

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, March 27, 1995

The Senate convened at 8:00 a.m., with President Myrdal presiding.

The prayer was offered by Senator Tim Mathern.

The roll was called and all members were present except Senators Andrist, Heitkamp, Kringstad, and Mushik.

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1011, HB 1090, HB 1305, HB 1322.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1461.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1006, HB 1007, HB 1015, HB 1022, HB 1154, HB 1256, HB 1432, HB 1493.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1001, HB 1017, HB 1019.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2016 as printed on SJ page 1164 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2016: Sens. Naaden, Solberg, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2209 as printed on SJ pages 1164-1165 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2209: Sens. Schobinger, Wanzek, O'Connell.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2211 as printed on SJ page 1165 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2211: Sens. Wanzek, Freborg, O'Connell.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do not concur in the House amendments

to Engrossed SB 2231 as printed on SJ page 1165 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2231: Sens. W. Stenehjem, Watne, C. Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to SB 2288 as printed on SJ pages 1165-1167 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2288: Sens. Streibel, Naaden, Mushik.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do not concur in the House amendments to Engrossed SB 2355 as printed on SJ pages 1230-1231 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2355: Sens. Grindberg, Schobinger, Heinrich.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TENNEFOS MOVED that the Senate do not concur in the House amendments to SB 2391 as printed on SJ page 1167 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2391: Sens. Tennefos, Kringstad, Tomac.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. BOWMAN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2505 as printed on SJ pages 1232-1233 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2505: Sens. Bowman, Wanzek, Kinnoin.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1009, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1009: Sens. Naaden, Nalewaja, Tallackson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. FREBORG MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1041, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1041: Sens. Grindberg, Wanzek, Kelsh.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2004 as printed on SJ pages 1142-1143, which motion prevailed on a voice vote.

Engrossed SB 2004, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mushik

Engrossed SB 2004, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2020 as printed on SJ pages 961-963, which motion prevailed on a voice vote.

Engrossed SB 2020, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act making an appropriation for defraying the expenses of the state seed department.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mushik

Engrossed SB 2020, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to

SB 2021 as printed on SJ pages 1033-1034, which motion prevailed on a voice vote.

SB 2021, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2021: A BILL for an Act making an appropriation for defraying the expenses of the state game and fish department.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mushik

SB 2021, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2028 as printed on SJ page 964, which motion prevailed on a voice vote.

Engrossed SB 2028, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mushik

Engrossed SB 2028, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2075 be moved to the bottom of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do concur in the House amendments to

Engrossed SB 2090 as printed on SJ page 1041, which motion prevailed on a voice vote.

Engrossed SB 2090, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2090: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 27-20-51 of the North Dakota Century Code, relating to persons who may inspect juvenile court records; to amend and reenact section 50-11-02 of the North Dakota Century Code, relating to background checks of persons present in licensed foster care facilities while services are being provided; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Naaden; Malewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg; Mushik; Mutch; Stenehjem, B.

Engrossed SB 2090, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to Engrossed SB 2104 as printed on SJ page 1050, which motion prevailed on a voice vote.

Engrossed SB 2104, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2104: A BILL for an Act to amend and reenact sections 16.1-11-08, 34-05-01.2, and subsection 2 of section 54-06-01 of the North Dakota Century Code, relating to the appointment of the labor commissioner by the governor; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; DeMers; Freborg; Goetz; Grindberg; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Naaden; Malewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: Bowman; Heinrich; Heitkamp; Holmberg; Kelsh; Krauter; LaFountain; Lindaas; Lips; Mathern; Mutch; O'Connell; Robinson; Streibel; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Mushik; Stenehjem, B.

Engrossed SB 2104, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to SB 2134 as printed on SJ pages 1050-1052, which motion prevailed on a voice vote.

