion prevailed.

### SECOND READING OF SENATE BILL

**SB 2030:** A BILL for an Act to provide an appropriation for the construction of a building on the university of North Dakota campus; and to declare an emergency.

### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 77 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Aarsvold; Belter; Berg; Bernstein; Boucher; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Clark; Dalrymple; Delmore; Devlin; Disrud; Dorso; Drovdal; Eckre; Froelich; Froseth; Glassheim; Grande; Grumbo; Guleson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Hoffner; Huether; Jensen; Johnson, D.; Johnson, N.; Kelsch, R.; Kempenich; Kerzman; Klein; Klemin; Kliniske; Koppang; Koppelman; Kroeber; Lemieux; Lloyd; Maragos; Martinson; Metcalf; Mickelson; Monson; Mueller; Nelson; Nicholas; Nichols; Niemeier; Nottestad; Nowatzki; Pollert; Poolman; Porter; Price; Sandvig; Schmidt; Severson; Solberg; Svedjan; Sveen; Thoreson, B.; Thoreson, L.; Thorpe; Timm; Tollefson; Wentz; Wikenheiser; Winrich; Speaker Wald

**NAYS:** Boehm; Brandenburg; Cleary; Delzer; Ekstrom; Fairfield; Galvin; Gorder; Grosz; Keiser; Kelsh, S.; Lundgren; Mahoney; Meyer; Renner; Rennerfeldt; Rose; Stefonowicz; Warner; Weisz



**ABSENT AND NOT VOTING:** DeKrey

Engrossed SB 2030, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2036:** A BILL for an Act to amend and reenact sections 50-06-14.4 and 50-24.5-01 of the North Dakota Century Code, relating to assisted living facilities; to require the preparation of a recommendation by the department of human services and the state department of health; to provide an effective date; and to provide an expiration date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** DeKrey

Engrossed SB 2036, as amended, passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2055:** A BILL for an Act to amend and reenact subsection 1 of section 54-35-10 of the North Dakota Century Code, relating to compensation paid to members of the legislative assembly for attending sessions of the legislative council and its committees.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 69 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Belter; Berg; Bernstein; Boehm; Boucher; Brandenburg; Brekke; Brusegaard; Byerly; Carlisle; Carlson; Dalrymple; Delmore; Delzer; Devlin; Disrud; Dorso; Drovdal; Eckre; Froelich; Froseth; Galvin; Glassheim; Gorder; Grande; Grosz; Grumbo; Gullerson; Gunter; Haas; Hanson; Hawken; Henegar; Herbel; Huether; Johnson, D.; Johnson, N.; Keiser; Kelsch, R.; Kempenich; Klein; Klemm; Kliniske; Kroeber; Lemieux; Maragos; Meyer; Mickelson; Monson; Nelson; Nicholas; Nottestad; Nowatzki; Poolman; Porter; Rennerfeldt; Sandvig; Schmidt; Severson; Stefanowicz; Svedjan; Thoreson, B.; Thoreson, L.; Timm; Tollefson; Warner; Weisz; Winrich; Speaker Wald

**NAYS:** Aarsvold; Clark; Cleary; Ekstrom; Fairfield; Hoffner; Jensen; Kelsh, S.; Kerzman; Koppang; Koppelman; Lloyd; Lundgren; Mahoney; Martinson; Metcalf; Mueller; Nichols; Niemeier; Pollert; Price; Renner; Rose; Solberg; Sveen; Thorpe; Wentz; Wikenheiser

**ABSENT AND NOT VOTING:** DeKrey

SB 2055, as amended, passed and the title was agreed to.

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**MOTION**

**REP. DALRYMPLE MOVED** that the House reconsider its action whereby Reengrossed HB 1310 lost, which motion prevailed.

**MOTION**

**REP. MONSON MOVED** that the House be on the Fifth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the House stand adjourned until 1:00 p.m., Friday, March 19, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2001, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (17 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2001 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "178,870" with "198,870"

Page 1, line 17, replace "8,800" with "10,800"

Page 1, line 18, replace "2,093,720" with "2,115,720"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 101 - GOVERNOR'S OFFICE

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$1,924,005	\$1,876,350	\$0	\$1,876,350
Operating expenses	178,870	178,870	20,000	198,870
Equipment	4,200	4,200		4,200
Contingency	10,000	10,000		10,000
Presidential electors	500	500		500
Governor's transition in	10,000	10,000		10,000
Governor's transition out	5,000	5,000		5,000
Rough Rider Awards	<u>8,800</u>	<u>8,800</u>	<u>2,000</u>	<u>10,800</u>
Total all funds	\$2,141,375	\$2,093,720	\$22,000	\$2,115,720
Less special funds				
General fund	\$2,141,375	\$2,093,720	\$22,000	\$2,115,720
FTE	17.00	17.00	0.00	17.00

