

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, March 23, 1993

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

The prayer was offered by Pastor Jim McEachran, Bethel Assembly of God, Mandan.

The roll was called and all members were present except Representatives Brodshaug, Hokana, and Pyle.

A quorum was declared by the Speaker.

CORRECTION AND REVISION OF THE JOURNAL

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

Page 1309, line 21, replace "2056" with "2426"

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

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills and resolutions were engrossed and enrolled: HB 1110, HB 1182, HB 1216, HB 1217, HB 1262, HB 1297, HB 1323, HB 1332, HB 1336, HB 1345, HB 1356, HB 1360, HB 1373, HB 1377, HB 1380, HB 1401, HB 1419, HB 1424, HCR 3013, HCR 3044.

HOUSE ENGROSSING AND ENROLLING REPORT

The following resolutions were enrolled: HCR 3003, HCR 3015, HCR 3030, HCR 3031, HCR 3034, HCR 3036, HCR 3045, HCR 3046, HCR 3052, HCR 3053, HCR 3056, HCR 3057, HCR 3058, HCR 3059, HCR 3061, HCR 3066, HCR 3069.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bills were engrossed and enrolled: HB 1027, HB 1061, HB 1172, HB 1175, HB 1183, HB 1229, HB 1246, HB 1264, HB 1291, HB 1281, HB 1302, HB 1307.

HOUSE ENGROSSING AND ENROLLING REPORT

The following resolutions were engrossed and enrolled: HCR 3008, HCR 3009, HCR 3022, HCR 3024, HCR 3028, HCR 3029, HCR 3042, HCR 3047, HCR 3049, HCR 3054, HCR 3055, HCR 3060, HCR 3063, HCR 3064, HCR 3065.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 19, 1993

This is to inform you that on March 19, 1993, I signed the following: HB 1025, HB 1041, HB 1042, HB 1049, HB 1067, HB 1077, HB 1078, HB 1125, HB 1141, HB 1152, HB 1153, HB 1154, HB 1156, HB 1171, HB 1173, HB 1176, HB 1185, HB 1233, HB 1235, HB 1243, HB 1253, HB 1301, HB 1319, and HB 1331.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 22, 1993

This is to inform you that on March 22, 1993, I signed the following: HB 1177.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully

requested on: SB 2086, SB 2092, SB 2110, SB 2199, SB 2226, SB 2351, SB 2396, SB 2475, SB 2482, SB 2492, SB 2498, SB 2528, SB 2529, SB 2536, SB 2537, SB 2538, SCR 4011, SCR 4014.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bills: SB 2026, SB 2050, SB 2052, SB 2053, SB 2076, SB 2089, SB 2229, SB 2239, SB 2271, SB 2294, SB 2296, SB 2298, SB 2303, SB 2315, SB 2331, SB 2336, SB 2337, SB 2354, SB 2355, SB 2369, SB 2377, SB 2410, SB 2417, SB 2419, SB 2445, SB 2457, SB 2458, SB 2474, SB 2478, SB 2484, SB 2493, SB 2494, SB 2495, SB 2497, SB 2506, SB 2513, SB 2514, SB 2520, SB 2521, SB 2533.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled bill: SB 2356.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolutions: HCR 3003, HCR 3013, HCR 3015, HCR 3030, HCR 3031, HCR 3034, HCR 3036, HCR 3044, HCR 3045, HCR 3046, HCR 3052, HCR 3053, HCR 3056, HCR 3057, HCR 3058, HCR 3059, HCR 3061, HCR 3066, HCR 3069.

MOTION

REP. MARTINSON MOVED that the House stand in recess until 1:00 p.m., which motion prevailed.

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

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2051: Reps. Grosz, Rennerfeldt, J. Berg.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2074: Reps. Shide, C. Carlson, Mahoney.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2101: Reps. Bernstein, Jacobs, Stenson.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2120: Reps. Grosz, A. Olson, J. Berg.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2287: Reps. Hagle, Soukup, Grumbo.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2293: Reps. Wardner, Belter, Dobrinski.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2320: Reps. Nicholas, Shide, Aarsvold.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2328: Reps. Toilefson, C. Carlson, Mahoney.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2362: Reps. A. Carlson, Wardner, Glassheim.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2394: Reps. Rydell, Svedjan, Cleary.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2468: Reps. Grosz, A. Carlson, Hokana.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2486: Reps. Keiser, Kempenich, Coats.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2524: Reps. Freier, Martin, Dobrinski.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SCR 4031: Reps. C. Carlson, Froseth, Sitz.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SCR 4070: Reps. Porter, Jacobs, Coats.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1024, HB 1085, HB 1113, HB 1114, HB 1161, HB 1162, HB 1164, HB 1166, HB 1167, HB 1169, HB 1218, HB 1270, HB 1278, HB 1283, HB 1296, HB 1310, HB 1353, HB 1362, HB 1367, HB 1379.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1103.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1103

Page 1, line 2, after "for" insert "certain"

Page 1, line 3, after "leased" insert "from the state" and replace "agricultural purposes from a governmental entity" with "pasture or grazing purposes or upon which the state makes payments in lieu of taxes"

Page 1, line 4, after "57-02-26" insert "and section 57-02.3-01"

Page 1, line 5, after "of" insert ", and payments in lieu of taxes on, certain" and remove "for"

Page 1, line 6, remove "agricultural purposes" and replace "a governmental entity" with "the state"

Page 1, line 11, remove "the United States or"

Page 1, line 12, replace "or a political subdivision of the state and used by the" with "which has been leased for pasture or grazing purposes or upon which payments in lieu of property taxes are made by the state."

Page 1, remove line 13

Page 1, line 20, remove the overstrike over "~~pasture or grazing~~" and remove "agricultural"

Page 1, line 21, after "purposes" insert "or upon which the state makes payments in lieu of property taxes"

Page 2, after line 4, insert:

"SECTION 3. AMENDMENT. Section 57-02.3-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-02.3-01. Definition. As used in this chapter, unless the context or subject matter otherwise clearly indicates, "property subject to valuation" means real property owned by the board of university and school lands or by the state treasurer as trustee for the state of North Dakota, title to which was obtained after January 1, 1980, by foreclosure or deed in lieu of foreclosure of a mortgage given to the Bank of North Dakota, including a mortgage assigned to the state treasurer under section 54-30-02. "Property subject to valuation" also means real property owned by the board of university and school lands or by the state treasurer as trustee for the state of North Dakota, title to which was obtained on or before January 1, 1980, and which is leased to a leaseholder who uses the property for growing hay or crops."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1383, HB 1426.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1383

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

Page 1, replace lines 10 through 12 with:

"Personal physician" means the physician designated by a patient as the patient's primary physician or if no physician has been designated or the designated physician is unable to make a determination as to whether a significant exposure has occurred, the patient's primary attending physician. The term means the local health officer having jurisdiction in the area the significant exposure has allegedly occurred if the patient has no attending physician or designated primary physician."

Page 2, line 4, replace "center" with "centers"

Page 2, replace lines 15 through 22 with:

"a. A sample of the patient's blood has been drawn for other purposes and is available to be used to test for the presence of the human immunodeficiency virus."

Page 2, line 23, replace "A" with "The patient's personal"

Page 3, line 10, after the first "record" insert "of the test results may be placed in the individual's medical record, and if not in the medical record," and remove "of the test results"

Page 3, line 11, after the period insert "A person who discloses the identity of a patient under this Act is guilty of a class C felony. Each individual who has had a significant exposure and to whom test results are disclosed must first sign a document indicating that individual's understanding that the individual may not disclose the information and that disclosing the information constitutes a class C felony."

Page 3, line 20, after "a." insert "A sample of the provider's blood has been drawn for other purposes and is available to be used to test for the presence of the human immunodeficiency virus."

b."

Page 3, line 23, remove "If the patient who has had"

Page 3, remove lines 24 and 25

Page 3, line 26, replace "b." with "c."

Page 4, line 1, replace "c." with "d."

Page 4, line 11, after the period insert "A person who discloses the identity of the provider or otherwise breaches the confidentiality requirements of this subsection is guilty of a class C felony. Each patient who has had a significant exposure and to whom test results are disclosed must first sign a document indicating that patient's understanding that the patient may not disclose the information and that disclosing the information constitutes a class C felony."

Page 4, line 28, replace "a" with "b", replace "require" with "request", and after "that" insert "a court order be issued ordering"

Page 4, line 29, after "patient" insert "or provider" and after "exposure" insert "to"

Page 5, line 3, after the period insert "A court order requiring testing issued pursuant to a request under this subsection may only be issued if:

- a. The patient or provider has been requested to consent to testing and has refused to be tested and a sample of the patient's or provider's blood is not available to be used to test for the human immunodeficiency virus.
- b. The court finds clear and imminent danger to the public health or the health of the person requesting the testing and the person has demonstrated a compelling need for the test which cannot be accommodated by other means.
- c. The pleadings pertaining to the request for an involuntary test substitute a pseudonym for the true name of the person to be tested; however, disclosure to the parties of the person's true name must be communicated confidentially in documents not filed with the court.
- d. The court provides the person to be tested with notice and reasonable opportunity to participate in the proceeding if the person is not already a party to the proceeding.
- e. The proceedings are conducted in camera unless the subject of the test agrees to a hearing in open court or the court determines that a public hearing is necessary to the public interest.
- f. The court imposes appropriate safeguards against unauthorized disclosure which must specify the persons who have access to the information, the purposes for which the information may be used, and appropriate prohibition on future disclosure."

Page 5, line 12, after "request" insert ", subject to the provisions of this chapter"

Page 5, after line 12, insert:

"SECTION 7. A new subsection to section 23-07.5-02 of the North Dakota Century Code is created and enacted as follows:

A health care provider who subjects a patient to a significant exposure must notify the patient of the exposure. A health care provider witnessing a significant exposure may report the exposure pursuant to any appropriate facility or employer guidelines that the provider may be subject. The knowing failure to inform a patient of a significant exposure or refusal to submit to testing as required under this chapter may be considered by a health care provider's licensing board to constitute conduct that may subject the licensee to disciplinary action."

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1426

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 11-10-10.5 of the North Dakota Century Code, relating to the employment of a county superintendent of schools.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 11-10-10.5 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

11-10-10.5. County superintendent of schools - Officer. For purposes of sections 11-10-10, 11-10-15, and 11-10-20, the county superintendent of schools employed by the board of county commissioners is an officer of the county. Notwithstanding any other provision of law except section 15-22-01, a board of county commissioners may by majority vote employ a person who meets the qualifications provided in section 15-22-02 to serve as the county superintendent of schools on a part-time basis."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1234.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1234

Page 1, line 12, replace "The state agency head shall appoint three employees of" with "The suggestion incentive committee shall administer the employee suggestion incentive program created under this Act and review all recommendations or proposals for reduction of expenditures. The governor shall appoint five state agency heads to the suggestion incentive committee for four-year staggered terms to commence on August first in the year of appointment and to continue until the successors are appointed."