SB 2134, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2134: A BILL for an Act to amend and reenact sections 52-01-03 and 52-06-01 of the North Dakota Century Code, relating to disclosure of information and eligibility for unemployment compensation benefits.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mushik; Redlin

SB 2134, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do concur in the House amendments to Engrossed SB 2155 as printed on SJ page 981, which motion prevailed on a voice vote.

Engrossed SB 2155, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2155: A BILL for an Act to amend and reenact section 50-24.4-25 of the North Dakota Century Code, relating to nursing facility cost report extensions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mushik

Engrossed SB 2155, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TENNEFOS MOVED that the Senate do concur in the House amendments to Engrossed SB 2176 as printed on SJ page 1052, which motion prevailed on a voice vote.

Engrossed SB 2176, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2176: A BILL for an Act to amend and reenact section 18-04-05 and subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to payments from the insurance tax distribution fund and allocation of the insurance premium tax.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mushik

Engrossed SB 2176, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to SB 2212 as printed on SJ page 1052, which motion prevailed on a voice vote.

SB 2212, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2212: A BILL for an Act to amend and reenact subsection 22 of section 43-15-01 of the North Dakota Century Code, relating to the definition of practice of pharmacy.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2212, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. BOWMAN MOVED that the Senate do concur in the House amendments to SB 2270 as printed on SJ page 981, which motion prevailed on a voice vote.

SB 2270, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2270: A BILL for an Act to create and enact five new sections to chapter 43-29 of the North Dakota Century Code, relating to licensure of veterinary technicians, veterinary technician services, and automatic licensure for certified veterinary technicians; and to amend and reenact section 43-29-09 and subsection 8 of section 43-29-13 of the North Dakota Century Code, relating to the adoption of rules by the board of veterinary medical examiners and persons not considered to be engaging in the practice of veterinary medicine.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Yockim

NAYS: Kelsh; Krauter; Langley; Lindaas; O'Connell; Robinson; Stenehjem, B.; Stenehjem, W.; Tomac; Wogsland

ABSENT AND NOT VOTING: Andrist

SB 2270, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do concur in the House amendments to Engrossed SB 2306 as printed on SJ page 965, which motion prevailed on a voice vote.

Engrossed SB 2306, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2306: A BILL for an Act to amend and reenact section 47-16-39.1 of the North Dakota Century Code, relating to the payment of oil and gas royalties.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Yockim

NAYS: Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; Robinson; Scherber; Tomac; Wogsland

Engrossed SB 2306, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KREBSBACH MOVED that the Senate do concur in the House amendments to Engrossed SB 2309 as printed on SJ pages 1047-1048, which motion prevailed on a voice vote.

Engrossed SB 2309, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to amend and reenact section 37-19.1-01 and subsection 5 of section 37-19.1-02 of the North Dakota Century Code, relating to definitions under the veterans' preference laws.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2309, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to SB 2342 as printed on SJ page 982, which motion prevailed on a voice vote.

SB 2342, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2342: A BILL for an Act to amend and reenact sections 6-03-02 and 6-05.1-03 of the North Dakota Century Code, relating to conflict of interest for banks acting as fiduciaries in investment in securities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2342, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do concur in the House amendments to SB 2343 as printed on SJ page 1041, which motion prevailed on a voice vote.

SB 2343, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2343: A BILL for an Act to create and enact three new subsections to section 1-01-49 of the North Dakota Century Code, relating to the definition of individual, organization, and person; to amend and reenact sections 5-01-01, 5-02-02, 10-19.1-01, subsections 4 and 5 of section 10-19.1-10, subdivision b of subsection 1 of section

