

## JOURNAL OF THE HOUSE

## Fifty-second Legislative Assembly

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Bismarck, April 5, 1991

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

The prayer was offered by the Rev. Andrea DeGroot-Nesdahl, Evangelical Lutheran Church of America, Bismarck.

The roll was called and all members were present.

A quorum was declared by the Speaker.

## RULING BY THE SPEAKER

SPEAKER R. ANDERSON RULED that the Conference Committee Report on HB 1167 was not consistent with Joint Rule 301, subsection 5, and that HB 1167 would be rereferred to the Conference Committee.

## MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

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

SB 2234: Reps. Clayburgh; Kelsch; Ring

SB 2451: Reps. Rennerfeldt; Bateman; Anderson, B.

## MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on HB 1381, HB 1424, and HCR 3038.

## MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on HB 1135, HB 1138, HB 1200, HB 1262, HB 1300, HB 1313, and HB 1333 and subsequently passed the same.

## MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on HB 1343, HB 1441, HB 1450, HB 1483, HB 1507, HB 1569, and HB 1597 and subsequently passed the same.

## MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on HB 1571, subsequently passed the same, and the emergency clause carried.

## MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed unchanged: HCR 3070.

## MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2384 and SB 2509 and subsequently passed the same.

## MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1051 and HB 1073 and subsequently passed the same.

## MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1053 and HB 1132.

## MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4073.

## MOTION

REP. KLOUBEC MOVED that the House stand in recess until 10:00 a.m., which motion prevailed.

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

## REPORT OF CONFERENCE COMMITTEE

REP. A. OLSON MOVED that the conference committee report on Engrossed HB 1061 as printed on HJ pages 1677-1679 be adopted, which motion prevailed.

Engrossed HB 1061, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1061: A BILL for an Act to create and enact four new sections to chapter 23-29 of the North Dakota Century Code, relating to solid waste management; to provide a penalty; to provide an appropriation; and to state legislative intent.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 94 YEAS, 6 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; DeMers; DeWitz; Dorso; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjervan; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Williams; Speaker R. Anderson

NAYS: Boucher; Delzer; Grosz; Laughlin; Nelson; Wilkie

ABSENT AND NOT VOTING: Boehm; Flaagan; Gorman; Huether; Larson; Whalen

Engrossed HB 1061 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

REP. KELSCH MOVED that the conference committee report on Engrossed HB 1145 as printed on HJ page 1662 be adopted, which motion prevailed.

HB 1145, as amended, was placed on the Eleventh order of business on the calendar.

## SECOND READING OF HOUSE BILL

HB 1145: A BILL for an Act to amend and reenact section 27-13-01 of the North Dakota Century Code, relating to duties of attorneys.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 99 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Enget; Erickson; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder;

Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloube; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Boehm; Dorso; Flaagan; Gorman; Huether; Larson; Meyer

Engrossed HB 1145 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. BELTER MOVED that the conference committee report on Engrossed HB 1152 as printed on HJ pages 1481-1482 be adopted, which motion prevailed.

Engrossed HB 1152, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1152: A BILL for an Act to amend and reenact section 39-24-11 of the North Dakota Century Code, relating to penalties for failure to register ownership of snowmobiles and for trespassing with a snowmobile on posted land.

#### 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, 16 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boucher; Brokaw; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Deizer; DeMers; DeWitz; Dorso; Enget; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kloube; Kolbo; Kretschmar; Kroeber; Kunkel; Laughlin; Linderman; Mahoney; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Tollefson; Trautman; Wald; Wardner; Wentz; Wilkie; Williams

NAYS: Brown; Erickson; Grosz; Kerzman; Martin; Meyer; Nelson; Schimke; Schindler; Schmidt; Shide; Skjerven; Timm; Urlacher; Whalen; Speaker R. Anderson

ABSENT AND NOT VOTING: Boehm; Flaagan; Gorman; Huether; Larson

Engrossed HB 1152 passed and the title was agreed to.

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#### HOUSE ENGROSSING AND ENROLLING REPORT

The following bill was engrossed and enrolled: HB 1596.

#### HOUSE ENROLLING REPORT

The following bills were enrolled: HB 1028, HB 1266, HB 1325, HB 1552.

#### VETO CERTIFICATION

The following bill was delivered to the Legislative Council for veto certification: HB 1515.

## MOTION

REP. KLOUBEC MOVED that the House be on the Fifth order of business, and at the conclusion of the Fifth order, the House be on the Seventh order of business, and at the conclusion of the Seventh order, the House stand in recess until 1:00 p.m., which motion prevailed.

## REPORTS OF STANDING COMMITTEES

SB 2058: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (23 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the House as printed on pages 1102-1106 of the House Journal, Reengrossed Senate Bill No. 2058 is amended as follows:

Page 1, line 4, replace "on-farm" with "farm"

Page 1, line 5, after "fund" insert "and the regional rural development revolving loan fund"

Page 1, line 8, remove "6-09-02,"

Page 2, line 7, replace "an allocation" with "a transfer"

Page 2, line 8, remove "to provide for appropriation reductions;"

Page 2, line 22, remove "on-farm"

Page 2, line 23, remove "on-farm"

Page 5, line 4, remove "on-farm"

Page 5, line 5, replace "on-farm" with "value-added" and remove "The moneys"

Page 5, remove line 6

Page 5, line 7, remove "projects."

Page 5, remove lines 9 through 29

Page 6, remove lines 1 through 3

Page 9, line 28, replace ", where" with an underscored period

Page 10, remove lines 1 and 2

Page 10, line 6, replace "On-farm" with "Farm" and remove "located on a family farm"

Page 10, line 7, remove "nontraditional crops, nontraditional livestock,"

Page 10, line 9, after "industries" insert "which is integrated into the farm operation and may include nontraditional agriculture"

Page 10, line 21, remove "the"

Page 10, line 22, replace "establishment of an on-farm" with "a farm"

Page 11, line 25, replace "the future appropriated" with "a transfer of" and replace "of" with "from"

Page 12, line 25, remove "The"

Page 12, remove lines 26 and 27

Page 13, line 7, replace "percent" with "hundred basis points"

Page 15, line 24, replace the second "7" with "8"

Page 16, line 22, after "shall" insert "only"

Page 16, line 23, after "representatives" insert "who serve in executive capacities" and after the colon insert "private sector"

Page 16, line 24, overstrike "higher education,", after the third comma insert "and", and overstrike the last comma

Page 16, line 25, overstrike "and private sector business"

Page 17, line 27, replace "the" with "moneys"

Page 17, line 28, remove "future" and replace "earnings of the Bank of North Dakota" with "from the general fund"

Page 18, line 10, after the underscored period insert "Moneys may also be used to make matching grants to county-authorized or city-authorized development corporations for the acquisition, leasing, or remodeling of real estate facilities for locating a prospective new business. A grant must be made as part of a package of financing in which the state is a participant."

Page 18, line 13, after the underscored period insert "The rules to implement the grant program must be developed to encourage local fundraising initiatives for developing locations for businesses financed by the corporation."