Page 1, remove lines 13 and 14

Page 2, after line 2, insert:

"(3) Implementation of the recommendation or proposal will continue to provide the quality of the services presently provided by the state agency."

Page 2, line 4, after "head" insert "of the employee submitting the recommendation or proposal"

Page 2, remove lines 26 and 27

Page 2, line 28, replace "7." with "6."

Renumber accordingly

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1476.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has failed to pass: HB 1198, HB 1224, HB 1227, HB 1265, HB 1280, HB 1309, HB 1311, HB 1363, HB 1375, HB 1378.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

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

HB 1187: Sens. Maxson; Dotzenrod; Traynor

HB 1304: Sens. Jerome; Lindgren; Nalewaja

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2040, SB 2155, SB 2285, SB 2441, SB 2453, and SB 2490 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2040: Sens. Schoenwald; Keller; Streibel

SB 2155: Sens. Marks; Andrist; W. Stenehjerm

SB 2285: Sens. Graba; Lindgren; Bowman

SB 2441: Sens. Langley; Krauter; Streibel

SB 2453: Sens. Marks; Andrist; W. Stenehjerm

SB 2490: Sens. O'Connell; Kelsh; Evanson

MOTION

REP. TIMM MOVED that SB 2505, which is on the Fourteenth order, be rereferred to the Finance and Taxation Committee, which motion prevailed. Pursuant to Rep. Timm's motion, SB 2505 was rereferred.

SIXTH ORDER OF BUSINESS

SB 2200, as engrossed: REP. DORSO (Industry, Business and Labor Committee) MOVED that the amendments on HJ pages 1330-1342 be adopted and then be placed on the Fourteenth order with DO PASS.

REQUEST

REP. THORPE REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2200, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed SB 2200, the roll was called and there were 62 YEAS, 36 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Christopherson; Clayburgh; Dalrymple; Dewitz; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Hagle; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kempenich; Klein; Kretschmar; Kunkel; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjerm; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

NAYS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Carlson, C.; Cleary; Coats; Dobrinski; Glassheim; Goffe; Grumbo; Gullson; Hanson; Hokana; Huether; Kaldor; Kelsch; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Maragos; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Sitz; Stenson; Thorpe; Wilkie

The motion to adopt the amendments to Engrossed SB 2200 passed.

MOTION

REP. FREIER MOVED that the rules be suspended and that SB 2200, as amended, be placed at the head of the calendar on the Fourteenth order, which motion prevailed.

MOTION

REP. FREIER MOVED that the House waive the reading of the title to SB 2200, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2200: A BILL for an Act to create and enact a new subsection to section 65-01-02 of the North Dakota Century Code, relating to workers' compensation definitions; to amend and reenact paragraph 2 of subdivision b of subsection 8 of section 65-01-02, subsections 9, 17, 29, and 30 of section 65-01-02, sections 65-01-09, 65-01-11, 65-02-15, 65-02-17, 65-02-18, 65-04-04, subdivision a of subsection 2 of section 65-05-08.1, sections 65-05-09.2, 65-05-12, 65-05-13, 65-05-14, subsection 2 of section 65-05-25, and subsection 5 of section 65-05.1-01 of the North Dakota Century Code, relating to workers' compensation benefits and procedures; to repeal section 65-02-16 of the North Dakota Century Code, relating to removal of a workers' compensation binding arbitration panel member; 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 72 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; Dewitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Hagle; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Kaldor; Keiser; Kempenich; Klein; Kretschmar; Kunkel; Laughlin; Martin; Martinson; Monson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wilkie; Speaker R. Berg

NAYS: Allmaras; Berg, J.; Bodine; Brodshaug; Cleary; Coats; Glassheim; Goffe; Guleson; Hanson; Hokana; Huether; Kelsch; Kerzman; Kilichowski; Kroeber; Mahoney; Maragos; Mutzenberger; Nelson; Oban; Pyle; Ring; Stenson; Thorpe; Wentz

Engrossed SB 2200 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2056: A BILL for an Act to amend and reenact section 53-06.1-01, subsection 1 of section 53-06.1-01.1, sections 53-06.1-01.2, 53-06.1-02, 53-06.1-02.1, 53-06.1-03, 53-06.1-03.3, 53-06.1-05, 53-06.1-05.1, 53-06.1-06, 53-06.1-07, 53-06.1-07.1, 53-06.1-07.2, 53-06.1-07.3, 53-06.1-07.4, 53-06.1-08, 53-06.1-08.1, 53-06.1-09, 53-06.1-10, 53-06.1-10.1, 53-06.1-11, 53-06.1-12, 53-06.1-12.2, 53-06.1-13, 53-06.1-13.1, 53-06.1-14, 53-06.1-15, 53-06.1-15.1, 53-06.1-15.4, 53-06.1-16, 53-06.1-16.1, 53-06.1-16.2, and 53-06.1-17 of the North Dakota Century Code, relating to games of chance and the gaming commission.

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 29 YEAS, 69 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Christopherson; Cleary; Coats; Dobrinski; Drovdal; Grumbo; Hokana; Huether; Kaldor; Kelsch; Kerzman; Kilichowski; Mahoney; Mutzenberger; Nelson; Nichols; Oban; Pyle; Ring; Sitz; Skarphol; Stenson; Thorpe

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Clayburgh; Dalrymple; DeWitz; Dorso; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Gulleon; Hagle; Hanson; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kempenich; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Maragos; Martin; Martinson; Monson; Ness; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

Engrossed SB 2056 was declared lost.

SECOND READING OF SENATE BILL

SB 2390: A BILL for an Act to amend and reenact section 26.1-17-16 of the North Dakota Century Code, relating to services of practitioners not participating under health service plans.

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 73 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Boehm; Boucher; Brodshaug; Brown; Carlisle; Carlson, A.; Christopherson; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Henegar; Hokana; Howard; Huether; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Sitz; Skarphol; Soukup; Stenson; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Wentz; Wilkie

NAYS: Bodine; Byerly; Carlson, C.; Clayburgh; Cleary; Goffe; Gorder; Hausauer; Holm; Jacobs; Kilichowski; Martinson; Monson; Olsen, D.; Olson, A.; Poolman; Rydell; Schindler; Shide; St. Aubyn; Stenehjem; Svedjan; Sveen; Wald; Speaker R. Berg

Engrossed SB 2390 passed and the title was agreed to.

HOUSE MEMORIAL SERVICE

REP. FREIER MOVED that the House be on a Special Order of Business, which motion prevailed.

The family members were escorted into the House Chambers by Reps. Carlisle and Mahoney.

Invocation:

Rev. Lawrence Rydquist
Chaplain, Sheyenne Care Center
Valley City, North Dakota

Musical Selection: "Hush, Somebody's Calling My Name"
Valley City Troubadours
Director - Al Richter
Accompanist - Sara Hagen

MOTION

REP. FREIER MOVED that the House be on the Ninth order of business, which motion prevailed.

FIRST READING OF HOUSE MEMORIAL RESOLUTION

Memorial Resolutions Committee introduced:

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.
Was read the first time.

MOTION

REP. MARTINSON MOVED that the rules be suspended, that HMR 7001 not be printed, not be referred to committee, be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Memorial Resolutions Committee introduced:

HOUSE MEMORIAL RESOLUTION NO. 7001

A memorial resolution for deceased members of the House of Representatives of North Dakota.

WHEREAS, God has summoned to eternal rest our former colleagues:

SCOTT ANDERSON, who served in the 36th Legislative Assembly, from District 23, died November 3, 1991;

MILON AUSTIN, who served in the 38th Legislative Assembly, from District 49, and the 40th through the 43rd Legislative Assemblies, from District 38, died January 8, 1992;

WESLEY P. BELTER, who served in the 40th and 41st Legislative Assemblies, from District 22, died February 13, 1992;

CARL H. BOUSTEAD, who served in the 39th Legislative Assembly, from District 27, and in the 40th through the 42nd Legislative Assemblies, from District 32, died January 7, 1992;

KAY CANN, who served in the 44th Legislative Assembly, from District 21, died November 7, 1992;

ALLWIN DeGROOT, who served in the 42nd Legislative Assembly, from District 29, died March 6, 1993;

WILLIAM DeKREY, who served in the 40th through the 42nd Legislative Assemblies, from District 31, died December 23, 1992;

ALOHA EAGLES, who served in the 40th through the 45th Legislative Assemblies, from District 21, and the 46th through the 48th Legislative Assemblies, from District 46, died February 22, 1992;

FLOYD E. ETTESTAD, who served in the 32nd through the 35th and the 38th Legislative Assemblies, from District 34, died November 11, 1991;

PEDER J. FLATEN, who served in the 23rd Legislative Assembly, from District 3, died July 24, 1991;

CARL J. FREEMAN, who served in the 40th and 41st Legislative Assemblies, from District 6, died October 11, 1991;

KENNETH GRONHOVD, who served in the 35th through the 39th Legislative Assemblies, from District 16, died February 23, 1992;

ERNEST R. HAFNER, who served in the 31st through the 34th Legislative Assemblies, from District 48, died March 27, 1991;

ARVID E. HEDSTROM, who served in the 46th, 47th and 49th Legislative Assemblies, from District 23, died May 11, 1991;

THEODORE W. HOFFER, who served in the 34th Legislative Assembly, from District 23, died June 16, 1991;

MELVIN H. HOLTE, who served in the 22nd through the 24th Legislative Assemblies, from District 10, died August 17, 1991;

GUY F. LARSON, who served in the 33rd and 34th Legislative Assemblies, from District 27, died May 4, 1991;

LeROY M. LARSON, who served in the 41st and 42nd Legislative Assemblies, from District 21, died March 1, 1993;

GORDEN PAULSON, who served in the 32nd through the 35th Legislative Assemblies, from District 33, died November 2, 1992;

JAMES A. PETERSON, who served in the 40th through the 45th Legislative Assemblies, from District 5, and the 46th through the 51st Legislative Assemblies, from District 40-50, died July 17, 1992;

VINCENT B. RIEGER, who served in the 38th and the 39th Legislative Assemblies, from District 42, died December 22, 1991;

ROYDEN D. RUED, who served in the 43rd through the 45th Legislative Assemblies, from District 5, and the 46th through the 48th Legislative Assemblies, from District 40-50, died May 15, 1992;

STANLEY SAUGSTAD, who served in the 33rd through the 38th Legislative Assemblies, from District 29, and the 40th Legislative Assembly, from District 7, died August 17, 1992;

ARTHUR C. SORTLAND, who served in the 32nd through the 35th Legislative Assemblies, from District 38, died April 2, 1992; and

HARRY A. THOMPSON, who served in the 34th Legislative Assembly, from District 27, died February 24, 1992; and

WHEREAS, we now pause to mourn the passing of our former House colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

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

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the House of Representatives and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased representatives.