10-19.1-13, subsection 3 of section 10-19.1-16, sections 10-19.1-18, 10-19.1-19, subsection 6 of section 10-19.1-20, subsection 12 of section 10-19.1-26, subsection 2 of section 10-19.1-30, subsection 3 of section 10-19.1-43, sections 10-19.1-44, 10-19.1-46, subsection 2 of section 10-19.1-51, section 10-19.1-53, subsection 3 of section 10-19.1-61, sections 10-19.1-61.1, 10-19.1-62, subsections 4 and 9 of section 10-19.1-65, subsection 2 of section 10-19.1-68, section 10-19.1-73, subsection 3 of section 10-19.1-73.1, subsection 2 of section 10-19.1-74, subsections 2 and 3 of section 10-19.1-79, subsection 1 of section 10-19.1-80, subsection 4 of section 10-19.1-84, section 10-19.1-85, subsections 1 and 3 of section 10-19.1-87, subsections 5 and 10 of section 10-19.1-88, subsection 1 of section 10-19.1-89, subsections 1 and 7 of section 10-19.1-91, subsections 1 and 4 of section 10-19.1-92, subsection 1 of section 10-19.1-93, subsection 1 of section 10-19.1-95, subsections 3 and 4 of section 10-19.1-98, subsection 6 of section 10-19.1-100, subsection 1 of section 10-19.1-104, sections 10-19.1-106, 10-19.1-109, subsection 1 of section 10-19.1-110, sections 10-19.1-115, 10-19.1-129, 10-23-01, 10-32-02, subsections 1 and 2 of section 10-32-07, subdivision b of subsection 1 of section 10-32-10, subsections 5, 7, 12, 14, and 21 of section 10-32-23, sections 10-32-28, 10-32-30, 10-32-31, 10-32-32, 10-32-33, subsection 2 of section 10-32-35, subdivision d of subsection 1 of section 10-32-50, subdivision b of subsection 1 of section 10-32-51, subsection 4 of section 10-32-64, sections 10-32-88 and 10-32-89, subsection 1 of section 10-32-97, section 10-32-98, subsection 1 of section 10-32-99, subsections 1 and 3 of section 10-32-108, section 10-32-109, subsection 1 of section 10-32-112, subsection 1 of section 10-32-114, sections 10-32-131, 10-32-136, subsection 1 of section 10-32-138, sections 10-32-140, 10-32-143, subsection 2 of section 10-32-144, subsections 1, 2, and 3 of section 10-32-149, subsection 3 of section 40-57.1-04.4, sections 57-38-60.2, 57-39.2-18.1, 57-43.1-17.3, and 57-43.2-16.2 of the North Dakota Century Code, relating to retail licensing qualifications for corporations, limited liability companies, limited partnerships, and general partnerships, the Business Corporation Act, limited liability companies, and the responsibility of a limited liability company or its officers, governors, or managers to file required tax returns or pay the tax due; to repeal section 1-01-28 of the North Dakota Century Code, relating to the definition of person; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2343, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do concur in the House amendments to Engrossed SB 2351 as printed on SJ page 1047, which motion prevailed on a voice vote.

Engrossed SB 2351, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2351: A BILL for an Act to create and enact a new section to chapter 14-09, a new section to chapter 14-17, and a new subsection to section 14-17-24 of the North Dakota Century Code, relating to child support duties; to amend and reenact sections 14-09-09.16, 14-17-08, 14-17-15, 14-17-17, and 30.1-19-05 of the North Dakota Century Code, relating to child support duties and paternity determinations; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2351, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to Engrossed SB 2352 as printed on SJ page 982, which motion prevailed on a voice vote.

Engrossed SB 2352, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2352: A BILL for an Act to amend and reenact sections 32-19-06.1 and 32-19.1-07 of the North Dakota Century Code, relating to deficiency judgments on commercial real estate loans.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: DeMers

Engrossed SB 2352, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do concur in the House amendments to SB 2353 as printed on SJ page 932, which motion prevailed on a voice vote.

SB 2353, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2353: A BILL for an Act to create and enact a new section to chapter 40-57.4 of the North Dakota Century Code, relating to joint job development authorities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Matherr; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2353, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KREBSBACH MOVED that the Senate do concur in the House amendments to Engrossed SB 2383 as printed on SJ page 965, which motion prevailed on a voice vote.