Page 18, remove line 26

Page 18, line 27, remove "be transferred during the biennium to any other category."

Page 19, after line 5, insert "10-30.3-12."

Page 19, line 15, remove "equally"

Page 20, line 28, after "science" insert ", or the president's designee"

Page 20, line 29, after "Dakota" insert ", or the president's designee"

Page 21, line 1, replace "of the board of higher education, as appointed" with "from the board of directors of the North Dakota economic development finance corporation appointed under section 10-30.3-03."

Page 21, remove line 2

Page 21, line 5, replace "Four" with "Two" and remove "one member each"

Page 21, remove line 8

Page 21, line 9, replace "f" with "e"

Page 22, line 19, after the underscored comma insert "byproduct utilization,"

Page 22, line 24, after the underscored period insert:

"Provide support for specific projects as provided by law.

8."

Page 23, line 18, after the first underscored comma insert "working papers,"

Page 33, line 23, overstrike "The state or any political subdivision of the state which contracts"

Page 33, overstrike lines 24 and 25

Page 33, line 26, overstrike "director of the", remove "department of", overstrike "economic development", and remove "and"

Page 33, line 27, remove "finance" and overstrike ", at the time the architect or engineer is retained, of the"

Page 33, overstrike lines 28 and 29

Page 34, line 1, overstrike "identifying the architect or engineer. The" and insert immediately thereafter "Each year the" and remove the overstrike over "of the"

Page 34, line 2, after "commission" insert "department of economic development and finance"

Page 34, line 3, overstrike "architect" and insert immediately thereafter "registered architects"

Page 34, line 4, overstrike "engineer" and insert immediately thereafter "engineers"

Page 36, line 9, remove the second "and"

Page 36, line 16, replace the underscored period with "; and"

Page 36, after line 16, insert:

"6. Identify those statutes, administrative rules, and policies that impede the attraction, creation, and expansion of businesses and job creation in this state."

Page 36, line 26, after "director" insert "upon the approval of the budget section of the legislative council"

Page 37, remove lines 1 through 20

Page 37, line 21, replace "54-34.3-05" with "54-34.3-04"

Page 37, line 26, remove "The appointment of the director must be confirmed by the senate."

Page 37, remove lines 27 and 28

Page 37, line 29, remove "confirms or rejects the appointment."

Page 39, line 5, remove "and"

Page 39, line 6, after the underscored period insert:

"Report at least annually to an interim committee designated by the legislative council on loan performance and performance of the department of economic development and finance, including evaluations of the division of finance, the division of marketing and technical assistance, and the division of science and technology. A report must include a comparison of dollars spent to the jobs created of all programs administered or supervised by the director and a review of the timeliness of the loan processing practices including a log of activities from application to final determination; and

9."

Page 39, line 8, replace "54-34.3-06" with "54-34.3-05"

Page 39, line 26, replace "54-34.3-07" with "54-34.3-06"

Page 40, line 5, after "state" insert ", regional."

Page 40, line 9, remove "the development of"

Page 40, line 10, after "state" insert ", regional," and replace "to" with "that"

Page 40, line 18, remove "all"

Page 41, line 11, after the underscored period insert:

"Utilize existing marketing entities from private and other sources such as the microbusiness marketing alliance."

11."

Page 41, line 13, replace "54-34.3-08" with "54-34.3-07"

Page 41, line 26, replace "54-34.3-09" with "54-34.3-08"

Page 41, line 28, after "Dakota" insert "agricultural"

Page 41, line 29, after "assign" insert "for remuneration"

Page 45, line 14, remove "quarterly"

Page 48, line 28, replace "22" with "21"

Page 49, line 8, after the second period insert:

"1."

Page 49, line 12, replace "section" with "subsection"

Page 49, line 14, replace "section" with "subsection"

Page 49, after line 14, insert:

"2. By July 1, 1992, the Bank of North Dakota and the department of economic development and finance must be collocated.

SECTION 50. TRANSFER. There is hereby authorized the transfer to the general fund in the state treasury, the sum of \$23,217,457 from the accumulated and undivided profits of the Bank of North Dakota. The moneys must be transferred during the biennium beginning July 1, 1991, and ending June 30, 1993, upon the order of the industrial commission, with one-half of the transfer to be made no later than June 30, 1992."

Page 49, line 15, replace "ALLOCATION OF BANK OF NORTH DAKOTA EARNINGS. For" with "LEGISLATIVE INTENT. It is the intent of the legislative assembly that the following general fund appropriations and transfers will be made by the legislative assembly for"

Page 49, line 16, replace ", the industrial" with a colon

Page 49, remove lines 17 and 18

Page 49, line 19, replace "5,800,000" with "4,994,457"

Page 49, line 21, replace "7,000,000" with "8,002,000"

Page 49, line 25, replace "500,000" with "1,300,000"

Page 49, line 27, underscore "1,000,000"

Page 49, after line 27, insert:

"SB 2058 appropriations and transfers total \$21,796,457"

Page 49, line 29, replace "250,000" with "46,000"

Page 50, line 3, replace "250,000" with "125,000"

Page 50, line 5, replace "450,000" with "300,000"

Page 50, line 6, replace "300,000" with "200,000"

Page 50, after line 6, insert:

"Agricultural appropriations total in other bills \$ 1,421,000"

Page 50, line 7, replace "transfer, retention, or allocation" with "all general fund transfers and appropriations" and replace "22,800,000" with "23,217,457"

Page 50, line 11, remove "and earnings of the Bank of North"

Page 50, line 12, remove "Dakota"

Page 50, line 16, replace "2,422,076" with "1,779,555"

Page 50, line 18, replace "2,209,264" with "1,259,264"

Page 50, after line 19, insert:

"Marketing research contracts 125,000"

Page 50, line 20, replace "1,554,182" with "1,798,013"

Page 50, line 21, replace "6,384,882" with "5,161,192"

Page 50, remove line 22

Page 50, line 23, replace "234,882" with "166,735"

Page 50, line 24, replace "350,000" with "4,994,457"

Page 50, after line 24, insert "The department of economic development and finance, upon approval of the budget section of the legislative council, may use moneys in the grants line item to provide for contracted services needed to complete any specific business proposal. The department of economic development and finance and the North Dakota state university extension service shall coordinate their community economic development program initiatives."

Page 50, after line 29, insert:

"SECTION 53. APPROPRIATION - TRANSFER. The amount of \$8,002,000 is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, and shall be transferred to the primary sector development fund for the purposes of North Dakota Century Code section 10-30.3-11 for the biennium beginning July 1, 1991, and ending June 30, 1993."

Page 51, line 2, replace "earnings of the Bank of North Dakota" with "general fund in the state treasury, not otherwise appropriated,"

Page 51, line 4, replace "10-30.4-01" with "10-30.4"

Page 51, line 8, after the period insert "No more than \$300,000 of the moneys appropriated in this section may be used for administrative costs. The science and technology corporation may not duplicate, and shall



coordinate with, existing programs at the university of North Dakota and North Dakota state university."