SECOND READING OF HOUSE MEMORIAL RESOLUTION

HMR 7001: A memorial resolution for deceased members of the House of Representatives of North Dakota.

The question being on the final adoption of the resolution, which has been read.

HMR 7001 was declared adopted on a voice vote.

Musical Selection: "For all the Saints"
Valley City Troubadours

A poem written by Former Representative Ralph Dotzenrod (deceased) was read by his son, Senator Jim Dotzenrod.

Musical Selection: "God Bless America"
Valley City Troubadours

Benediction: Rev. James Pomeroy
Epworth United Methodist Church
Valley City, North Dakota

MOTION

REP. FREIER MOVED that the Special Order of Business be dissolved, which motion prevailed.

MOTION

REP. FREIER MOVED that the House stand in recess until 2:45 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch.

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; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dalrymple

Engrossed SB 2002 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act making an appropriation for defraying the expenses of the aeronautics commission.

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; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dalrymple

SB 2008 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to provide for a limit on state building authority lease payments; to repeal sections 54-17.2-21 and 54-17.2-22 of the North Dakota Century Code, relating to the capital construction fund; to provide a statement of legislative intent; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 65 YEAS, 30 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Austin; Bateman; Belter; Bernstein; Boehm; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorman; Grumbo; Hagle; Hausauer; Henegar; Howard; Huether; Johnson; Kaldor; Keiser; Kelsch; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Maragos; Martinson; Monson; Mutzenberger; Oban; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Rydell; Shide; Skarphol; Soukup; St. Aubyn; Stenehjelm; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

NAYS: Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Brown; Dobrinski; Dorso; Goffe; Gorder; Grosz; Gulleon; Hanson; Hokana; Holm; Jacobs; Kempenich; Kerzman; Kilichowski; Mahoney; Martin; Nelson; Ness; Nichols; Olson, A.; Ring; Schindler; Sitz; Stenson; Wilkie

ABSENT AND NOT VOTING: Dalrymple; Nicholas; Olsen, D.

Engrossed SB 2017 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2214: A BILL for an Act to provide for cleanup of leaking municipal waste landfills through the establishment of a municipal waste landfill release compensation fund; to provide a penalty; to provide an appropriation; and to provide a continuing appropriation.

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 89 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, C.; Clayburgh; Cleary; Coats; Dewitz; Dobrinski; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorder; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

NAYS: Austin; Carlson, A.; Christopherson; Dorso; Goffe; Gorman; Payne

ABSENT AND NOT VOTING: Dalrymple; Nicholas

SB 2214 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2473: A BILL for an Act to provide services for persons with traumatic brain injury; and to provide a continuing appropriation subject to budget section approval.

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 95 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dewitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dalrymple; Nicholas; Wald

Engrossed SB 2473 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2511: A BILL for an Act to amend and reenact section 53-02-08 of the North Dakota Century Code, relating to officers to be in attendance at

public dances, music festivals, or concerts; and to declare an emergency.

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; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordier; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dalrymple; Nicholas

SB 2511 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. MARTINSON MOVED that the House do not concur in the Senate amendments to HB 1075, HB 1079, HB 1158, HB 1178, HB 1212, HB 1219, HB 1438, HB 1019, HB 1208, HB 1349, HB 1463, and HB 1504, and that the following conference committees be appointed to meet with like committees from the Senate, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

REP. RYDELL MOVED that the conference committee report on SCR 4019 as printed on HJ pages 1236-1237 be adopted, which motion prevailed.

SCR 4019, as amended, was placed on the Fourteenth order of business on the calendar.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4019: A concurrent resolution designating Senate and House employees and fixing their compensation and directing the Legislative Council to study legislative employee pay scales to determine if inequities exist and study the feasibility and desirability of providing additional compensation to legislative employees based on prior employment by the Legislative Assembly.

ROLL CALL

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

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovda; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordier; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban;

Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dalrymple; Nicholas

SCR 4019 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

REP. SVEDJAN MOVED that the conference committee report on Engrossed HB 1344 as printed on HJ pages 1342-1343 be adopted, which motion prevailed.

Engrossed HB 1344, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1344: A BILL for an Act to amend and reenact section 43-15-31.3 of the North Dakota Century Code, relating to the oral transmission of prescriptions to a pharmacist.

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; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gordier; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjelm; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dalrymple; Nicholas

Engrossed HB 1344 passed and the title was agreed to.

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

MADAM PRESIDENT: The Speaker has signed: SB 2026, SB 2050, SB 2052, SB 2053, SB 2076, SB 2089, SB 2229, SB 2239, SB 2271, SB 2294, SB 2296, SB 2298, SB 2303, SB 2315, SB 2331, SB 2336, SB 2337, SB 2354, SB 2355, SB 2369, SB 2377, SB 2410, SB 2417, SB 2419, SB 2445, SB 2457, SB 2458, SB 2474, SB 2478, SB 2484, SB 2493, SB 2494, SB 2495, SB 2497, SB 2506, SB 2513, SB 2514, SB 2520, SB 2521, SB 2533.

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

MADAM PRESIDENT: The Speaker has signed: SB 2356.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3003, HCR 3013, HCR 3015, HCR 3030, HCR 3031, HCR 3034, HCR 3036, HCR 3044, HCR 3045, HCR 3046, HCR 3052, HCR 3053, HCR 3056, HCR 3057, HCR 3058, HCR 3059, HCR 3061, HCR 3066, HCR 3069.

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

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

SB 2051: Reps. Grosz; Rennerfeldt; J. Berg
SB 2074: Reps. Shide; C. Carlson; Mahoney
SB 2101: Reps. Bernstein; Jacobs; Stenson
SB 2120: Reps. Grosz; A. Olson; J. Berg
SB 2287: Reps. Hagle; Soukup; Grumbo
SB 2293: Reps. Wardner; Belter; Dobrinski
SB 2320: Reps. Nicholas; Shide; Aarsvold

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

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

SB 2328: Reps. Tollefson; C. Carlson; Mahoney
SB 2362: Reps. A. Carlson; Wardner; Glassheim
SB 2394: Reps. Rydell; Svedjan; Cleary
SB 2468: Reps. Grosz; A. Carlson; Hokana
SB 2486: Reps. Keiser; Kempenich; Coats
SB 2524: Reps. Freier; Martin; Dobrinski

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

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

SCR 4031: Reps. C. Carlson; Froseth; Sitz
SCR 4070: Reps. Porter; Jacobs; Coats

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

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

HB 1111: Sens. Maxson; W. Stenehjem; Traynor
HB 1238: Sens. Maxson; W. Stenehjem; Solberg
HB 1239: Sens. Maxson; W. Stenehjem; Solberg
HB 1462: Sens. Marks; Traynor; Andrist
HB 1479: Sens. Maxson; Marks; W. Stenehjem

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2024 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2024: Sens. Dotzenrod; Kinnoin; Teneffos

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed: HCR 3030.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth and Seventh orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Wednesday, March 24, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1511: Human Services Committee (Rep. Rydell, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1511 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2001, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman)

recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2001 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "3,944,635" with "3,896,143"

Page 1, line 17, replace "1,892,558" with "1,755,836"

Page 1, line 20, replace "5,996,231" with "5,811,017"

Page 2, line 2, replace "3,158,349" with "3,092,793"

Page 2, line 3, replace "1,327,542" with "1,219,274"

Page 2, line 5, replace "4,497,716" with "4,323,892"

Page 2, line 6, replace "10,493,947" with "10,134,909"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 150 - LEGISLATIVE ASSEMBLY

HOUSE - The amendments reduce the appropriation for the Legislative Assembly by \$100,000 from the general fund to provide two fewer days for the 1995 Legislative Assembly, 72 days rather than 74 days. Of the \$100,000, \$48,492 is from salaries and wages and \$51,508 is from operating expenses.

The amendments also reduce operating expenses by \$85,214 from the general fund for a 10 percent reduction in data processing and telephone services.

DEPARTMENT 160 - LEGISLATIVE COUNCIL

HOUSE - The salaries and wages line item is decreased by \$65,556 from the general fund to remove the one percent the first year and the three percent the second year in the salary recommendation.

The operating expenses line item is decreased by \$28,268 from the general fund for a 10 percent reduction in data processing and telephone services. The operating expenses line item is further reduced by \$80,000 from the general fund to reduce funding for committee travel.

In total, the amendments reduce the bill's general fund appropriation by \$359,038.

REPORT OF STANDING COMMITTEE

SB 2003, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (21 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2003 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "; to"

Page 1, remove line 4

Page 1, line 5, remove "repair projects and special assessment costs;"

Page 1, line 18, replace "1,786,518" with "1,695,518"

Page 1, line 20, replace "454,900" with "429,900"

Page 2, line 2, replace "176,168" with "92,168"

Page 2, line 13, replace "14,287,687" with "14,087,687"

Page 2, line 15, replace "9,338,267" with "9,138,267"

Page 2, line 18, replace "13,231,438" with "12,923,179"

Page 2, line 19, replace "3,292,443" with "3,274,959"

Page 2, line 20, replace "469,777" with "433,271"

Page 2, line 21, replace "147,354" with "317,354"

Page 2, line 22, replace "17,141,012" with "16,948,763"

Page 2, line 24, replace "8,807,882" with "8,615,633"

Page 2, line 27, replace "3,703,995" with "3,654,602"

Page 2, line 28, replace "1,165,284" with "1,158,763"

Page 2, line 29, replace "134,660" with "122,631"

Page 3, line 1, replace "35,832" with "41,333"

Page 3, line 2, replace "5,039,771" with "4,977,329"

Page 3, line 4, replace "3,000,115" with "2,937,673"

Page 3, line 7, replace "4,278,319" with "4,228,011"

Page 3, line 8, replace "1,191,215" with "1,173,587"

Page 3, line 10, replace "140,380" with "150,880"

Page 3, line 11, replace "5,848,680" with "5,791,244"

Page 3, line 13, replace "2,858,927" with "2,801,491"

Page 3, line 16, replace "93,351,348" with "91,362,028"

Page 3, line 17, replace "27,032,230" with "26,023,217"

Page 3, line 19, replace "1,781,290" with "2,000,000"

Page 3, line 21, replace "126,150,060" with "123,370,437"

Page 3, line 23, replace "77,035,997" with "74,256,374"

Page 3, line 26, replace "74,689,924" with "72,554,833"

Page 3, line 27, replace "21,930,657" with "21,691,055"

Page 3, remove line 29

Page 4, line 1, replace "1,190,940" with "1,370,940"

Page 4, line 2, replace "99,969,763" with "97,655,070"

Page 4, line 4, replace "60,727,724" with "58,413,031"

Page 4, line 7, replace "19,225,213" with "19,030,687"

Page 4, line 8, replace "5,382,175" with "5,355,464"

Page 4, line 9, replace "1,268,544" with "1,068,285"