Detail of House changes to the Senate version includes:

	PROVIDE ADDITIONAL FUNDING	TOTAL HOUSE CHANGES
Salaries and wages		
Operating expenses	\$20,000	\$20,000
Equipment		
Contingency		
Presidential electors		
Governor's transition in		
Governor's transition out		
Rough Rider Awards	<u>2,000</u>	<u>2,000</u>
Total all funds	\$22,000	\$22,000
Less special funds		
General fund	\$22,000	\$22,000
FTE	0.00	0.00

**REPORT OF STANDING COMMITTEE**

**SB 2004, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 8 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2004 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "3,852,274" with "3,612,274"

Page 1, line 14, replace "6,071,318" with "5,831,318"

Page 1, line 16, replace "4,120,812" with "3,880,812"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 117 - STATE AUDITOR

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Administration	\$277,458	\$268,538		\$268,538
Division of local government audits	1,215,134	1,204,310		1,204,310
Division of state audits	3,708,031	3,852,274	(\$240,000)	3,612,274
Mineral royalty auditing	752,758	746,196		746,196
<b>Total all funds</b>	<b>\$5,953,381</b>	<b>\$6,071,318</b>	<b>(\$240,000)</b>	<b>\$5,831,318</b>
Less special funds	<u>1,967,892</u>	<u>1,950,506</u>		<u>1,950,506</u>
General fund	\$3,985,489	\$4,120,812	(\$240,000)	\$3,880,812
FTE	53.00	55.00	(2.00)	53.00

Detail of House changes to the Senate version includes:

	REMOVE 1 FTE FINANCIAL AUDITOR ADDED BY THE SENATE	ADD 2 FTE PERFORMANCE AUDITOR POSITIONS	REMOVE 3 FTE INFORMATION SYSTEM AUDITORS	REMOVE PERFORMANCE AUDITING CONTRACTING FUNDING	TOTAL HOUSE CHANGES
Administration					
Division of local government audits					
Division of state audits	(\$70,000) *	\$140,000 *	(\$210,000) *	(\$100,000) *	(\$240,000)
Mineral royalty auditing					
<b>Total all funds</b>	<b>(\$70,000)</b>	<b>\$140,000</b>	<b>(\$210,000)</b>	<b>(\$100,000)</b>	<b>(\$240,000)</b>
Less special funds					
General fund	(\$70,000)	\$140,000	(\$210,000)	(\$100,000)	(\$240,000)
FTE	(1.00)	2.00	(3.00)	0.00	(2.00)

House changes narrative:

\* Removes one FTE financial auditor and \$70,000 from the general fund for a position added by the Senate. The removal of this position will decrease departmental collections by \$60,000 which are deposited in the general fund.

Adds two FTE performance auditors and \$140,000 of general fund moneys, removes three FTE information system auditors and \$210,000 of general fund moneys, and removes \$100,000 of general fund moneys which were to be used for contracting for performance audits.

The executive budget changed three FTE performance auditors to three FTE information system auditors and provided \$100,000 for contracting for performance auditors. The Senate restored one of the three FTE performance auditors. This amendment restores the remaining two FTE performance auditors and removes the contracting funds and the information system auditors.

**REPORT OF STANDING COMMITTEE**

**SB 2006, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (18 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2006 was placed on the Sixth order on the calendar.**

Page 1, line 18, replace "4,803,051" with "4,678,051"

Page 1, line 19, replace "368,500" with "343,500"

Page 1, line 22, replace "17,277,108" with "17,127,108"

Page 1, line 24, replace "16,983,379" with "16,833,379"

Page 2, line 5, replace "21,524,192" with "21,374,192"

Page 2, line 7, replace "21,817,921" with "21,667,921"

Page 2, line 14, remove "relating to the development of "Project 2001", the department's new tax"

Page 2, line 15, remove "processing system,", remove "up to", and after the second "of" insert "up to"

Page 2, line 16, replace "is available" with "this amount may be spent" and after ""Project 2001"" insert ", the department's new tax processing system, for the biennium beginning July 1, 1999, and ending June 30, 2001"

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### DEPARTMENT 127 - TAX DEPARTMENT