Page 51, replace lines 9 through 13 with:

"SECTION 55. APPROPRIATION - TRANSFER. The amount of \$3,000,000 is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, and shall be transferred to the partnership in assisting community expansion fund for the purposes of North Dakota Century Code chapter 6-09.14 for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 56. APPROPRIATION - TRANSFER. The amount of \$1,300,000 is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, and shall be transferred to the agriculture partnership in assisting community expansion fund for the purposes of North Dakota Century Code chapter 6-09.13 for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 57. APPROPRIATION - TRANSFER. The amount of \$1,000,000 is hereby appropriated from the general fund in the state treasury, not otherwise appropriated, and shall be transferred to the beginning farmer revolving loan fund for the purposes of North Dakota Century Code section 6-09-15.5 for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

SB 2575, as engrossed: Committee on Appropriations (Rep. Thompson, Chairman) recommends DO NOT PASS (16 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). SB 2575 was placed on the Fourteenth order on the calendar.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2090, SB 2149, SB 2205, and SCR 4058 and subsequently passed the same.

#### REPORTS OF CONFERENCE COMMITTEES

SB 2090, as engrossed: Your conference committee (Sens. Mathern, Jerome, Bowman and Reps. A. Olson, Urlacher, Erickson) recommends that the HOUSE RECEDE from the House amendments on HJ page 1140, amend as follows, and then place on the Seventh order.

That the House recede from its amendments as printed on page 1140 of the House Journal and page 1101 of the Senate Journal and that Engrossed Senate Bill No. 2090 be amended as follows:

Page 1, line 11, remove "pending or new" and after "applications" insert "received after January 1, 1991,"

Page 1, line 14, after "of" insert "the environmental effects of the disposal of municipal solid waste ash and"

Page 1, line 16, after "any" insert "permit application for a" and remove "that has been granted a permit prior to the effective"

Page 1, line 17, remove "date of this Act or to any landfill"

Page 1, line 18, after "ash" insert "or to any North Dakota or federal court-ordered reapplication involving an application originally received prior to January 1, 1991, and which is limited to the type and amount of waste represented in the original application"

Renumber accordingly

SB 2149: Your conference committee (Sens. Kinnoin, Langley, Vosper and Reps. Bateman, Miller, Jacobson) recommends that the SENATE ACCEDE to

the House amendments on HJ pages 1174-1175 and page 1198 and then place it on the Seventh order.

SB 2205, as engrossed: Your conference committee (Sens. Heinrich, Evanson, Jerome and Reps. Clayburgh, Freier, Mutzenberger) recommends that the HOUSE RECEDE from the House amendments on HJ page 1141, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on page 1141 of the House Journal and page 1103 of the Senate Journal, and that Engrossed Senate Bill No. 2205 be amended as follows:

Page 2, line 1, replace "two" with "four"

Page 2, line 2, replace "one" with "three", remove "at least one-fourth degree", and replace "blood" with "descent, must be enrolled members of a tribe, and must be current voting residents of the state of North Dakota"

Page 2, line 3, remove the overstrike over "and"

Page 2, line 4, remove ", and the Sisseton-Wahpeton"

Renumber accordingly

SCR 4058, as engrossed: Your conference committee (Sens. Jerome, Krebsbach, O. Hanson and Reps. Clayburgh, Freier, Mutzenberger) recommends that the HOUSE RECEDE from the House amendments on HJ pages 1438-1439, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on pages 1438 and 1439 of the House Journal, and that Engrossed Senate Concurrent Resolution No. 4058 be amended as follows:

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "urging Congress to enact legislation giving Indian tribes criminal misdemeanor jurisdiction over all Indians on reservations and to review the Indian Civil Rights Act to ensure that the constitutional rights of all Indians are protected.

WHEREAS, the Supreme Court of the United States, in Duro v. Reina, 110 S.Ct. 2053 (1990), has reversed 200 years of the exercise by Indian tribes of criminal misdemeanor jurisdiction over all Indians residing on their reservations by ruling that each tribe retains such powers only over Indians enrolled in their respective tribe; and

WHEREAS, this ruling displays a lack of understanding of the reality, history, and demographics of Indian country including the fact that there are tens of thousands of Indians living on reservations who are not enrolled at that given reservation; and

WHEREAS, a nonenrolled Indian may have lived on a reservation for all of his or her life, have intermarried with a member who is enrolled, have had children with the enrolled member, and may own property on the reservation; and

WHEREAS, such a nonenrolled Indian is eligible for federal programs for which any Indian would be eligible; and

WHEREAS, for purposes of law enforcement, tribes have never distinguished between enrolled and nonenrolled Indians; and

WHEREAS, the state of North Dakota does not have the funding available to hire the extra police, investigators, prosecutors, and judges or to build the jails that would be necessary to prosecute misdemeanor crimes by Indians within the boundaries of Indian

reservations and may not be able to successfully assert jurisdiction even if such funds were available; and

WHEREAS, the nontaxable status of reservation trust lands combined with the relative poverty of most Indian people do not offer any opportunity to raise the additional revenue that would be required to take over such a large job if jurisdiction were established; and

WHEREAS, the Court indicated that it is the responsibility of the Congress to address any void in jurisdiction that may result from this ruling; and

WHEREAS, the Indian Civil Rights Act should be reviewed to ensure that its goals will be met;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the North Dakota Legislative Assembly commends the Congress of the United States for passing Section 8077 (b) and (c) of Public Law No. 101-511 (signed by the President on November 5, 1990), which temporarily affirmed that tribes do retain criminal misdemeanor jurisdiction over all Indians in Indian country and does hereby urge the Congress of the United States to make this provision of Public Law No. 101-511 permanent law; and

BE IT FURTHER RESOLVED, that the North Dakota Legislative Assembly joins the tribes of North Dakota by formally requesting that the North Dakota Congressional Delegation and the United States Senate Select Committee on Indian Affairs support federal legislation confirming that tribal governments have the authority to maintain criminal jurisdiction over nonenrolled and nonmember Indians who commit criminal acts within the external boundaries of reservations and upon lands of the tribes; and

BE IT FURTHER RESOLVED, that the North Dakota Congressional Delegation support review of the Indian Civil Rights Act to ensure that its goals are accomplished; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to each member of the North Dakota Congressional Delegation, the United States Senate Select Committee on Indian Affairs, and the respective tribes of North Dakota."

Renumber accordingly

HB 1433, as engrossed: Your conference committee (Sens. Schoenwald, O'Connell, Tenneson and Reps. Delzer, Price, Pyle) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1367-1368, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 1071 and 1072 of the Senate Journal and pages 1367 and 1368 of the House Journal, and that Engrossed House Bill No. 1433 be amended as follows:

Page 1, line 3, after the first semicolon insert "to provide for a study on the issuance of mobility-impaired certificates;"

Page 4, after line 20, insert:

"SECTION 2. STUDY OF ISSUANCE OF MOBILITY-IMPAIRED CERTIFICATES. The department of transportation and the committee on employment of people with disabilities of the governor's council on human resources shall conduct a study to determine the feasibility and desirability of providing for the issuance of identifying certificates to mobility-impaired persons for parking privilege purposes by the committee rather than by the department. The department and the

committee shall report their findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-third legislative assembly."