Page 4, remove line 10

Page 4, line 11, replace "211,782" with "386,782"

Page 4, line 12, replace "26,187,714" with "25,841,218"

Page 4, line 14, replace "19,172,076" with "18,825,580"

Page 4, line 17, replace "11,598,211" with "11,444,765"

Page 4, line 18, replace "3,230,481" with "3,171,605"

Page 4, remove line 20

Page 4, line 21, replace "218,133" with "245,899"

Page 4, line 22, replace "15,374,612" with "15,140,056"

Page 4, line 24, replace "9,775,499" with "9,540,943"

Page 4, line 27, replace "7,111,659" with "6,972,445"

Page 4, line 28, replace "1,879,836" with "1,865,809"

Page 4, line 29, replace "100,000" with "83,344"

Page 5, remove line 1

Page 5, line 2, replace "75,000" with "80,000"

Page 5, line 3, replace "9,316,495" with "9,001,598"

Page 5, line 5, replace "6,694,036" with "6,379,139"

Page 5, line 8, replace "25,869,160" with "25,243,944"

Page 5, line 9, replace "4,892,095" with "4,805,237"

Page 5, line 11, replace "645,668" with "670,668"

Page 5, line 12, replace "32,076,305" with "31,389,231"

Page 5, line 14, replace "18,299,738" with "17,612,664"

Page 5, line 17, replace "9,308,738" with "9,112,660"

Page 5, line 18, replace "2,244,152" with "2,227,364"

Page 5, line 19, replace "212,308" with "197,502"

Page 5, line 20, replace "200,000" with "230,000"

Page 5, line 21, replace "400,000" with "250,000"

Page 5, line 22, replace "12,365,198" with "12,017,526"

Page 5, line 24, replace "8,898,658" with "8,550,986"

Page 5, line 27, replace "3,360,307" with "3,324,146"

Page 5, line 28, replace "904,357" with "898,374"

Page 6, remove line 1

Page 6, line 3, replace "4,532,994" with "4,390,850"

Page 6, line 5, replace "3,152,678" with "3,010,534"

Page 6, line 8, replace "1,542,316" with "1,505,020"

Page 6, line 9, replace "368,733" with "367,148"

Page 6, line 10, replace "40,900" with "36,976"

Page 6, line 12, replace "1,983,010" with "1,940,205"

Page 6, line 14, replace "1,319,970" with "1,277,165"

Page 6, line 17, replace "43,509,497" with "42,968,976"

Page 6, line 18, replace "16,459,089" with "15,866,050"

Page 6, line 19, replace "1,847,887" with "1,747,887"

Page 6, line 20, replace "61,816,473" with "60,582,913"

Page 6, line 22, replace "26,131,380" with "24,897,820"

Page 6, line 29, replace "255,212,947" with "246,257,300"

Page 7, line 1, replace "208,795,402" with "202,427,377"

Page 7, line 2, replace "464,008,349" with "448,684,677"

Page 9, line 9, replace "\$1,034,376" with "amounts"

Page 9, remove lines 13 through 28

Page 10, remove lines 1 through 18

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

HOUSE - These amendments make the changes shown on the attached schedule:

PROPOSED HOUSE GENERAL FUND CHANGES TO SENATE BILL NO. 2003

Reverse Senate Changes Not in Schafer Budget

1	2	3	4	5
SENATE RECOMMENDATION IN ENGROSSED SENATE BILL 2003	SALARY ADJUSTMENTS	OTHER ADJUSTMENTS	SPECIAL ASSESSMENTS	ADJUSTED LEVEL ¹
North Dakota				\$ 9,338,267
University System				
Bismarck State College	\$ 8,807,882	\$ (351,259)	\$170,000	8,626,623
UND-Lake Region	3,000,115	(164,393)	5,501	2,841,223
UND-Williston	2,858,927	(115,308)	10,500	2,754,119
University of North Dakota	77,035,997	(1,780,497)	218,710	74,699,210
North Dakota State University	60,727,724	(2,023,105)	180,000	58,884,619
State College of Science	19,172,076	(412,526)	175,000	18,713,063
Dickinson State University	9,775,499	(300,446)	27,766	9,502,819
Mayville State University	6,694,036	(270,214)	5,000	6,428,822
Minot State University	18,299,738	(687,497)	25,000	17,637,241
Valley City State University	8,898,658	(388,578)	50,000	8,560,080
NDSU-Bottineau	3,152,678	(139,069)		3,013,609
Forest Service	1,319,970	(37,296)		1,282,674
UND Medical Center	<u>26,131,380</u>	<u>(540,521)</u>		<u>25,005,742</u>
Total general fund	\$255,212,947	\$(7,210,709) ²	\$867,477	\$247,288,111

¹ The adjusted level includes Governor Schafer's recommendations for salaries and wages (2/0) and health insurance adjustments which were adopted by the Senate.

² Includes \$4,517,860 added by the Senate to fully fund faculty authorized in the executive budget but not fully funded and the remainder is other salary adjustments made by the Senate.

	5	6 REDUCE PHYSICAL PLANT/ SUPPORT SALARIES	7 REDUCE OPERATING	8 REDUCE EQUIPMENT	9 REDUCE IMPROVEMENTS	10 OTHER CHANGES ²	11 HOUSE PROPOSED LEVEL	12 1993-95 SCHAFFER BUDGET	13 HOUSE INCREASE (DECREASE) TO SCHAFFER BUDGET
North Dakota University System	\$ 9,338,267	0				\$(200,000)	\$9,138,267	\$10,138,267	\$(1,000,000)
Bismarck State College	8,626,623	0	\$ (17,484)	\$ (36,506)		43,000	8,615,633	8,572,633	43,000
UND-Lake Region	2,841,223		(6,521)	(12,029)		115,000	2,937,673	2,822,673	115,000
UND-Williston	2,754,119		(17,628)			65,000	2,801,491	2,736,491	65,000
University of North Dakota	74,699,210	(208,823)	(234,013)			0	74,256,374	74,256,374	0
North Dakota State University	58,884,619	(111,986)	(239,602)			(120,000)	58,413,031	58,413,031	0
State College of Science	18,713,063		(26,711)	(78,772)		210,000	18,825,580	18,507,580	318,000
Dickinson State University	9,502,819		(58,876)			97,000	9,540,943	9,393,943	147,000
Mayville State University	6,428,822		(14,027)	(16,656)	(10,000)	(9,000)	6,379,139	6,238,139	141,000
Minot State University	17,637,241	(25,719)	(86,858)			88,000	17,612,664	17,524,664	88,000
Valley City State University	8,560,080		(16,788)	(14,806)	(20,000)	42,500	8,550,986	8,358,486	192,500
NDSU-Bottineau	3,013,609	(12,092)	(5,983)			15,000	3,010,534	2,895,534	115,000
Forest Service	1,282,674		(1,585)	(3,924)		0	1,277,165	1,277,165	0
UND Medical Center	<u>25,005,742</u>		<u>(107,922)</u>			<u>0</u>	<u>24,897,820</u>	<u>24,897,820</u>	<u>0</u>
Total general fund	\$247,288,111	\$(358,620)	\$(833,998)	\$(162,693)	\$(30,000)	\$354,500	\$246,257,300	\$246,032,800	\$ 224,500

¹ The adjusted level includes Governor Schafer's recommendations for salaries and wages (2/0) and health insurance adjustments which were adopted by the Senate.

² The other changes consist of:

	DESCRIPTION	AMOUNT
North Dakota	-Remove executive secretary	\$ (91,000)
University System	position funding	
	-Reduce operating	(25,000)
	-Reduce contingency	(84,000)
		<u>\$(200,000)</u>
Bismarck State College	Salaries adjustment	\$ 43,000
UND-Lake Region	Salaries adjustment	115,000
UND-Williston	Salaries adjustment	65,000
North Dakota State University	Special initiative	(120,000)
State College of Science	Salaries adjustment	218,000
	Equipment	100,000
	Special initiative	(100,000)
Dickinson State University	Salaries adjustment	147,000
	Special initiative	(50,000)
Mayville State University	Salaries adjustment	131,000
	Special initiative	(150,000)
	Capital improvements	10,000
Minot State University	Salaries adjustment	88,000
Valley City State University	Salaries adjustment	192,500
	Special initiative	(150,000)
NDSU-Bottineau	Salaries adjustment	115,000
	Special initiative	<u>(100,000)</u>
Total general fund		<u>\$354,500</u>

In addition, these amendments delete the bonding provisions in Section 10 for capital repair \$(4,500,000) and special assessments \$(1,868,025).

REPORT OF STANDING COMMITTEE

SB 2005, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2005 was placed on the Sixth order on the calendar.

- Page 1, line 16, replace "18,160,246" with "18,049,200"
- Page 1, line 17, replace "3,433,000" with "3,333,000"
- Page 1, line 18, replace "429,000" with "400,000"
- Page 1, line 19, replace "22,022,246" with "21,782,200"
- Page 1, line 21, replace "10,138,877" with "9,898,831"
- Page 2, line 10, replace "31,611,129" with "30,330,282"
- Page 2, line 11, replace "5,136,557" with "4,676,978"
- Page 2, line 12, replace "1,437,996" with "1,397,746"
- Page 2, line 15, replace "39,139,482" with "37,358,806"
- Page 2, line 16, replace "16,699,399" with "16,475,951"
- Page 2, line 17, replace "22,440,083" with "20,882,855"
- Page 2, line 20, replace "976,028" with "1,013,428"
- Page 2, line 21, replace "457,971" with "450,103"
- Page 2, line 22, replace "41,076" with "39,076"
- Page 2, line 23, replace "1,475,075" with "1,502,607"
- Page 2, line 25, replace "1,043,399" with "1,070,931"
- Page 2, line 28, replace "435,023" with "417,923"
- Page 2, line 29, replace "351,500" with "333,593"
- Page 3, line 1, replace "101,293" with "100,193"
- Page 3, line 2, replace "887,816" with "851,709"
- Page 3, line 4, replace "539,916" with "503,809"
- Page 3, line 7, replace "480,302" with "463,602"
- Page 3, line 8, replace "206,512" with "187,567"
- Page 3, line 9, replace "73,600" with "72,600"
- Page 3, line 10, replace "760,414" with "723,769"
- Page 3, line 12, replace "526,928" with "490,283"
- Page 3, line 15, replace "545,386" with "526,386"
- Page 3, line 16, replace "185,433" with "163,862"

Page 3, line 17, replace "44,000" with "42,800"

Page 3, line 18, replace "774,819" with "733,048"

Page 3, line 20, replace "602,189" with "560,418"

Page 3, line 23, replace "433,919" with "421,519"

Page 3, line 24, replace "248,475" with "232,563"

Page 3, line 25, replace "42,000" with "41,200"

Page 3, line 26, replace "724,394" with "695,282"

Page 3, line 28, replace "395,294" with "366,182"

Page 4, line 2, replace "646,398" with "630,098"

Page 4, line 3, replace "153,620" with "130,372"

Page 4, line 4, replace "64,900" with "63,900"

Page 4, line 5, replace "864,918" with "824,370"

Page 4, line 6, replace "315,870" with "312,775"

Page 4, line 7, replace "549,048" with "511,595"

Page 4, line 10, replace "1,186,338" with "1,144,738"

Page 4, line 11, replace "598,822" with "554,792"

Page 4, line 12, replace "108,900" with "106,250"

Page 4, line 13, replace "1,894,060" with "1,805,780"

Page 4, line 14, replace "960,815" with "954,178"

Page 4, line 15, replace "933,245" with "851,602"

Page 4, line 27, replace "all" with "special" and after "funds" insert
"appropriation"

Page 4, remove line 28

Page 5, remove line 1

Page 5, line 2, replace "38,105,341" with "35,712,051"

Page 5, line 3, replace "33,557,505" with "33,685,142"

Page 5, line 4, replace "71,662,846" with "69,397,193"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 630 - NDSU EXTENSION SERVICE

HOUSE - This amendment makes the following changes:

The salaries and wages line item is reduced by \$111,046 from the general fund, including a reduction of two FTEs in campus operations.