Engrossed SB 2383, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2383: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to conflicts of interest in matters before a governmental body.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Matherr; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2383, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. BOWMAN MOVED that the Senate do concur in the House amendments to Reengrossed SB 2388 as printed on SJ pages 1121-1122, which motion prevailed on a voice vote.

Reengrossed SB 2388, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2388: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to the preparation of taking assessments in an administrative rulemaking procedure and reconsideration of administrative rules.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: DeMers; Heinrich; Heitkamp; Lee; Lips; Mathern; Mushik; Nelson, C.; O'Connell; Robinson; Scherber; Tallackson; Yockim

Reengrossed SB 2388, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. B. STENEHJEM MOVED that the Senate do concur in the House amendments to Engrossed SB 2399 as printed on SJ page 965, which motion prevailed on a voice vote.

Engrossed SB 2399, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2399: A BILL for an Act to amend and reenact sections 24-02-26, 24-02-27, and 24-02-28 of the North Dakota Century Code, relating to highway construction or repair contract arbitration.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2399, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to Engrossed SB 2402 as printed on SJ page 980, which motion prevailed on a voice vote.

Engrossed SB 2402, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2402: A BILL for an Act to amend and reenact section 44-08-01 of the North Dakota Century Code, relating to preference to North Dakota resident bidders; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Stenehjem, B.

Engrossed SB 2402, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2016, SB 2209, SB 2211, SB 2231, SB 2288, SB 2355, and SB 2391 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2016: Sens. Naaden; Solberg; Robinson
SB 2209: Sens. Schobinger; Wanzek; O'Connell
SB 2211: Sens. Wanzek; Freborg; O'Connell
SB 2231: Sens. W. Stenehjem; Watne; C. Nelson
SB 2288: Sens. Streibel; Naaden; Mushik
SB 2355: Sens. Grindberg; Schobinger; Heinrich
SB 2391: Sens. Tennefos; Kringstad; Tomac

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2505 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2505: Sens. Bowman; Wanzek; Kinnoin

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

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

HB 1009: Sens. Naaden; Nalewaja; Tallackson
HB 1041: Sens. Grindberg; Wanzek; Kelsh

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2004, SB 2020, SB 2021, SB 2028, SB 2090, SB 2104, SB 2134, SB 2155, SB 2176, SB 2212, SB 2270, SB 2306, SB 2309, SB 2342.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2343, SB 2351, SB 2352, SB 2353, SB 2383, SB 2388, SB 2399, SB 2402.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1051, HB 1243, HB 1252, HB 1318, HB 1337, HB 1355.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1016 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1016: Reps. Byerly; DeWitz; Huether

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

MADAM PRESIDENT: The Speaker has signed: SB 2533, SB 2535, SCR 4001, SCR 4002, SCR 4018, SCR 4023, SCR 4043, SCR 4059.

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

MR. SPEAKER: The President has signed: HB 1012, HB 1020, HB 1052, HB 1055, HB 1145, HB 1177, HB 1217, HCR 3047.

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

MR. SPEAKER: The President has signed: HB 1346, HB 1368, HB 1388, HB 1469, HB 1474, HB 1496, HCR 3002.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 27, 1995, I signed the following: SB 2024, SB 2135, SB 2203, SB 2213, SB 2215, SB 2216, SB 2220, SB 2223, SB 2230, SB 2267, SB 2278, SB 2280, SB 2290, SB 2295, SB 2296, SB 2297, SB 2302, SB 2304, SB 2315, SB 2334, SB 2336, SB 2354, SB 2356, SB 2360, SB 2362, SB 2416, SB 2418, SB 2433, SB 2461, SB 2489, and SB 2521.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 11:00 a.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Myrdal presiding.

MOTION

SEN. GOETZ MOVED that HB 1178, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. GOETZ MOVED that HB 1002 be moved to the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1002, as engrossed: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ pages 1246-1254 be adopted and then be placed on the Fourteenth order with DO PASS.