HOUSE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$11,888,357	\$11,761,828		\$11,761,828
Operating expenses	4,803,051	4,803,051	(\$125,000)	4,678,051
Equipment	368,500	368,500	(25,000)	343,500
City tax administration fees	50,000	50,000		50,000
Motor fuels federal grant	<u>293,729</u>	<u>293,729</u>		<u>293,729</u>
Total all funds	\$17,403,637	\$17,277,108	(\$150,000)	\$17,127,108
Less special funds	<u>293,729</u>	<u>293,729</u>	0	<u>293,729</u>
General fund	\$17,109,908	\$16,983,379	(\$150,000)	\$16,833,379
FTE	144.00	144.00	0.00	144.00

Detail to House changes to the Senate version includes:

	REDUCE OPERATING EXPENSES	REDUCE EQUIPMENT	TOTAL HOUSE CHANGES
Salaries and wages			
Operating expenses	(\$125,000) <sup>1</sup>		(\$125,000)
Equipment		(\$25,000) <sup>2</sup>	(25,000)
City tax administration fees			
Motor fuels federal grant			
Total all funds	(\$125,000)	(\$25,000)	(\$150,000)
Less special funds			
General fund	(\$125,000)	(\$25,000)	(\$150,000)
FTE	0.00	0.00	0.00

House changes narrative:

<sup>1</sup> Operating expenses are reduced in undesignated areas. The commissioner may determine the specific reductions to make within operating expenses as a result of this change.

<sup>2</sup> The equipment line item is reduced by \$25,000.

Section 3 of the bill is changed to limit the continuation of 1997-99 appropriation authority of up to \$60,000 relating to the department's "Project 2001" computer system redesign only for the 1999-2001 biennium.

#### REPORT OF STANDING COMMITTEE

**SB 2011, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO PASS** (18 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2011 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2153: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2153 was placed on the Sixth order on the calendar.

Page 5, line 11, remove "and"

Page 5, line 12, after "hundred" insert "fifty"

Page 5, line 25, after the second "to" insert "or through"

Page 5, line 26, remove "grain by credit-sale to the"

Page 8, remove lines 16 through 29

Page 8, line 30, replace "60-02.1-16" with "60-02.1-15"

Page 9, line 11, replace "60-02.1-17" with "60-02.1-16"

Page 9, line 16, replace "60-02.1-18" with "60-02.1-17"

Page 10, line 2, replace "60-02.1-19" with "60-02.1-18"

Page 10, line 9, replace "60-02.1-20" with "60-02.1-19"

Page 10, line 20, replace "60-02.1-21" with "60-02.1-20"

Page 10, line 24, replace "60-02.1-22" with "60-02.1-21"

Page 11, line 1, replace "60-02.1-23" with "60-02.1-22"

Page 11, line 4, replace "60-02.1-22" with "60-02.1-21"

Page 11, line 8, replace "60-02.1-24" with "60-02.1-23"

Page 11, line 14, replace "60-02.1-25" with "60-02.1-24"

Page 11, line 17, replace "60-02.1-26" with "60-02.1-25"

Page 11, line 25, replace "60-02.1-27" with "60-02.1-26"

Page 12, line 9, replace "60-02.1-28" with "60-02.1-27"

Page 12, line 21, replace "60-02.1-29" with "60-02.1-28"

Page 12, line 23, replace "60-02.1-30" with "60-02.1-29"

Page 12, line 25, replace "60-02.1-31" with "60-02.1-30"

Page 13, line 6, replace "60-02.1-31" with "60-02.1-30"

Page 13, line 15, replace "60-02.1-32" with "60-02.1-31"

Page 13, line 20, replace "60-02.1-33" with "60-02.1-32"

Page 14, line 1, replace "60-02.1-34" with "60-02.1-33"

Page 14, line 8, replace "60-02.1-35" with "60-02.1-34"

Page 14, line 14, replace "60-02.1-36" with "60-02.1-35"

Page 14, line 16, replace "60-02.1-29" with "60-02.1-28" and replace "60-02.1-39" with "60-02.1-38"

Page 14, line 23, replace "60-02.1-37" with "60-02.1-36"

Page 14, line 25, replace "60-02.1-38" with "60-02.1-37"

Page 15, line 19, replace "60-02.1-39" with "60-02.1-38"

Page 15, line 25, replace "60-02.1-29" with "60-02.1-28" and replace "60-02.1-39" with "60-02.1-38"

Page 17, line 18, overstrike ", but not less than one hundred thousand dollars, except when the"

Page 17, line 19, overstrike "licensee pays cash for ninety percent of all" and overstrike "hay at the time of delivery and the"

Page 17, overstrike line 20

Page 17, line 21, overstrike "case the bond amount may not be less than fifty thousand dollars"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2170, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2170 was placed on the Sixth order on the calendar.