The operating expenses line item is reduced by \$100,000 from the general fund for operating expense reductions in campus operations.

The equipment line item is reduced by \$29,000 from the general fund to reduce equipment purchases for campus operations.

In total, this amendment reduces funding for the NDSU Extension Service by \$240,046 from the general fund. A comparison of the general fund appropriations in the various proposals for funding the NDSU Extension Service is as follows:

	SINNER BUDGET	SCHAFFER BUDGET	SENATE VERSION	HOUSE VERSION
General fund	\$10,313,877	\$9,269,831	\$10,138,877	\$9,898,831
Percentage of	89%	83%	91%	89%
1991-93				
appropriated				
level ¹				

¹ For comparison purposes, these percentages exclude 1993-95 funding for the employee salary increase package.

DEPARTMENT 640 - MAIN RESEARCH STATION

HOUSE - The following schedules detail the changes made in this amendment to reflect Governor Schafer's recommended funding level for the Agricultural Experiment Station, to add funding, including one FTE, for an agroforestry program at the Dickinson Research Center, and to remove general fund support for the Land Reclamation Research Center:

SUMMARY OF AGRICULTURAL EXPERIMENT STATION AUTHORIZED FTE CHANGES

	SENATE VERSION	HOUSE CHANGES	HOUSE RECOMMENDATION
Main Research Station	344.5	(14.33)	330.17
Dickinson Research Center	12.75	.6	13.35
Central Grasslands Research Center	5.0	(.2)	4.8
Hettinger Research Center	7.25	.75	8.0
Langdon Research Center	6.75	(.2)	6.55
North Central Research Center	6.0	(.2)	5.8
Williston Research Center	8.0	(.2)	7.8
Carrington Research Center	14.5	(.5)	14.0
Agronomy Seed Farm	3.0	0	3.0
Land Reclamation Research Center	<u>20.75</u>	<u>0</u>	<u>20.75</u>
Total Agricultural Experiment Station	428.5	(14.28)	414.22

SUMMARY OF GENERAL FUND CHANGES TO AGRICULTURAL EXPERIMENT
STATION FUNDING CONTAINED IN SENATE BILL NO. 2005

	SENATE RECOMMENDATION	GENERAL FUND SUPPORT OF LRRC ¹	REMOVE LRRC GENERAL FUND SUPPORT ²	AGROFORESTRY PROGRAM ³	REMOVE AG PRODUCTION RESEARCH ADDED IN SENATE ⁴	OTHER ADJUSTMENTS ⁵	TOTAL NET HOUSE CHANGES	HOUSE RECOMMENDATION
Main Research Station	\$22,440,083	\$(156,305)			\$(556,340)	\$(844,583)	\$(1,557,228)	\$20,882,855
Dickinson Research Center	1,043,399	(7,198)		\$100,000	(24,570)	(40,700)	27,532	1,070,931
Central Grasslands Research Center	539,916	(3,756)			(10,951)	(21,400)	(36,107)	503,809
Hettinger Research Center	526,928	(3,754)			(12,091)	(20,800)	(36,645)	490,283
Langdon Research Center	602,189	(4,241)			(13,730)	(23,800)	(41,771)	560,418
North Central Research Center	395,294	(2,689)			(10,923)	(15,500)	(29,112)	366,182
Williston Research Center	549,048	(3,876)			(13,177)	(20,400)	(37,453)	511,595
Carrington Research Center	933,245	(6,418)			(23,225)	(52,000)	(81,643)	851,602
Agronomy Seed Farm	0						0	0
Land Reclamation Research Center	<u>360,817</u>	<u> </u>	<u>\$(360,817)</u>	<u> </u>	<u> </u>	<u> </u>	<u>(360,817)</u>	<u>0</u>
Total Agricultural Experiment Station	\$27,390,919	\$(188,237)	\$(360,817)	\$100,000	\$(665,007)	\$(1,039,183)	\$(2,153,244)	\$25,237,675
FTEs	428.5			1.0	(6.23)	(9.05)	(14.28)	414.22

¹ Reduces funding from the general fund for operating expenses of the Main Research Station and branch research centers.

² General fund support of \$360,817 for the Land Reclamation Research Center is removed and other funds of \$360,817 are added to allow the center to apply for grants to support its recommended budget level.

³ Adds funding at the Dickinson Research Center for one FTE agroforester and related operating expenses as follows:

Salaries and wages (1 FTE)	\$ 70,000
Operating expenses	<u>30,000</u>

Total general fund	\$100,000
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⁴ Removes funding added in the Senate for agriculture production research as follows:

Main Research Station	
Salaries and wages (6.23 FTEs)	\$(556,340)
Branch research centers	
Operating expenses	<u>(108,667)</u>

Total general fund	\$(665,007)
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⁵ Reduces funding and 9.05 FTE positions, 8.1 of which are at the Main Research Station and .95 at the branch research centers for the following programs:

Natural resource management (2.5 FTEs)	\$ (250,000)
Crop and livestock production research (2.5 FTEs)	(250,000)
Agriculture production research (5 FTEs)	<u>(539,183)</u>

Total general fund	\$(1,039,183)
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A .95 FTE position is added at the Hettinger Research Center; however, funding for the position is not provided.

A comparison of the general fund appropriations in the various proposals for funding the Agricultural Experiment Station is as follows:

	SINNER BUDGET	SCHAFFER BUDGET	SENATE VERSION	HOUSE VERSION
General fund	\$27,202,682	\$25,537,675	\$27,390,919	\$25,237,675
Percentage of 1991-93 appropriated level ¹	99%	94%	101%	93%

¹ For comparison purposes, these percentages exclude 1993-95 funding for the employee salary increase package.

In total, this amendment reduces funding in Senate Bill No. 2005 by \$2,265,653, general fund support is reduced by \$2,393,290, and other funds are increased by \$127,637.

REPORT OF STANDING COMMITTEE

SB 2006, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2006 was placed on the Sixth order on the calendar.

Page 1, line 6, after the semicolon insert "to create and enact nine new subsections to section 23-09-01 of the North Dakota Century Code, relating to food establishments, hotels, lodgingshouses, restaurants, and

boardinghouses;"; after "reenact" insert "subsection 1 of section 19-02.1-24,"; and after the first comma insert "23-09-17,"

Page 1, line 7, remove "and", after "23-09-19" insert ", 23-09.1-03, and 23-10-05", and after "to" insert "license fees and"

Page 1, line 17, replace "22,197,754" with "22,156,340"

Page 1, line 18, replace "505,371" with "454,834"

Page 1, line 19, replace "25,467,503" with "25,787,229"

Page 1, line 20, replace "855,976" with "845,976"

Page 1, line 21, replace "11,956,168" with "11,858,668"

Page 2, remove line 2

Page 2, line 5, replace "62,587,172" with "62,403,047"

Page 2, line 6, replace "47,610,217" with "47,322,579"

Page 2, line 7, replace "14,976,955" with "15,080,468"

Page 2, line 26, replace "\$300,000" with "\$414,753"

Page 3, after line 6 insert:

"SECTION 7. AMENDMENT. Subsection 1 of section 19-02.1-24 of the North Dakota Century Code is amended and reenacted as follows:

1. No establishment may sell any type of prepackaged food from a food vending machine without first obtaining a license from the department. A license may be issued upon payment of a fee of ~~ten~~ fifteen dollars annually. The license expires on June thirtieth of each year.

SECTION 8. Nine new subsections to section 23-09-01 of the North Dakota Century Code are created and enacted as follows:

"Bakery" means an establishment or any part of an establishment which manufactures or prepares bread or bread products, pies, cakes, cookies, crackers, doughnuts, or other similar products, or candy, whether plain; chocolate or chocolate coated; mixed with nuts, fruits, or other fillers; covered with chocolate or other coating; and shaped, molded, or formed in various shapes. The term does not include food service establishments nor home cake decorators.

"Commissary" means a catering establishment, restaurant, or any other place in which food, containers, or supplies are kept, handled, prepared, packaged, or stored, including a service center or base of operations directly from which mobile food units are supplied or serviced. The term does not apply to an area or conveyance at a vending machine location used for the temporary storage of packaged food or beverages.

"Limited restaurant" means a food service establishment that is restricted to a specific menu as determined by the department or an establishment serving only prepackaged foods, such as frozen pizza and sandwiches, which receive no more than heat treatment and are served directly in the package or on single-serve articles.

"Mobile food unit" means a vehicle-mounted food service establishment designed to be readily movable.

"Pushcart" means a non-self-propelled vehicle limited to serving nonpotentially hazardous food or commissary-wrapped food maintained at proper temperatures.

"Retail food store" means any establishment or section of an establishment where food and food products are offered to the consumer and intended for offpremise consumption. The term includes a delicatessen that offers prepared food in bulk quantities only. The term does not include an establishment that handles only prepackaged nonpotentially hazardous foods, roadside market that offers only fresh fruits and vegetables for sale, food service establishment, or food and beverage vending machine.

"Retail meat market" means a commercial establishment and buildings or structures connected with it, used to process, store, or display meat or meat products for retail sale to the public for human consumption. The term does not include a meat establishment operating under the federal or state meat inspection program.

"Salvage processing facility" means an establishment engaged in the business of reconditioning or by other means salvaging distressed merchandise for human consumption or use.

"Temporary food service establishment" means any food service establishment that operates at a fixed location for not more than fourteen consecutive days. The term does not include a nonprofit public-spirited organization or person providing a limited type of food service as defined in chapter 23-09.2."