REQUEST

SEN. KRAUTER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1002, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed HB 1002, the roll was called and there were 30 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Wogslund

NAYS: Bowman; DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Scherber; Stenehjem, B.; Tallackson; Tomac; Watne; Yockim

The motion to adopt the amendments to Engrossed HB 1002 passed. Engrossed HB 1002, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to

provide for a study of the allocation of unified court revenues and costs; to amend and reenact sections 11-17-04, 11-17-05, 27-02-02, 27-03-05, and 27-05-03 of the North Dakota Century Code, relating to fees charged by the clerks of the district and supreme courts and the salaries of supreme and district court judges; to repeal section 14-06.1-15 of the North Dakota Century Code, relating to the displaced homemakers account; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Wogsland

NAYS: Bowman; Heitkamp; Kelsh; Krauter; LaFountain; O'Connell; Scherber; Watne; Yockim

Engrossed HB 1002, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1131, as reengrossed: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ page 1155 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1131: A BILL for an Act to amend and reenact sections 29-26-22, 29-26-22.2, and 29-27-02.1 of the North Dakota Century Code, relating to imposition and disposition of fines and fees for violation of state law.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Kelsh; O'Connell; Yockim

Reengrossed HB 1131, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1284, as engrossed: SEN. GRINDBERG (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 1156-1157 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1284: A BILL for an Act to amend and reenact subsection 1 of section

28-32-02 and sections 28-32-03 and 28-32-03.3 of the North Dakota Century Code, relating to the authority of the administrative rules committee over the effectiveness of administrative rules; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 17 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; LaFountain; Lee; Mushik; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Mathern; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Wogsland; Yockim

Engrossed HB 1284, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2539 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1005: SEN. SOLBERG (Appropriations Committee) MOVED that the amendments on SJ pages 1254-1261 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1005: A BILL for an Act making an appropriation for defraying the expenses of the North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station; to provide for a study of the agricultural experiment station and North Dakota state university extension service; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1005, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Myrdal presiding.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1168, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1168: Sens. W. Stenehjem, Traynor, C. Nelson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TRAYNOR MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1260, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1260: Sens. Traynor, Freborg, Krauter.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. URLACHER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1138, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1138: Sens. Thane, Urlacher, Mathern.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. B. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1392, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1392: Sens. B. Stenehjem, Mutch, Kelsh.

MOTION

SEN. GOETZ MOVED that SB 2539 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2539: SEN. THANE (Human Services Committee) MOVED that the amendments on SJ pages 1245-1246 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. NALEWAJA MOVED that SB 2539 be amended as follows:

In lieu of the amendments to Senate Bill No. 2539 as printed on pages 1245 and 1246 of the Senate Journal, Senate Bill No. 2539 is amended as follows:

Page 1, line 6, after the period insert:

"1."

Page 1, line 10, replace "No" with:

"2. No"

Page 1, line 13, replace the second "the" with "":

a. The"

Page 1, line 14, replace "prevent" with "save", replace "death" with "life", after "woman" insert a semicolon, and replace ", in" with:

"b. In"

Page 1, line 15, replace "when" with "only so long as"

Page 1, line 16, replace "to avoid a loss of federal funds otherwise available" with "as a condition of continued state participation in the medicaid program"

Page 1, line 17, after the fifth period insert "Payment for an abortion in a case of gross sexual imposition, sexual imposition, sexual abuse of a ward, or incest may not be made under this section unless the act of gross sexual imposition, sexual imposition, sexual abuse of a ward, or incest is reported within forty-eight hours to the appropriate law enforcement agency. If the victim is a minor, the reporting requirement may be satisfied by reporting the act within forty-eight hours to an appropriate law enforcement agency or to an agency authorized to receive child abuse and neglect reports under chapter 50-25.1. The state shall establish procedures that permit the reporting requirements to be waived and the procedure reimbursed, if two physicians certify that, in the physicians' professional opinions, the patient was unable to comply with the reporting requirements due to physical or psychological reasons."