Page 1, line 6, after the first comma insert "14-09-08.10,"

Page 2, line 21, after the overstruck semicolon insert ", earnings statements secured from the obligor's current income payor if the obligor changed employment after the end of the latest income tax year for which the obligor filed a return,"

Page 3, after line 8, insert:

**"SECTION 4. AMENDMENT.** Section 14-09-08.10 of the North Dakota Century Code is amended and reenacted as follows:

**14-09-08.10. Order.** Each order entered under this code for the support of a minor child or the support of a child after majority under section 14-09-08.2 must include a provision for health insurance coverage for that child.

1. Except as provided in subsection 2, the order must require the obligor to provide satisfactory health insurance coverage whenever that coverage is available at reasonable cost or becomes available at reasonable cost.
2. If the obligee is an individual with physical custody of the child, the obligee must be required to provide satisfactory health insurance whenever that coverage is available at no or nominal cost."

Page 17, line 5, replace "9" with "10" and replace "25" with "26"

Page 17, line 7, replace "9" with "10" and replace "25" with "26"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2192: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2192 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "and also means" with ". Upon resolution of a school board, the term may also mean"

Page 1, line 13, after the period insert "The term does not include school trust lands managed by the board of university and school lands."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2220, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)** recommends **DO PASS** (20 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2220 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2300: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2300 was placed on the Sixth order on the calendar.

Page 1, line 3, after "records" insert "; and to declare an emergency"

Page 2, after line 5, insert:

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

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2320, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2320 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "; to provide an effective date"

Page 1, line 13, remove "the patient"

Page 1, line 14, replace "Made a valid written statement concerning nutrition or hydration" with "The agent is acting pursuant to subdivision a of subsection 2 of this section"

Page 1, line 15, replace "Has" with "The patient has"

Page 2, line 4, remove "valid" and after "hydration" insert "contained in a declaration executed pursuant to chapter 23-06.4 or a durable power of attorney for health care executed pursuant to chapter 23-06.5"

Page 2, line 10, remove "**EFFECTIVE DATE -**" and remove "This Act applies to every"

Page 2, line 11, remove "durable power of attorney for health care executed after July 31, 1999."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2327, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2327 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "two" with "a"

Page 1, line 2, replace "subsections" with "subsection"

Page 1, line 9, replace "specifically provides in a case in which a guardian is appointed and if" with "approves"

Page 1, remove line 10

Page 1, line 11, remove "well-being,"

Page 1, line 12, after "proceeding" insert ", that person"

Page 1, line 13, after "estate" insert "if the compensation will not unreasonably jeopardize the ward's well-being"

Page 2, line 12, replace "Two" with "A" and replace "subsections" with "subsection"

Page 2, line 13, replace "are" with "is"

Page 2, line 16, remove "unless a court of competent jurisdiction"

Page 2, remove lines 17 through 20

Page 2, line 21, remove "competent"

Page 2, remove lines 22 through 27

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2356: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO PASS** (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2356 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2375, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (12 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2375 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2393: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (9 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2393 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2398: Agriculture Committee (Rep. Nicholas, Chairman)** recommends **DO NOT PASS** (8 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). SB 2398 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2400, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2400 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "four" with "three"

Page 1, line 16, after the underscored comma insert "a health maintenance organization,"

Page 1, line 17, remove "or health benefits"

Page 2, line 16, replace "Four" with "Three"

Page 2, line 26, after the underscored period insert "As used in this subsection, "medically necessary care" means health care services, supplies, or treatments that a reasonably prudent physician or other health care provider would provide to a patient for the prevention, diagnosis, or treatment of illness, injury, disease, or its symptoms which are in accordance with generally accepted standards of medical practice, clinically appropriate in terms of type, frequency, extent, site, and duration, and not primarily for the convenience of the patient, physician, or other health care provider. This definition does not preclude an entity from establishing a definition of "medically necessary care" for determining which services are covered by the health plan."