Page 3, line 10, remove the overstrike over "~~must be inspected~~" and remove "shall contract with an"

Page 3, remove line 11

Page 3, line 12, remove "inspection", overstrike "in each year" and insert immediately thereafter "every two years", remove the overstrike over "~~by the~~", and remove the overstrike over "~~department~~"

Page 3, line 13, remove the overstrike over "~~. The department and its inspectors~~"

Page 3, line 14, after the first "~~to~~" insert "may" and remove the overstrike over "~~enter any such establishment at reasonable hours to determine~~"

Page 3, line 15, after "~~of~~" insert "compliance with" and remove the overstrike over "~~this chapter~~"

Page 3, remove lines 21 through 24

Page 3, after line 24, insert:

"SECTION 10. AMENDMENT. Section 23-09-17 of the North Dakota Century Code is amended and reenacted as follows:

23-09-17. License fees. The following annual license fees must be paid to the state department ~~of health and consolidated laboratories~~ by proprietors of hotels, restaurants, boardinghouses, and lodginghouses, and other food and food service establishments:

1. For a restaurant, limited restaurant, or boardinghouse, ten dollars hotel or lodginghouse containing not more than three sleeping rooms, twenty dollars.
2. For a hotel or lodginghouse containing at least four but not more than ten sleeping rooms, five thirty dollars.
3. For a hotel or lodginghouse containing more than ten sleeping rooms and not more than twenty sleeping rooms, ten forty-five dollars.
4. For a hotel or lodginghouse containing more than twenty sleeping rooms and not more than fifty sleeping rooms, twenty sixty dollars.
5. For a hotel or lodginghouse containing fifty-one sleeping rooms or more, forty eighty dollars.
6. For a restaurant or boardinghouse with a seating capacity of less than seventy-five, thirty-five dollars.
7. For a restaurant or boardinghouse with a seating capacity of seventy-five to not more than one hundred fifty, forty-five dollars.
8. For a restaurant or boardinghouse with a seating capacity of of more than one hundred fifty, fifty-five dollars.
9. For a limited restaurant, twenty-five dollars.
10. For a retail food store, retail meat market, or bakery with not more than five thousand square feet [464.52 square meters], twenty-five dollars.
11. For a retail food store, retail meat market, or bakery with more than five thousand square feet [464.52 square meters], forty dollars.
12. For a bar or tavern dispensing beer, liquor, or alcoholic beverages, twenty dollars.
13. For an establishment operating one or more mobile food units or pushcarts, twenty-five dollars.

If a business operates more than one type of establishment on the same premises and under the same management, a single license must be issued by the department stating the types of establishments the business is licensed for and the maximum license fee charged may not exceed seventy-five dollars. The department shall waive all or a portion of the license fee for any restaurant, limited restaurant, or boardinghouse, or other food or food service establishment that is subject to a license fee by a city or district health unit if the local unit's sanitation, safety, and inspection rules are approved by the department."

Page 4, line 3, remove the overstrike over "~~an inspector~~" and remove "a representative"

Page 4, line 9, remove the overstrike over "~~an inspector~~"

Page 4, line 10, remove "a representative"

Page 4, after line 12, insert:

"SECTION 13. AMENDMENT. Section 23-09.1-03 of the North Dakota Century Code is amended and reenacted as follows:

23-09.1-03. License fee. The annual license fee paid to the state department of health and consolidated laboratories by proprietors of bed and breakfast facilities is ~~five~~ fifteen dollars.

SECTION 14. AMENDMENT. Section 23-10-05 of the North Dakota Century Code is amended and reenacted as follows:

23-10-05. License fees. The following fees must be charged for licenses to operate mobile home parks, trailer parks, or campgrounds in this state:

1. For a mobile home park containing at least three but not more than ten lots, ~~thirty-five~~ fifty dollars.
2. For a mobile home park containing at least eleven but not more than twenty-five lots, ~~fifty~~ seventy-five dollars.
3. For a mobile home park containing at least twenty-six but not more than fifty lots, ~~sixty-five~~ one hundred dollars.
4. For a mobile home park containing more than fifty lots, ~~eighty~~ one hundred twenty dollars.
5. For a trailer park or campground containing at least three but not more than ten lots, ~~thirty~~ fifty dollars.
6. For a trailer park or campground containing at least eleven but not more than twenty-five lots, ~~forty-five~~ seventy-five dollars.
7. For a trailer park or campground containing at least twenty-six but not more than fifty lots, ~~sixty~~ one hundred dollars.
8. For a trailer park or campground containing more than fifty lots, ~~eighty~~ one hundred twenty dollars.

The license fee must be waived for any mobile home park, trailer park, or campground owned by the state, a municipality, or a nonprofit organization. The department shall waive all or a portion of the license fee for any mobile home park, trailer park, or campground which that is subject to local sanitation, safety, and inspection requirements accepted by the department under section 23-10-02.1."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 301 - DEPARTMENT OF HEALTH AND CONSOLIDATED LABORATORIES

HOUSE - This amendment makes the following changes:

- The salaries and wages line item is adjusted as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL
Reduction for Governor Schafer's salary increase recommendation	\$(222,852)	\$(272,375)	\$(495,227)
Add funds to restore the forensic pathologist position deleted by the Senate	291,762		291,762
Add funds for 4 FTEs for food and lodging inspections	244,051		244,051
Reduce funds for anticipated vacant positions	<u>(82,000)</u>	<u> </u>	<u>(82,000)</u>
Total	\$ 230,961	\$(272,375)	\$(41,414)

-- The information services line item is reduced by 10 percent, a reduction of \$50,537, of which \$15,348 is from the general fund and \$35,189 is from other funds.

-- The interagency legal fees line item of \$304,400 is removed, and related other funds of \$229,600 is transferred to operating expenses, for a net general fund reduction of \$74,800.

In addition, operating expenses is increased by \$70,200 from the general fund for the 4 FTEs added and by \$19,926 of other funds for payment of merit system fees to the office of management and budget.

-- The equipment line item is reduced by \$10,000 from the general fund.

-- The grants line item is reduced by \$97,500 from the general fund to reduce aid to local health districts, from \$975,000 to \$877,500.

In addition, a provision is added to increase the annual license fees for hotels, restaurants and other inspected facilities. These fees are expected to provide approximately \$228,000 of general fund revenue for the 1993-95 biennium.

In total, \$184,125 is reduced from the Department of Health and Consolidated Laboratories, including an increase of \$103,513 from the general fund and a decrease of \$287,638 from other funds.

The following is a comparison of the various recommended 1993-95 budgets:

	ORIGINAL EXECUTIVE BUDGET	SENATE VERSION	HOUSE VERSION	SCHAFER EXECUTIVE BUDGET
Salaries and wages	\$22,606,256	\$22,197,754	\$22,156,340	\$21,663,025
Information services	505,371	505,371	454,834	496,371
Operating expenses	25,477,503	25,467,503	25,787,229	25,629,643
Equipment	865,976	855,976	845,976	848,798
Grants	11,576,168	11,956,168	11,858,668	11,126,168
Grants to state agencies	820,000	820,000	820,000	820,000
Interagency legal fees	304,400	304,400	0	0
Abandoned motor vehicle	400,000	400,000	400,000	400,000
Belfield/Bowman project	1,120,000	0	0	0
Physician loan program	<u>80,000</u>	<u>80,000</u>	<u>80,000</u>	<u>80,000</u>
Total all funds	\$63,755,674	\$62,587,172	\$62,403,047	\$61,064,005

Less estimated income	<u>47,084,424</u>	<u>47,610,217</u>	<u>47,322,579</u>	<u>46,597,842</u>
Total general fund	\$16,671,250	\$14,976,955	\$15,080,468	\$14,466,163
FTEs authorized	315	314	319	311

REPORT OF STANDING COMMITTEE

SB 2013, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2013 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "15,214,978" with "15,206,204"

Page 1, line 16, replace "19,126,746" with "19,117,972"

Page 1, line 18, replace "\$17,971,485" with "\$17,979,400"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 504 - HIGHWAY PATROL

HOUSE - This amendment makes the following changes to the salaries and wages line item:

	HIGHWAY FUND	FEDERAL FUNDS	TOTAL
Decrease reflecting Governor Schafer's salary increase recommendation for state employees	\$(317,085)	\$(16,689)	\$(333,774)
Increase relating to projecting fewer position vacancies during the 1993-95 biennium (The Senate reduced salaries and wages by \$725,000 from the highway fund for 1993-95 projected position vacancies)	<u>325,000</u>	<u>0</u>	<u>325,000</u>
Total	\$ 7,915	\$(16,689)	\$ (8,774)

REPORT OF STANDING COMMITTEE

SB 2014, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2014 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "73,794,462" with "71,840,858"

Page 1, line 14, replace "3,622,100" with "3,425,795"

Page 1, line 15, replace "56,564,582" with "56,080,839"

Page 1, line 16, replace "6,894,408" with "6,094,408"

Page 1, line 17, replace "330,561,200" with "265,561,200"

Page 1, line 21, replace "485,558,452" with "417,124,800"

Page 2, line 3, replace "2,399,384" with "2,348,814"

Page 2, line 4, replace "755,382" with "717,613"

Page 2, line 7, replace "5,778,262" with "5,689,923"

Page 2, line 10, replace "1,523,024" with "1,491,458"

Page 2, line 11, replace "210,000" with "199,500"

Page 2, line 12, replace "8,000,152" with "7,550,152"

Page 2, line 13, replace "10,535,600" with "10,135,600"

Page 2, line 14, replace "20,268,776" with "19,376,710"

Page 2, line 15, replace "511,605,490" with "442,191,433"

Page 2, after line 24, insert:

"SECTION 4. INDIRECT COST ALLOCATION PAYMENTS - CONTINGENCY.

The office of management and budget may charge the department of transportation for indirect costs for the biennium beginning July 1, 1993, and ending June 30, 1995, pursuant to section 54-44.1-15 only if the fifty-third legislative assembly approves a motor vehicle fuel tax increase or a contingent motor vehicle fuel tax increase."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 802 - DOT-TRANSPORTATION OPERATION

HOUSE - This amendment makes the following changes also recommended by Governor Schafer:

The salaries and wages line item is decreased by \$1,453,604, \$304,910 of which is federal funds to reflect Governor Schafer's salary increase recommendation for state employees.

The capital improvements line item is decreased by \$2,000,000 from the highway fund for highway maintenance.

This amendment also makes the following changes:

The salaries and wages line item is reduced by \$500,000 from the highway fund relating to a reduction of five FTE undesignated positions and projected position vacancies during the 1993-95 biennium.

The information services line item is reduced by \$196,305 from the highway fund to reflect a five percent decrease in information services.

The operating expenses line item is increased by \$116,257 from the highway fund for indirect cost allocation payments to the Office of Management and Budget. This change provides a total of \$483,235 from the highway fund for indirect cost allocation payments. A section is added providing that the Office of Management and Budget may charge indirect costs to the Department of Transportation only if a motor vehicle fuel tax increase or a contingent motor vehicle fuel tax increase is approved by the 1993 Legislative Assembly.