Renumber accordingly

HCR 3026: Your conference committee (Sens. Schoenwald, Mathern, Solberg and Reps. Kretschmar, Svedjan, Enget) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1447-1448, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 1073 and 1293 of the Senate Journal and on pages 1447 and 1448 of the House Journal and that House Concurrent Resolution No. 3026 be amended as follows:

Page 1, line 16, replace "plan or plans developed by the" with "legislative council be encouraged to use the following criteria to develop a plan or plans:"

Page 1, remove line 17

Page 1, line 18, replace "The maximum population range may be only plus two percent and minus" with "Legislative districts and subdistricts must be compact and of contiguous territory except as is necessary to preserve county and city boundaries as legislative district boundary lines and so far as is practicable to preserve current legislative district boundaries;

2. Legislative districts may have a population variance from the largest to the smallest in population not to exceed nine percent of the population of the ideal district except as is necessary to preserve county and city boundaries as legislative district boundary lines and so far as is practicable to preserve current legislative district boundaries;"

Page 1, remove line 19

Page 1, line 20, replace "2" with "3"

Page 1, remove lines 21 and 22

Page 2, line 2, replace "10" with "20"

Renumber accordingly

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on HB 1061, HB 1145, and HB 1152 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The joint Senate-House Rules govern the procedure to be followed in handling the reports of Conference Committees. Subsection 6 of Joint Rule 301 requires the house of origin to act first and Subsection 7 requires the second house to act on the report. On April 4, the Senate received SB 2324 from the House, which bill had been referred to a conference committee. Pursuant to Section 6, the Senate had originally acted on the Conference Committee report and notified the House. The House Journal of April 4 indicates that the House has not acted on the Conference Committee report on SB 2324 pursuant to Subsection 7. Therefore, we are returning SB 2324 to the House so that the House can act on the Conference Committee report as required by Subsection 7.

#### MOTION

REP. KLOUBEC MOVED that the House reconsider its action whereby they reconsidered its action whereby the conference committee report was accepted and SB 2324 was placed on the Seventh order of business on the calendar, and

that SB 2324 be placed on the Seventh order on the calendar, which motion prevailed.

#### SIXTH ORDER OF BUSINESS

SB 2058, as reengrossed: REP. THOMPSON (Committee on Appropriations) MOVED that the amendments on HJ pages 1569-1575 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

Reengrossed SB 2058, as amended, was placed on the Fourteenth order of business on the calendar.

#### MOTIONS

REP. KLOUBEC MOVED that debate on Reengrossed SB 2058 be set for a time certain, and that time being 1:30 p.m., which motion prevailed.

REP. KLOUBEC MOVED that the rules be suspended and that each Representative speaking on the bill be limited to three minutes each, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2058: A BILL for an Act to create and enact section 4-14.1-03.1, chapters 6-09.13, 6-09.14, sections 10-30.3-10, 10-30.3-11, 10-30.3-12, 10-30.3-13, and chapters 10-30.4 and 54-34.3 of the North Dakota Century Code, relating to the agricultural utilization commission, farm loan programs, business loan programs, the creation of the primary sector development fund, the regional rural development revolving loan fund, the creation of the primary sector agribusiness development fund, the creation of the science and technology corporation, and the establishment of a department of economic development and finance; to amend and reenact sections 4-14.1-01, 4-14.1-02, 4-14.1-03, 6-09-15.5, 6-09.10-03, 10-24-40, subsection 6 of section 10-30-04, sections 10-30.2-02, 10-30.2-05, 10-30.3-01, 10-30.3-02, 10-30.3-03, 10-30.3-05, 10-30.3-07, 15-12-25, 21-11-02, 21-11-03, 21-11-04, 21-11-05, 21-11-06, 24-02-37.1, 24-03-21, subsection 6 of section 26.1-05-19, subsection 1 of section 28-32-01, sections 52-01-03, 54-34-06.1, 54-34-12, 54-34-15, 54-36-01, 54-40.1-01, subsection 7 of section 54-40.1-02, sections 54-40.1-04, 54-40.1-05, 54-53-02, 55-06-01, and 55-08-02.1 of the North Dakota Century Code and section 8 of House Bill No. 1046, as approved by the fifty-second legislative assembly, relating to the duties of the agricultural utilization commission, the duties of the agricultural mediation service, creation of the economic development finance corporation, the operation of the Bank of North Dakota, references to the economic development commission, the duties of regional councils, and the appropriation to the regional rural development revolving loan fund; to repeal sections 54-34-01, 54-34-02, 54-34-03, 54-34-03.1, 54-34-04, 54-34-05.1, 54-34-06, and 54-34-08 of the North Dakota Century Code, section 1 of chapter 112 of the 1989 Session Laws and sections 1, 2, and 3 of House Bill No. 1046, as approved by the fifty-second legislative assembly, relating to the economic development commission, the transfer of the Bank of North Dakota's profits into the beginning farmer revolving loan fund, and the rural development revolving loan fund; to require collocation of economic development entities; to provide for a transition; to provide for a transfer of the earnings of the Bank of North Dakota; 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 and has committee recommendation of DO PASS, the roll was called and there were 100 YEAS, 4 NAYS, 2 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordier; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec;

Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Wilkie; Williams; Speaker R. Anderson

NAYS: Carlisle; DeWitz; Schimke; Schindler

ABSENT AND NOT VOTING: Huether; Whalen

Reengrossed SB 2058 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SIXTH ORDER OF BUSINESS

SB 2018, as engrossed: REP. THOMPSON (Committee on Appropriations) MOVED that the amendments on HJ pages 1676-1677 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

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

#### SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act making an appropriation for defraying the expenses of the agricultural products utilization commission; and to provide a statement of legislative intent.

#### 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 104 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloube; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Belter; Huether

Engrossed SB 2018 passed and the title was agreed to.

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#### SIXTH ORDER OF BUSINESS

SB 2595, as engrossed: REP. THOMPSON (Committee on Appropriations) MOVED that the amendments on HJ page 1677 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

#### REQUEST

Engrossed SB 2595, as amended, was placed on the Fourteenth order of business on the calendar.

## SECOND READING OF SENATE BILLS

SB 2595: A BILL for an Act to establish a child sexual abuse investigation and prosecution team; and to provide an appropriation; and to provide an effective 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 103 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Huether; Kaldor; Nowatzki

Engrossed SB 2595 passed and the title was agreed to.

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SB 2575: A BILL for an Act providing an appropriation for a North Dakota higher education center; providing appropriations for various institutions under the state board of higher education; providing an appropriation for the professional student exchange program; to provide legislative intent regarding tuition increases; and to authorize the industrial commission, acting as the state building authority, to issue loan notes to make funds available for construction and remodeling projects at institutions of higher education.

## 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 11 YEAS, 91 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Carlson; Coats; DeMers; Enget; Goffe; Laughlin; Mutzenberger; Peterson; Pyle; Ring; Scherber

NAYS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Cleary; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Gorder; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Ritter; Rydell; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Gorman; Huether; Kaldor; Nowatzki

Engrossed SB 2575 was declared lost.