Page 2, line 30, after the underscored comma insert "or"

Page 3, remove lines 13 through 17

Page 4, line 15, remove the second "or"

Page 4, line 16, remove "health benefits"

Page 4, line 17, replace "provides the insured with" with "makes available to persons covered under the policy or contract"

Page 4, line 20, replace "insured" with "person covered under the contract, in any manner reasonably assuring availability,"

Page 6, line 30, remove "or health"

Page 6, line 31, remove "benefits"

Page 8, line 4, after "review" insert "or management"

Page 8, line 5, after the second underscored comma insert "to analyze health plan claims or health care records data, to conduct disease management programs with health care providers,"

Page 8, line 20, remove "or health benefits"

Page 8, line 22, after "practitioner" insert "solely"

Page 10, line 20, remove "or health benefits"

Page 11, line 21, after the second underscored comma insert "and" and remove ", and any"



Page 11, line 22, remove "applicable federal or state programs"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2409, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2409 was placed on the Sixth order on the calendar.

Page 1, line 13, after "do" insert ", and doing."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4002: Human Services Committee (Rep. Price, Chairman)** recommends **DO NOT PASS** (9 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING). SCR 4002 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4017: Judiciary Committee (Rep. DeKrey, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4017 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4044: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4044 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4045, as engrossed: Human Services Committee (Rep. Price, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SCR 4045 was placed on the Tenth order on the calendar.

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2434, SCR 4035.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SCR 4023.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently failed to pass: HCR 3022.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2005, SB 2007, SB 2045, SB 2403, SCR 4016, SCR 4037.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2410.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2036, SB 2055, SB 2189, SB 2287, SB 2299, SB 2319, SB 2349.

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2030, SB 2288.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2080.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2321.

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2031.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1071, HB 1211, HB 1223, HB 1284, HB 1357, HB 1362.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1446.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1446**

Page 1, line 1, replace the second "and" with a comma and after "24-06-14" insert ", and 57-15-22"

Page 1, line 3, after "territory" insert "and the levy for roads and bridges in unorganized territory; and to provide an effective date"

Page 1, line 14, overstrike "shall" and insert immediately thereafter "is entitled to"

Page 1, after line 24, insert:

**"SECTION 3. AMENDMENT.** Section 57-15-22 of the North Dakota Century Code is amended and reenacted as follows:

**57-15-22. Tax levy limitations in unorganized townships.** The total tax levied by the board of county commissioners in any unorganized township for the construction, maintenance, and improvement of any roads and bridges may not exceed eighteen mills on the dollar of the taxable valuation of the township or the amount in dollars that the township would have been entitled to levy under section 57-15-01.1 if the township had remained organized, but this does not prohibit the levy of general county road and bridge taxes in such unorganized township.

**SECTION 4. EFFECTIVE DATE.** Section 3 of this Act is effective for taxable years beginning after December 31, 1998."

ReNUMBER accordingly

**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 1079.

**SENATE AMENDMENTS TO HOUSE BILL NO. 1079**

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

Page 1, after line 8, insert:

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

ReNUMBER accordingly

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause failed: HB 1257.

**SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1257**

Page 1, line 20, after "branch" insert "and employees of the board of higher education and state institutions under the jurisdiction of the board"

Page 3, line 30, after "branch" insert "or an employee of the board of higher education and state institutions under the jurisdiction of the board"

Page 7, replace lines 1 through 7 with:

"for employees electing to transfer prior to January 1, 2000, using the two following formulas, and shall transfer the greater of the two amounts obtained:

1. The actuarial present value of the individual's accumulated benefit obligation under the public employees retirement system based on the assumption that the individual will retire under the earliest applicable normal retirement age, plus interest from January 1, 2000, to the date of transfer, at the rate of one-half of one percent less than the actuarial interest assumption at the time of the election; or

2. The actual employer and employee contributions made pursuant to sections 54-52-05 and 54-52-06, plus interest at the rate of one-half of one percent less than the actuarial interest assumption at the time of the election.

The board shall calculate the amount to be transferred for persons employed after December 31, 1999, using only the formula contained in subsection 2."

Page 7, line 20, remove "who have not"

Page 7, line 21, remove "closed their accounts"

Page 12, line 28, replace "make up" with "seek to collect"

Page 13, line 3, after the first comma insert "including consulting expenses,"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass: HB 1391.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1136, HB 1141, HB 1259, HB 1331.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1151:** Sens. Wanzek; Flakoll; Kelsh  
**HB 1166:** Sens. Traynor; Fischer; Redlin

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2098 and SB 2212 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2098:** Sens. Sand; Mutch; Heitkamp  
**SB 2212:** Sens. B. Stenehjem; Cook; O'Connell

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1349.

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

**LANCE HAGEN, Chief Clerk**