The operating expenses line item is reduced by \$600,000, \$400,000 of which is federal funds. Of the reduction, \$100,000 relates to postage and \$500,000, \$400,000 of which is federal funds, relates to consulting engineers.

The equipment line item is reduced by \$800,000 from the highway fund to delay certain equipment purchases until the 1995-97 biennium.

The capital improvements line item is reduced by \$63,000,000, \$50,400,000 of which is federal funds, relating to highway construction projects. Funding for highway construction projects is provided at a level that is \$8,500,000 more than recommended by Governor Schafer, \$6,800,000 of this amount is

federal funds. It is the intent of the Legislative Assembly that this reduction of federal and state funds relates to the additional motor vehicle fuel tax and federal fund collections which may become available pursuant to the provisions of House Bill No. 1399. It is not the intent of this amendment to limit the Emergency Commission's authority to accept and approve the expenditure of federal funds because of unanticipated state or local matching funds that may become available.

Funding provided for highway construction projects reflected in this amendment is based on estimated funding available pursuant to 1991-93 motor vehicle fuel tax rates. House Bill No. 1399, which includes an increase of motor vehicle fuel tax rates of up to three cents based on federal highway construction funds available to North Dakota for the 1993-95 biennium, also contains an appropriation of up to \$65,500,000 for additional highway construction projects. A one cent motor vehicle fuel tax increase is estimated to generate \$7.5 million to the highway tax distribution fund for the first biennium the increase is effective.

In total, this amendment reduces funding for DOT-Transportation Operation by \$68,433,652, \$51,104,910 of which is federal funds and \$17,328,742 of which is from the highway fund. Authorized FTE positions are reduced by five from Governor Schafer's recommendation and the Senate version, from 1,013.73 to 1,008.73 FTE positions. Governor Sinner recommended 1,021.73 FTE positions, 13 FTE positions more than the 1,008.73 authorized by the provisions of this amendment.

DEPARTMENT 803 - DOT-MOTOR VEHICLE

HOUSE - The salaries and wages line item is decreased by \$50,570 from special funds to reflect Governor Schafer's salary increase recommendation for state employees.

The information services line item is reduced by \$37,769 from special funds to reflect a five percent decrease in information services.

In total, this amendment reduces funding for DOT-Motor Vehicle by \$88,339 from special funds.

DEPARTMENT 804 - DOT-FLEET SERVICES

HOUSE - The salaries and wages line item is decreased by \$31,566 from special funds to reflect Governor Schafer's salary increase recommendation for state employees.

The information services line item is reduced by \$10,500 of special funds to reflect a five percent decrease in information services.

The operating expenses line item is decreased by \$450,000 from special funds to reflect a reduction in buildings and vehicle maintenance supplies provided for the 1993-95 biennium.

The equipment line item is decreased by \$400,000 from special funds to reflect a reduction of funding provided for vehicle purchases during the 1993-95 biennium.

In total, this amendment reduces funding for DOT-Fleet Services by \$892,066 from special funds.

REPORT OF STANDING COMMITTEE

SB 2021, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2021 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to amend and reenact section 6-09.10-02, subsections 2, 3, and 6 of section 10-30.3-01, sections 10-30.3-03, 10-30.3-10, 10-30.3-11, subsection 2 of section 10-30.4-01, section 10-30.4-02, subdivision c of subsection 1 of section 10-30.4-03, sections 15-12-25, 54-34.3-03, 54-34.3-05, 54-34.3-06, 54-34.3-07, and 54-34.3-08 of the North Dakota Century Code, relating to the credit review board, North Dakota future fund, incorporated, technology transfer, incorporated, and the department of economic development and finance;"

Page 1, line 8, remove "federal funds and"

Page 1, line 10, replace "of its various divisions" with "thereof"

Page 1, line 12, replace "2,579,816" with "2,306,292"

Page 1, line 13, replace "96,510" with "85,959"

Page 1, line 14, replace "1,522,752" with "1,447,932"

Page 1, line 21, replace "996,000" with "800,000"

Page 2, after line 1, insert:

"Agricultural products utilization commission grant 375,000"

Page 2, line 3, replace "17,546,629" with "17,366,734"

Page 2, line 4, replace "116,058" with "18,000"

Page 2, line 5, replace "17,430,571" with "17,348,734"

Page 2, replace lines 6 through 25 with:

"SECTION 2. TRANSFERS - ECONOMIC DEVELOPMENT FUNDS. The following amounts appropriated in section 1 of this Act must be transferred to the following funds or programs for expenditure purposes for the biennium beginning July 1, 1993, and ending June 30, 1995, as follows:

Future fund	\$ 5,005,000
Technology transfer, incorporated	2,125,000
Partnership in assisting community expansion fund	2,700,000
Agriculture partnership in assisting community expansion fund	800,000
Agricultural products utilization commission	375,000
Beginning farmer revolving loan fund	<u>1,000,000</u>
Total	\$12,005,000

SECTION 3. AMENDMENT. Section 6-09.10-02 of the North Dakota Century Code is amended and reenacted as follows:

6-09.10-02. Credit review board. The board consists of six members. The governor shall appoint one member of the credit review board, the commissioner of agriculture shall appoint one member of the credit review board, and the attorney general shall appoint one member of the credit review board. One member of the board must have experience serving as a director or officer of a financial institution. Two members of the board must have experience in the operation of a farm, the attorney general, and the commissioner of agriculture shall each appoint two members to the board. The governor and attorney general shall each appoint one member with experience as a director or officer of a financial institution and one member actively engaged in

farming in the state. The commissioner of agriculture shall appoint two members who are actively engaged in farming in the state. No member of the board may hold state office or serve in state office or serve in state government in any capacity at any time of appointment or during service on the board. The credit review board members shall serve terms of two years.

SECTION 4. AMENDMENT. Subsections 2, 3, and 6 of section 10-30.3-01 of the 1991 Supplement to the North Dakota Century Code are amended and reenacted as follows:

2. "Corporation" means the North Dakota ~~economic development finance corporation~~ future fund, incorporated established under this chapter.
3. "North Dakota American Indian" means an enrolled member of a federally recognized North Dakota tribe ~~with at least one-fourth degree blood quantum.~~
6. "Primary sector business" means an individual, corporation, partnership, or association which through the employment of knowledge or labor, adds value to a product, process, or service that results in the creation of new wealth. The term includes tourism, but does not include production agriculture.

SECTION 5. AMENDMENT. Section 10-30.3-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.3-03. Organization. The corporation must be managed by a board of directors. The board of directors shall adopt and amend articles of incorporation and bylaws consistent with the purposes detailed in section 10-30.3-02. The board of directors consists of ~~seven~~ eight members who shall serve three-year terms. The terms must be staggered so that no more than three positions require reappointment in any one year. ~~Members must be appointed by the~~ The governor who shall appoint the members and shall only consider representatives who serve in executive capacities from the following areas in making the selections: private sector manufacturing, finance, exported services, including tourism, and industrial technology and research. There must be at least one member who is enrolled in a federally recognized North Dakota tribe ~~with at least one-fourth degree American Indian blood quantum who need not serve in an executive capacity, the director of economic development and finance, and one member from a rural area, on the board of directors. Members may be reappointed for additional terms.~~

SECTION 6. AMENDMENT. Section 10-30.3-10 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.3-10. ~~Primary sector development fund~~ North Dakota future fund - Continuing appropriation. ~~A primary sector development fund~~ The North Dakota future fund is established from moneys appropriated from the general fund. This is a revolving fund, and all moneys transferred into the fund, interest upon fund moneys, and payments to the fund are hereby appropriated for the purposes of this chapter. This fund is not subject to section 54-44.1-11.

SECTION 7. AMENDMENT. Section 10-30.3-11 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.3-11. ~~Primary sector development fund~~ North Dakota future fund uses - Distribution - Limitations.

1. The fund moneys may be used for the purposes of this chapter as provided in section 10-30.3-02. Moneys may be used to provide working capital or for financing the purchase of fixed assets, but not to refinance existing debt. Moneys may also be used to make matching grants to county-authorized ~~or~~ city-authorized, or tribal-authorized development corporations for the acquisition, leasing, or remodeling of real estate facilities for locating a prospective new primary sector business. A grant must be made as part of a package of financing in which the state is a participant.
2. The director of the department of economic development and finance shall adopt rules, subject to the approval of the board of directors, necessary to implement the administration of the fund. The rules to implement the grant program must be developed to encourage local fundraising initiatives for developing locations for businesses financed by the corporation. ~~The rules must include a requirement that every full time employee of a business receiving moneys or other assistance from the primary sector development fund must be paid an income at least equal to one hundred percent of the federal poverty level for a family of four for the life of the loan, equity position, or other financial relationship and must establish procedures for determining compliance with this requirement and sanctions for failure to comply with it. The rules must include requirements for and methods of distribution of the funds generally targeted for a distribution of forty percent businesses in rural areas, twenty percent businesses in urban areas, twenty percent North Dakota American Indian businesses, and twenty percent to be undesignated. Any unused funds in any category may be transferred to the undesignated portion during the second year of the biennium under rules adopted by the director of the department of economic development and finance. Moneys in the undesignated portion of the funds may be utilized in any of the three targeted areas.~~

SECTION 8. AMENDMENT. Subsection 2 of section 10-30.4-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. "Corporation" means ~~the science and technology corporation~~ transfer, incorporated established under this chapter.

SECTION 9. AMENDMENT. Section 10-30.4-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

10-30.4-02. Purpose. It is the purpose of this chapter to create a ~~science and technology~~ corporation that will provide a program and budgetary interface between the department of economic development and finance and the North Dakota university system. The primary objective of the interface is to focus the intellectual and technical resources of the university system on the discovery, development, and application of scientific and technological principles and concepts on North Dakota's primary sector business.

SECTION 10. AMENDMENT. Subdivision c of subsection 1 of section 10-30.4-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- c. A representative from the board of directors of the North Dakota ~~economic development finance corporation~~ future fund, incorporated appointed under section 10-30.3-03.

SECTION 11. AMENDMENT. Section 15-12-25 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-12-25. Grants and contributions - Continuing appropriation. The economic feasibility institute may contract for, accept, and receive grants, gifts, and contributions of money, property, services, or other things of value from individuals, the federal government, private and public corporations, political subdivisions of the state, and other sources. All revenue received from gifts, grants, and contributions is hereby appropriated for use by the economic feasibility institute in carrying out the provisions of sections 15-12-22 through 15-12-26. Any state funding for the institute may be provided through legislative appropriation to the ~~science and~~ technology ~~corporation~~ transfer, incorporated for that purpose.