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MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1031.

In lieu of the amendments adopted by the Senate as printed on pages 1022-1023 of the Senate Journal, Engrossed House Bill No. 1031 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to a property cost reimbursement study and property cost reimbursement to certain nursing homes; to provide an appropriation; and to provide an expiration date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Property reimbursement study - Reimbursement in certain cases.

1. The department of human services shall study the medical assistance property cost reimbursement system for the nursing home industry in the state of North Dakota. The department shall establish a nine-member advisory committee for the study consisting of departmental staff, at least three representatives of the long-term care industry, and three legislative members appointed by the chairman of the legislative council. The department may expend funds to engage a qualified consulting firm to assist in the study and shall from time to time report on the progress of the study and any findings to the legislative council or a committee designated by the council. The legislative council shall report any findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-third legislative assembly.
2. The department shall reimburse nursing home providers that are vendors in the medical assistance program for the use of real estate and depreciable equipment that was purchased by the nursing home provider after July 1, 1985, and before January 1, 1991, based on property costs created by good faith, arm's length purchase agreements. For purposes of this Act, "property costs" means property taxes including special assessments, lease and rental costs of personal property and reasonable legal expense, all to the extent allowable under chapter 50-24.4 and rules adopted by the department; interest expense allowable under rules adopted by the department without the application of subdivision f of subsection 1 of section 75-02-06-04 of the North Dakota administrative code; personal property depreciation based upon purchase price paid by the buyer; and real property depreciation based upon current reproduction cost of those assets depreciated on a straight-line basis over their useful lives to the date of acquisition by the buyer and increased by one-half of the percentage increase in the consumer price index for all urban consumers (United States city average) from the date of acquisition by the seller to the date of acquisition by the buyer, or the purchase price paid by the buyer, whichever is lower.

SECTION 2. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, including county reimbursements made pursuant to section 50-24.1-03, to the department of human services for the purpose of undertaking the study provided for in section 1 of this Act, and to reimburse nursing home providers for property-related costs affected by this Act for the period beginning July 1, 1991, and ending June 30, 1993.



	GENERAL FUND	SPECIAL FUNDS	TOTAL
Department of human services - study	\$ 75,000	\$ 75,000	\$150,000
Department of human services - reimbursement	<u>184,086</u>	<u>599,259</u>	<u>783,345</u>
Total	\$259,086	\$674,259	\$933,345

SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 1993, and after that date is ineffective."

ReNUMBER accordingly

#### CONSIDERATION OF MESSAGE FROM THE SENATE

REP. THOMPSON MOVED that the House do not concur in the Senate amendments to Reengrossed HB 1031 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 Reengrossed HB 1031: Reps. Jensen, Dalrymple, Stofferahn.

#### REPORT OF CONFERENCE COMMITTEE

REP. LARSON MOVED that the conference committee report on Engrossed HB 1384 as printed on HJ page 1367 not be adopted, which motion prevailed.

#### MOTION

REP. KLOUBEC MOVED that the House stand in recess until 4:00 p.m., which motion prevailed.

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

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1031, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1031: Reps. Jensen; Dalrymple; Stofferahn

#### REPORT OF STANDING COMMITTEE

HB 1614: Committee on Appropriations (Rep. Thompson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after "education" insert "; and to provide an appropriation"

Page 2, line 20, replace "amounts made available are only those" with "amount"

Page 2, line 21, remove "amounts"

Page 2, line 22, replace "and which are sufficient" with "must be deposited in a special fund for capital construction and may be spent pursuant to the appropriations contained in this Act only when sufficient funds are available"

Page 2, line 23, replace "a facility or" with "all" and remove "in priority order"

Page 2, after line 28, insert:

"SECTION 4. APPROPRIATION. There is hereby appropriated, subject to the actual unobligated fund balance on June 30, 1993, as provided for in section 5 of this Act, out of the general fund, \$9,941,350, or

so much thereof as may be necessary, to the board of higher education for the purpose of providing funds for remodeling (additions/renovations) projects as approved by the board of higher education in January 1991 for the biennium beginning July 1, 1993, and ending June 30, 1995.

**SECTION 5. CONTINGENT APPROPRIATION.** The amounts appropriated in section 4 of this Act shall be made available after July 1, 1993, only if the actual unobligated general fund balance on June 30, 1993, is in excess of the balance necessary to fund all the contingent appropriations in section 1 of this Act. The amount by which the actual unobligated June 30, 1993, general fund balance exceeds the amount necessary to fund the contingent appropriations in section 1 of this Act must be made available on a priority basis to fund the remodeling projects provided for in section 4.

**SECTION 6. APPROPRIATION - BOARD OF HIGHER EDUCATION.** There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much thereof as may be necessary, to the board of higher education for the purpose of providing funds for maintenance, capital improvements, and operating expenses at the institutions under the control of the board of higher education for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment:

1. Provides that any additional 1991-93 general fund revenues in excess of \$12,000,000 over the estimate at the close of the 1991 session be deposited in a special fund for capital construction until funding is available for all facilities listed in Section 1 at which time it may be spent.
2. Adds a new section providing a contingent general fund appropriation for the 1993-95 biennium of \$9,941,350 to the Board of Higher Education for remodeling (additions/renovations) projects as approved by the board in January 1991. These projects are to be funded after the capital construction projects in Section 1 are funded.
3. Adds a new section appropriating \$1,000,000 from the general fund for the 1991-93 biennium to the Board of Higher Education for maintenance, capital construction, and operating expenses at the institutions.

#### SIGNING of BILLS and RESOLUTIONS

The Speaker signed the following enrolled bills: HB 1028, HB 1256, HB 1266, HB 1325, HB 1552, HB 1596.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has not adopted the conference committee report on HB 1384.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1028, HB 1256, HB 1266, HB 1325, HB 1552, HB 1596.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2069, SB 2169, SB 2346.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills and veto certifications were delivered to the Secretary of State for his filing at the hour of 3:55 p.m. on April 5, 1991: HB 1091, HB 1365, HB 1371, HB 1447.

## FIRST READING OF SENATE CONCURRENT RESOLUTION

Committee on Employment introduced:

(Approved by the Committee on Delayed Bills)

SCR 4073: A concurrent resolution authorizing the retention of certain employees of the Senate and House to allow for the completion of legislative work after the close of the session.

Was read the first time.

## MOTION

REP. KLOUBEC REQUESTED the unanimous consent of the House to amend SCR 4073 as follows:

Page 2, after line 25, insert:

"Supply Room Clerk"

Renumber accordingly

The request was granted, and SCR 4073 was amended.

## MOTION

REP. KLOUBEC MOVED that the rules be suspended, that SCR 4073, as amended, not be printed, not be referred to committee, be read in title only, and not be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4073: A concurrent resolution authorizing the retention of certain employees of the Senate and House to allow for the completion of legislative work after the close of the session.

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 105 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

## ROLL CALL

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gordner; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kerzman; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nichols; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Wilkie; Williams; Speaker R. Anderson

ABSENT AND NOT VOTING: Huether

SCR 4073 was declared adopted on a recorded roll call vote.

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## SIXTH ORDER OF BUSINESS

HB 1614: REP. THOMPSON (Committee on Appropriations) MOVED that the amendments be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

HB 1614, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1614: A BILL for an Act for a contingent appropriation for capital construction projects at institutions of higher education.

#### 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 56 YEAS, 49 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Berg, G.; Carlisle; Carlson; Clayburgh; Cleary; Coats; DeMers; Enget; Flaagan; Gabrielson; Gates; Gilmore; Goffe; Gorman; Grumbo; Hausauer; Henegar; Hokana; Jensen; Kelsch; Kloubec; Kretschmar; Kroeber; Kunkel; Laughlin; Martin; Martinson; Miller; Mutzenberger; Nicholas; Oban; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Schneider; Shide; Skar; Snyder; St. Aubyn; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Urlacher; Wald; Wardner; Wentz; Williams

NAYS: Belter; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Brown; Byerly; Dalrymple; Delzer; DeWitz; Dorso; Erickson; Freier; Gerntholz; Gorder; Grosz; Hanson; Howard; Jacobson; Kaldor; Kerzman; Kolbo; Larson; Linderman; Mahoney; Meyer; Muhs; Myrdal; Nelson; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Rennerfeldt; Scherber; Schimke; Schindler; Schmidt; Skjerven; Soukup; Starke; Thompson; Trautman; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Huether

HB 1614 passed and the title was agreed to.

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#### REPORTS OF CONFERENCE COMMITTEES

REP. SCHINDLER MOVED that the conference committee report on SB 2067 as printed on SJ page 1294 be adopted, which motion prevailed.

REP. MARTINSON MOVED that the conference committee report on Engrossed SB 2425, as printed on SJ page 1385 be adopted, which motion prevailed.

Engrossed SB 2425, as amended, was placed on the Fourteenth order of business on the calendar.

#### SECOND READING OF SENATE BILL

SB 2425: A BILL for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to oral transmission of refilled prescriptions; and to amend and reenact subsections 4 and 18 of section 43-15-01 of the North Dakota Century Code, relating to definitions for the purposes of dispensing prescription drugs.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 95 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Boehm; Boucher; Brokaw; Brown; Byerly; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; DeWitz; Enget; Erickson; Flaagan; Freier; Gabrielson; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kaldor; Kerzman; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Martin; Martinson; Meyer; Miller; Muhs; Mutzenberger; Myrdal; Nelson; Nicholas; Nowatzki; Oban; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Rennerfeldt; Ring; Ritter; Rydell; Scherber; Schimke; Schindler; Schmidt; Schneider; Shide; Skar;

Skjerven; Snyder; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson;  
 Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz;  
 Wilkie; Williams; Speaker R. Anderson

NAYS: Berg, R.; Bernstein; Bodine; Dorso; Kelsch; Mahoney; Nichols; Soukup;  
 Whalen

ABSENT AND NOT VOTING: Huether; Kloubec

Engrossed SB 2425 passed and the title was agreed to.

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#### REPORTS OF CONFERENCE COMMITTEES

REP. KRETSCHMAR MOVED that the conference committee report on Engrossed SB 2023 as printed on SJ page 1337 be adopted, which motion prevailed.

REP. BERNSTEIN MOVED that the conference committee report on Reengrossed SB 2083 as printed on SJ page 1426 be adopted, which motion prevailed.

#### MOTION

REP. STOFFERAHN MOVED that SB 2115, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

REP. TRAUTMAN MOVED that the conference committee report on Engrossed SB 2118 as printed on SJ page 1294 be adopted, which motion prevailed.

#### MOTIONS

REP. SHIDE MOVED that SB 2151 be placed at the bottom of the calendar, which motion prevailed.

REP. KLOUBEC MOVED that HB 1157 be placed at the top of the calendar, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

REP. BELTER MOVED that the conference committee report on Engrossed HB 1157 as printed on HJ page 1662 be adopted, which motion prevailed.

Engrossed HB 1157, as amended, was placed on the Eleventh order of business on the calendar.

#### SECOND READING OF HOUSE BILL

HB 1157: A BILL for an Act to amend and reenact section 39-29-12 of the North Dakota Century Code, relating to penalties for failure to register ownership of all-terrain vehicles and for trespassing with an all-terrain vehicle on posted land.

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

YEAS: Aarsvold; Anderson, B.; Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Boucher; Brokaw; Carlisle; Carlson; Clayburgh; Cleary; Coats; Dalrymple; Delzer; DeMers; Dorso; Enget; Flaagan; Gabrielson; Gates; Gertholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jacobson; Jensen; Kaldor; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Linderman; Mahoney; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nowatzki; Oban; Olson, A.; Payne; Peterson; Porter; Price; Pyle; Ring; Ritter; Rydell; Scherber; Schneider; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thompson; Thorpe; Tollefson; Trautman; Wald; Wardner; Wentz; Wilkie; Williams

NAYS: Brown; Byerly; DeWitz; Erickson; Freier; Kerzman; Martin; Meyer; Nelson; Nichols; Olsen, D.; Rennerfeldt; Schimke; Schindler; Shide; Timm; Urlacher; Speaker R. Anderson

ABSENT AND NOT VOTING: Huether; Schmidt; Whalen

Engrossed HB 1157 passed and the title was agreed to.

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#### MOTION

REP. KLOUBEC MOVED that all House Bills acted upon be messaged to the Senate immediately, which motion prevailed.

#### REPORTS OF CONFERENCE COMMITTEES

REP. WARDNER MOVED that the conference committee report on Engrossed SB 2211 as printed on SJ page 1338 be adopted, which motion prevailed.

REP. WARDNER MOVED that the conference committee report on Reengrossed SB 2249 as printed on SJ page 1418, be adopted, which motion prevailed.

Reengrossed SB 2249, as amended, was placed on the Fourteenth order of business.