SECTION 12. AMENDMENT. Section 54-34.3-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-03. Department structure. The department consists of:

1. A division of finance;
2. ~~A division of marketing and technical assistance;~~
- 3- A division of science and technology; and
- 4- 3. ~~Other divisions that the director upon the approval of the budget section of the legislative council determines organizes and establishes as necessary to carry out most efficiently and effectively the mission and duties of the department.~~

SECTION 13. AMENDMENT. Section 54-34.3-05 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-05. Division of finance - Deputy director. The director shall appoint a deputy director who shall administer the division of finance. The deputy director shall serve at the will of the director and receive a salary set by the director within the limits of legislative appropriations. The purpose of the division of finance is to identify and coordinate sources of capital and financial assistance, including lending programs of the Bank of North Dakota, and administer programs of financial assistance placed under the administration of the division, to business and industry, local governments, and other entities and individuals in the state consistent with the mission of the department. The division of finance shall:

1. ~~Implement the review and decisionmaking functions of the economic development component of the state's community development block grant program established pursuant to the Housing and Community Development Act of 1974 [Pub. L. 93-383, 88 Stat. 633, 42 U.S.C. 5301 et seq.].~~
- 2- Administer other programs of financial assistance assigned to it by law or otherwise.
- 3- 2. Perform such other duties as assigned to it by the director.

SECTION 14. AMENDMENT. Section 54-34.3-06 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

~~54-34.3-06. Division of marketing and technical assistance—
Deputy director—Duties. The director shall appoint a deputy
director who shall administer the division of marketing and technical
assistance. The deputy director shall serve at the will of the
director and receive a salary set by the director within the limits of
legislative appropriations. The duties of the division of marketing
and technical assistance are, as consistent with the mission of the
department, to: Divisions. The director shall organize and establish
other divisions as necessary to carry out most efficiently and
effectively the mission and duties of the department, except that the
department must contain:~~

- ~~1. Coordinate, develop, and make available technical services
on the state, regional, and local levels in order to aid
business and industry in their startup or expansion in the
state.~~
- ~~2. Foster and promote international trade.~~
- ~~3. Collaborate in partnership with local communities in the
state to provide technical assistance and to coordinate
state, regional, and local programs that stimulate and
support economic development activity.~~
- ~~4. Promote and encourage the growth and diversification of the
economy, innovation, and retention of business and industry
in the state.~~
- ~~5. Attract new business and industry from outside the state, in
a manner that creates quality jobs, attracts new capital
investment, and expands and diversifies the state's economic
tax base.~~
- ~~6. Maintain and keep current available information regarding the
industrial opportunities and possibilities of the state,
including raw materials and byproducts, power and water
resources, transportation facilities, available markets and
the marketing limitations of the state, labor supply, banking
and financing facilities, available industrial sites, and the
advantages the state and its particular regions have as
industrial locations. This information must be used for the
encouragement of new industries in the state and the
expansion of existing industries within the state, as well as
made available to local development corporations, cities, and
the various political subdivisions of the state in their
efforts to encourage the location of business and industry
within the state.~~
- ~~7. Establish an An office of North Dakota American Indian
business development to assist North Dakota tribal and
individual economic development representatives and North
Dakota American Indian entrepreneurs with access to state and
federal programs designed to assist them.~~
- ~~8. Provide appropriate resources to ensure increased business
opportunities for women.~~
- ~~9. Provide administrative services to the department.~~
- ~~10. Utilize existing marketing entities from private and other
sources such as the microbusiness marketing alliance.~~
- ~~11. Perform such other duties as assigned to the division by the
director.~~

2. An office of North Dakota women's business development to develop and administer the North Dakota women's business program, to establish and fund the women's business leadership council, certify women-owned businesses for federal or state contracting and to recruit, train, and assist women entrepreneurs to develop and diversify their businesses. The office must have an administrator and staff sufficient to implement its programs.

SECTION 15. AMENDMENT. Section 54-34.3-07 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-07. Division of science and technology - Deputy director - Duties. A deputy director, hired, or contracted for, by the board of directors of ~~the science and technology corporation transfer, incorporated~~ and reporting administratively to the director, shall administer the division of science and technology. The deputy director shall serve at the will of the board of directors and receive a salary set by the board within the limits of legislative appropriations. The purpose of the division of science and technology is to support the development and implementation of policies and programs that respond to the scientific and technological needs and opportunities of business and industry in the state through basic and applied research and technology transfer, product commercialization, agricultural and industrial extension, and private sector research and development. The division shall perform such duties as assigned to it by the director.

SECTION 16. AMENDMENT. Section 54-34.3-08 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-34.3-08. Patents. The department of economic development and finance, ~~the science and technology corporation transfer, incorporated, the North Dakota economic development finance corporation future fund, incorporated, and the North Dakota agricultural products utilization commission~~ may hold or assign for remuneration all or a portion of their interest in patents or royalty rights acquired in the course of their operation and performance of duties as provided by law."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - ECONOMIC DEVELOPMENT AND FINANCE

HOUSE - This amendment makes the following changes:

Salaries and WagesTotal Change

Reduced to reflect Governor Schafer's salary increase recommendation - general fund	\$ (95,769)
Reduced to delete 1 FTE economic development specialist related to the community development loan fund, to be funded in the Office of Intergovernmental Assistance - federal funds	(77,755)
Reduced to reflect savings from vacant positions - general fund	<u>(100,000)</u>
Subtotal	<u>\$(273,524)</u>

Information Services Division

Reduced for a 10 percent reduction - general fund	\$ (9,551)
Reduced for FTE removed above - all federal funds	<u>(1,000)</u>
Subtotal	<u>\$(10,551)</u>

Operating Expenses

Reduced for FTE removed - \$1,517 from the general fund and \$19,303 of federal funds	\$ (20,820)
Reduced for other operating expense reductions - general fund	<u>(54,000)</u>
Subtotal	<u>\$(74,820)</u>

Grants and Transfers

Reduced Ag PACE funding - general fund	\$(196,000)
Adds funds for agricultural products utilization commission grants - general fund	375,000
Of the \$2,125,000 appropriation, Technology Transfer, Inc., shall dedicate \$600,000 to an agreement with the North Dakota University System to provide technology transfer services to North Dakota firms and entrepreneurs in developing new products and/or incorporating new technologies into commercial ventures. The North Dakota University System and Technology Transfer, Inc., will contract with the University of North Dakota for \$300,000 and North Dakota State University for \$300,000 respectively for the provision of statewide technology transfer services. These services shall be provided by University System entities.	<u>0</u>
Subtotal	<u>\$ 179,000</u>

Total change \$(179,895)

In total, the general fund appropriation is reduced by \$81,837 and other funds are reduced by \$98,058 for a total reduction of \$179,895.

In addition, these amendments make statutory changes regarding the Department of Economic Development and Finance and the Future Fund and Technology Transfer, Inc., programs.

The following is a summary of the proposed general fund appropriations for the Department of Economic Development and Finance:

GENERAL FUND CHANGES TO SENATE BILL NO. 2021

	1993-95 SINNER EXECUTIVE BUDGET	INCREASES (DECREASES)	SENATE RECOMMENDATION	HOUSE INCREASES (DECREASES)	HOUSE RECOMMENDATION	1993-95 SCHAFER EXECUTIVE BUDGET
Department operations	<u>\$ 5,210,213</u>	<u>\$(1,098,365)</u>	<u>\$ 4,111,848</u>	<u>\$(260,837)</u>	<u>\$ 3,851,011</u>	<u>\$ 4,016,079</u>
Grants	<u>\$ 746,723</u>	<u>\$ 746,000</u>	<u>\$ 1,492,723</u>	<u>\$ 0</u>	<u>\$ 1,492,723</u>	<u>\$ 1,492,723</u>
Future Fund	\$ 6,630,000	\$(1,625,000)	\$ 5,005,000 ¹	\$ 0	\$ 5,005,000 ¹	\$ 6,630,000
Technology Transfer, Inc.	2,500,000	(375,000)	2,125,000 ¹		2,125,000 ¹	2,500,000
PACE fund	5,000,000	(2,300,000)	2,700,000	0	2,700,000	2,700,000
Ag PACE fund	650,000	346,000	996,000	(196,000)	800,000	996,000
Agricultural Products Utilization Commission	0	0	0	375,000	375,000	0
Beginning farmer revolving loan fund	<u>1,000,000</u>	<u> </u>	<u>1,000,000</u>	<u>0</u>	<u>1,000,000</u>	<u>1,000,000</u>
Subtotal	<u>\$15,780,000</u>	<u>\$(3,954,000)</u>	<u>\$11,826,000</u>	<u>\$ 179,000</u>	<u>\$12,005,000</u>	<u>\$13,826,000</u>
Total Senate Bill No. 2021	\$21,736,936	\$(4,306,365)	\$17,430,571 ¹	\$ (81,837)	\$17,348,734 ¹	\$19,334,802

¹ In addition, \$2,000,000 is recommended in Senate Bill No. 2053, \$1,625,000 for the Future Fund and \$375,000 for Technology Transfer, Inc. and when added to the total provided in Senate Bill No. 2021 a total of \$19,430,571 is recommended by the Senate and \$19,348,734 by the House.

REPORT OF STANDING COMMITTEE

SB 2128: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2128 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2243, as engrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (21 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed SB 2243 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "declare" with "provide" and replace "emergency" with "expiration date"

Page 3, replace lines 18 and 19 with:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1995, and after that date is ineffective."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 113 - OMB-CENTRAL OPERATIONS

HOUSE - This amendment removes the emergency clause and provides that the program is effective only for the 1993-95 biennium.

REPORT OF CONFERENCE COMMITTEE

HB 1096: Your conference committee (Sens. Mathern, Graba, Bowman and Reps. Price, Austin, Cleary) recommends that the HOUSE ACCEDE to the Senate amendments on HJ page 1016 and place HB 1096 on the Seventh order.

HB 1096 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1168, as engrossed: Your conference committee (Sens. Krauter, Schoenwald, Mutch and Reps. Tollefson, Soukup, Kilichowski) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1119-1120, adopt amendments as follows, and place HB 1168 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1119-1120 of the House Journal and pages 868-869 of the Senate Journal and that Engrossed House Bill No. 1168 be amended as follows:

Page 1, line 1, replace "subsection" with "subsections 3 and"

Page 2, line 3, replace "Subsection" with "Subsections 3 and"

Page 2, line 4, replace "is" with "are"

Page 2, after line 5, insert:

- "3. Any person failing to pay the tax imposed by subsection 1, within the time required, is subject to a penalty of five percent of the amount of tax due or one hundred dollars, whichever is greater, plus interest of one percent per month on the unpaid tax for each month or fraction of a month of delay, excepting the first day after the tax became due, or twenty-five dollars per day, whichever is greater. Any person failing to file the appropriate tax statement required by rule if the tax is zero is subject to a penalty of twenty-five dollars per day for each day's neglect not to

exceed five hundred dollars. The commissioner, if satisfied that the delay was excusable, may waive, and if paid, issue a premium tax credit for all or any part of the penalty and interest."

Renumber accordingly

Engrossed HB 1168 was placed on the Seventh order of business on the calendar.

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

ROY GILBREATH, Chief Clerk