#### SECOND READING OF SENATE BILL

SB 2249: A BILL for an Act to create and enact two new sections to chapter 57-06 of the North Dakota Century Code, relating to a property tax exemption for certain centrally assessed pipeline and associated property used to promote enhanced recovery of oil or natural gas and to provide for payments in lieu of taxes; 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 81 YEAS, 22 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Berg, G.; Berg, R.; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Carlson; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Erickson; Flaagan; Freier; Gates; Gerntholz; Gilmore; Goffe; Gorder; Gorman; Grosz; Grumbo; Hanson; Hausauer; Henegar; Hokana; Howard; Jensen; Kelsch; Kloubec; Kolbo; Kretschmar; Kroeber; Kunkel; Larson; Laughlin; Mahoney; Martin; Martinson; Miller; Muhs; Mutzenberger; Myrdal; Nicholas; Nichols; Nowatzki; Olsen, D.; Olson, A.; Payne; Peterson; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Shide; Skar; Skjerven; Snyder; Soukup; St. Aubyn; Starke; Stofferahn; Svedjan; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Wentz; Whalen; Speaker R. Anderson

NAYS: Aarsvold; Anderson, B.; Boucher; Brokaw; Cleary; Coats; DeMers; Gabrielson; Jacobson; Kaldor; Kerzman; Linderman; Meyer; Nelson; Oban; Pyle; Ring; Ritter; Scherber; Schneider; Wilkie; Williams

ABSENT AND NOT VOTING: Huether; Schmidt; Thompson

Reengrossed SB 2249 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

REP. GROSZ MOVED that the conference committee report on SB 2422 as printed on SJ page 1385 be adopted, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed: HB 1028, HB 1256, HB 1266, HB 1552, HB 1596.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2001, SB 2002, SB 2004, and SB 2005, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2001: Sens. Tallackson; Robinson; Nothing

SB 2002: Sens. Mushik; Kelly; Thane

SB 2004: Sens. Kelly; Mushik; Goetz

SB 2005: Sens. Satrom; Lindaas; Goetz

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2007 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has amended and subsequently passed: SCR 4073.

#### MOTIONS

REP. ST. AUBYN MOVED that the House reconsider its action whereby Engrossed HB 1234 passed.

REP. PORTER MOVED the previous question, which motion failed.

REP. RENNERFELDT MOVED the previous question, which motion prevailed on a verification vote.

The question being on the motion that the House reconsider its action whereby Engrossed HB 1234 passed, which motion prevailed on a verification vote.

#### SECOND READING OF HOUSE BILL

HB 1234: A BILL for an Act to amend and reenact section 15-47-27.1 of the North Dakota Century Code, relating to renewal of first-year teacher contracts.

#### MOTION

REP. RENNERFELDT MOVED the previous question, which motion prevailed.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 59 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Bodine; Boucher; Carlson; Cleary; Coats; DeMers; Enget; Erickson; Flaagan; Gabrielson; Gilmore; Goffe; Grumbo; Hanson; Hokana; Jacobson; Jensen; Kaldor; Kelsch; Kolbo; Kroeber; Laughlin; Linderman; Mahoney; Martin; Mutzenberger; Nicholas; Nichols; Nowatzki; Oban; Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Skar; Skjerven; Starke; Thorpe; Wardner; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brokaw; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Freier; Gates; Gerntholz; Gordier; Gorman; Grosz; Hausauer; Henegar; Howard; Kerzman; Kloubec; Kretschmar; Kunkel; Larson; Meyer; Miller; Muhs; Myrdal; Nelson; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Snyder; Soukup; St. Aubyn; Stofferahn; Svedjan; Thompson; Timm; Tollefson; Trautman; Urlacher; Wald; Wentz; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Berg, G.; Huether; Martinson

Engrossed HB 1234 was declared lost.

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## MOTION

REP. R. BERG MOVED that the vote by which HB 1234 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

## MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

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

HB 1006: Sens. Mushik; Redlin; Goetz  
 HB 1021: Sens. Yockim; Redlin; Lips  
 HB 1031: Sens. Mushik; Thane; Mathern  
 HB 1022: Sens. Robinson; Redlin; Nething

## MOTIONS

REP. R. BERG MOVED that the House reconsider its action whereby HB 1127 passed, which motion lost on a verification vote.

REP. KLOUBEC MOVED that the House stand in recess for ten minutes, which motion prevailed.

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

## REPORT OF CONFERENCE COMMITTEE

REP. WALD MOVED that the conference committee report on Engrossed HB 2008 be adopted, which motion prevailed.

## MOTION

REP. KLOUBEC MOVED that HB 1016 be placed at the head of the calendar, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

HB 1016, as engrossed: Your conference committee (Sens. Satrom, Robinson, Ingstad and Reps. Schmidt, Gerntholz, Meyer) recommends that the SENATE RECEDE from the Senate amendments on HJ page 1556, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 1329-1333 and page 1360 of the Senate Journal and pages 1556-1559 of the House Journal, and that Engrossed House Bill No. 1016 be amended as follows:

Page 1, line 3, after "transportation" insert "; to provide for allocation of fuel tax revenues" and replace "provide a statement of legislative intent" with "amend and reenact subsection 1 of section 57-43.1-02 and subsection 1 of section 57-43.2-02 of the North Dakota Century Code, relating to the rate of motor vehicle fuel and special fuel taxes"

Page 1, line 14, replace "67,228,301" with "71,016,228"

Page 1, line 16, replace 47,317,225" with "53,768,770"

Page 1, line 17, replace "5,600,500" with "5,915,500"

Page 1, line 18, replace "277,243,000" with "334,285,000"

Page 1, line 21, replace "409,867,849" with "477,464,321"

Page 2, line 4, replace "1,440,893" with "1,840,000"

Page 2, line 7, replace "781.659" with "1,800,000"

Page 2, line 8, replace "5,512,241" with "6,929,689"

Page 2, line 13, replace "6,560,740" with "6,761,740"

Page 2, line 15, replace "17,594,841" with "17,795,841"



Page 2, line 16, replace "432,974,931" with "502,189,851"

Page 2, line 21, after "FUND" insert "- ADDITIONAL INCOME"

Page 2, line 25, after the period insert "Income in excess of the amounts appropriated for operating expenses and equipment in subdivision 3 of section 1 of this Act may be spent within the provisions of Senate Bill No. 2168 for purposes of those items."

Page 2, replace lines 26 through 29 with:

"SECTION 4. ADDITIONAL FULL-TIME EQUIVALENT POSITIONS. The department of transportation is authorized to hire up to forty-eight additional full-time equivalent positions, which must relate to work necessitated by the maintenance, reconstruction, and construction of highways."

Page 3, remove lines 1 and 2

Page 3, line 16, replace "\$1,800,000" with "\$2,500,000"

Page 3, after line 17, insert:

"SECTION 7. AMENDMENT. Subsection 1 of section 57-43.1-02 of the 1990 Special Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Except as otherwise provided in this section, a tax of ~~seventeen~~ eighteen cents per gallon [3.79 liters] is imposed on all motor vehicle fuel sold or used in this state.

SECTION 8. AMENDMENT. Subsection 1 of section 57-43.2-02 of the 1990 Special Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. An excise tax of ~~seventeen~~ eighteen cents per gallon [3.79 liters] is imposed on the sale or delivery of special fuel to any special fuel user, except that special fuel to be used for heating, agricultural, or railroad purposes or for industrial purposes other than in the performance of a contract with any unit of government is exempt from the tax imposed by this chapter, provided that the sale or delivery of special fuel for use in a motor vehicle is not exempt. For the purpose of determining the tax upon compressed natural gas under this section, one hundred twenty cubic feet [3.40 cubic meters] of compressed natural gas is equal to one gallon [3.79 liters] of other special fuel.

SECTION 9. SPECIAL ALLOCATION OF ADDITIONAL FUEL TAX REVENUE. Notwithstanding the provisions of sections 57-43.1-28, 57-43.2-18, 57-43.2-19, or any other provision of law the entire net revenue from the additional one-cent-per-gallon motor vehicle fuel and special fuel tax imposed by sections 7 and 8 of this Act must be deposited in the highway fund for all taxable events occurring after June 30, 1991, and before January 1, 1993. After December 31, 1992, allocation of all motor vehicle fuel and special fuel tax revenues must be as provided by law."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 801 - DOT - TRANSPORTATION OPERATIONS

This amendment makes the following changes to the Transportation Operations Division of the Department of Transportation:

Salaries and wages are increased by \$3,787,927, of which \$757,585 is from the highway fund and \$3,030,342 is from federal funds for an additional 48 FTE positions, from 991.6 FTE to 1,039.6 FTE, and temporary and overtime pay relating to highway maintenance, construction, and reconstruction.

Operating expenses are increased by \$6,451,545, of which \$1,290,309 is from the highway fund and \$5,161,236 is from federal funds for consultant engineers (\$5,750,000) and for travel and other operating costs (\$701,545).

Equipment is increased by \$315,000, of which \$63,000 is from the highway fund and \$252,000 is from federal funds for engineering and computer equipment.

Capital improvements are increased by \$56,342,000, of which \$11,268,400 is from the highway fund and \$45,073,600 is from federal funds for additional highway construction projects.

Capital improvements are also increased by \$700,000 from the highway fund to provide increased funding for the construction of a new Fargo district headquarters, from \$1,800,000 to \$2,500,000.

The amendment provides a one-cent-per-gallon tax increase for motor vehicle fuel and special fuels sold by licensed dealers in North Dakota. Anticipated revenue from this tax increase is approximately \$13,000,000 for the 1991-93 biennium, which is to be deposited entirely in the highway fund for the 18-month period from July 1, 1991, through December 31, 1992, and then to be deposited in the highway tax distribution fund as otherwise provided by law for motor vehicle fuel and special fuel taxes.

The following schedule compares the various versions of the Transportation Operations Division's 1991-93 budget proposals:

	EXECUTIVE BUDGET RECOMMENDATION	HOUSE VERSION	SENATE VERSION
FTE	1005.60	991.60	1039.60
Salaries and wages	\$ 67,969,228	\$ 67,228,301	\$ 71,016,228
Information services	2,890,496	2,890,496	2,890,496
Operating expenses	47,472,770	47,317,225	53,768,770
Equipment	5,600,500	5,600,500	5,915,500
Capital improvements	252,943,000	277,243,000	334,285,000
Grants	8,248,327	8,248,327	8,248,327
Public Transportation	1,340,000	1,340,000	1,340,000
Total	\$386,464,321	\$409,867,849	\$477,464,321
General fund	\$ 26,297	\$ 0	\$ 0
Federal funds	220,404,946	242,365,050	295,882,228
Highway fund	166,033,078	167,502,799	181,582,093
Total	\$386,464,321	\$409,867,849	\$477,464,321
	HOUSE CHANGE TO EXECUTIVE BUDGET	SENATE CHANGE TO EXECUTIVE BUDGET	SENATE CHANGE TO HOUSE VERSION
FTE	-14.00	34.00	48.00
Salaries and wages	\$ (740,927)	\$ 3,047,000	\$ 3,787,927
Information services	0	0	0
Operating expenses	(155,545)	6,296,000	6,451,545
Equipment	0	315,000	315,000
Capital improvements	24,300,000	81,342,000	57,042,000
Grants	0	0	0
Public Transportation	0	0	0
Total	\$ 23,403,528	\$ 91,000,000	\$ 67,596,472

General fund	\$ (26,297)	\$ (26,297)	\$ 0
Federal funds	21,960,104	75,477,282	53,517,178
Highway fund	1,469,721	15,549,015	14,079,294
Total	\$ 23,403,528	\$ 91,000,000	\$ 67,596,472

## DEPARTMENT 802 - FLEET SERVICES

Operating expenses are increased by \$201,000 from other funds for increased usage of motor pool vehicles by the Transportation Operations Division.

Section 3 of the bill is amended to allow Fleet Services to spend additional income for operating expenses and equipment upon Emergency Commission approval.

## DEPARTMENT 803 - MOTOR VEHICLE

The operating expenses line item is increased by \$399,107 of motor vehicle registration fees and the license plates and tabs line item is increased by \$1,018,341 of motor vehicle registration fees for costs related to a new general license plate issue to begin in November 1992. Additional funding to complete the general issue during the 1993-95 biennium will be addressed by the 53rd Legislative Assembly.

## REPORT OF CONFERENCE COMMITTEE

REP. SCHMIDT MOVED that the conference committee report on Engrossed HB 1016 be adopted.

## REQUEST

REP. SCHMIDT REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1016, which request was granted.

## ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed HB 1016, the roll was called and there were 38 YEAS, 67 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Anderson, B.; Berg, G.; Bodine; Boucher; Brokaw; Carlson; Cleary; Coats; DeMers; Erickson; Flaagan; Gabrielson; Gerntholz; Grumbo; Hausauer; Hokana; Kaldor; Kerzman; Kolbo; Kretschmar; Kroeber; Laughlin; Linderman; Meyer; Mutzenberger; Nowatzki; Peterson; Pyle; Ring; Ritter; Scherber; Schneider; Snyder; Starke; Stofferahn; Wentz; Williams

NAYS: Bateman; Belter; Berg, R.; Bernstein; Boehm; Brown; Byerly; Carlisle; Clayburgh; Dalrymple; Delzer; DeWitz; Dorso; Enget; Freier; Gates; Gilmore; Goffe; Gorder; Gorman; Grosz; Hanson; Henegar; Howard; Jacobson; Jensen; Kelsch; Kloubec; Kunkel; Larson; Mahoney; Martin; Martinson; Miller; Muhs; Myrdal; Nelson; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schimke; Schindler; Schmidt; Shide; Skar; Skjerven; Soukup; St. Aubyn; Svedjan; Thompson; Thorpe; Timm; Tollefson; Trautman; Urlacher; Wald; Wardner; Whalen; Wilkie; Speaker R. Anderson

ABSENT AND NOT VOTING: Huether

The motion to adopt the conference committee report on Engrossed HB 1016 failed.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2259 and SB 2272 and subsequently passed the same.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2282 and SB 2594, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2282: Sens. Robinson; Lindaas; Thane

SB 2594: Sens. Satrom; Yockim; Goetz

#### APPOINTMENT OF CONFERENCE COMMITTEES

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2001: Reps. Gerntholz, Schmidt, Laughlin.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2002: Reps. Dalrymple, R. Berg, Wilkie.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2005: Reps. Howard, Wentz, DeMers.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2282: Reps. Payne, Jensen, Nowatzki.

THE SPEAKER ANNOUNCED the following appointment to a Conference Committee on SB 2594: Reps. Wentz, Gerntholz, Laughlin.

#### MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has adopted the conference committee report on HB 1157 and subsequently passed the same.

#### MOTION

REP. KLOUBEC MOVED that the House stand adjourned until 8:00 a.m., Saturday, April 6, 1991, which motion prevailed.

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

ROY GILBREATH, Chief Clerk