Renumber accordingly

REQUEST

SEN. MALEWAJA REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2539, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2539, the roll was called and there were 29 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Krauter; Lindaas; Mathern; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Robinson; Sand; Scherber; Schobinger; Solberg; Stenehjem, B.; Streibel; Tennefos; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heinrich; Heitkamp; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lips; Mushik; Nelson, C.; Redlin; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

The proposed amendments to SB 2539 were adopted.

MOTION

SEN. TENNEFOS MOVED that SB 2539 be amended as follows:

In lieu of the amendments to Senate Bill No. 2539 as printed on pages 1245 and 1246 of the Senate Journal, Senate Bill No. 2539 is amended as follows:

Page 1, line 17, after the closing bracket insert ", as determined by a court of competent jurisdiction"

Renumber accordingly

REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2539, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2539, the roll was called and there were 20 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Freborg; Krauter; Lindaas; Mathern; Mutch; Naaden; O'Connell; Robinson; Scherber; Schobinger; Solberg; Stenehjem, B.; Streibel; Tennefos; Traynor; Urlacher; Wanzen; Watne

NAYS: Andrist; DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lips; Mushik; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Sand; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

The proposed amendments to SB 2539 failed.

SECOND READING OF SENATE BILL

SB 2539: A BILL for an Act to provide for restrictions on the use of public funds for abortion; to repeal section 14-02.3-01 of the North Dakota Century Code, relating to restrictions on abortion; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lips; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Watne

NAYS: Christmann; DeMers; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mushik; Mutch; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Stenehjem, B.; Urlacher; Wanzen; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

Engrossed SB 2539 passed, the title was agreed to, but the emergency clause lost.

MOTION

SEN. GOETZ MOVED that HB 1013 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1014, as engrossed: **SEN. SOLBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 1263-1266 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1014: A BILL for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation; and to create and enact a new section to chapter 49-17.1 of the North Dakota Century Code, relating to local rail projects not eligible for federal funds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger;

Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: Bowman; DeMers; Kelsh; Krauter; O'Connell; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

Engrossed HB 1014, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 4:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Myrdal presiding.

REPORT OF DELAYED BILLS COMMITTEE

MADAM PRESIDENT: Your **Delayed Bills Committee (Sen. Freborg, Chairman)** has examined and has cast a unanimous ballot to recommend the introduction of a concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1995 NCAA Division II national championship.

The resolution will be SCR 4069.

SEN. FREBORG MOVED that the report be adopted, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. C. Nelson, Grindberg, Lee, Mathern, Nalewaja, G. Nelson, Scherber, Tennefos and Reps. Austin, Belter, Berg, Bernstein, Carlson, Christopherson, Clark, Dalrymple, Dorso, Gorman, Holm, Koppelman, Payne, Sandvig, Soukup, Thoreson introduced:

(Approved by the Delayed Bills Committee)

SCR 4069: A concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1995 NCAA Division II national championship.

Was read the first time.

MOTION

SEN. C. NELSON MOVED that the rules be suspended, that SCR 4069 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and be placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. C. Nelson, Grindberg, Lee, Mathern, Nalewaja, G. Nelson, Scherber, Tennefos and Reps. Austin, Belter, Berg, Bernstein, Carlson, Christopherson, Clark, Dalrymple, Dorso, Gorman, Holm, Koppelman, Payne, Sandvig, Soukup, Thoreson introduced:

(Approved by the Delayed Bills Committee)

SENATE CONCURRENT RESOLUTION NO. 4069

A concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1995 NCAA Division II national championship.

WHEREAS, the North Dakota State University Bison women's basketball team captured its third consecutive NCAA Division II championship and became the first Division II women's basketball team to win the national championship with an undefeated record; and

WHEREAS, in winning its fourth national championship in five seasons the Bison women's basketball team extended its winning streak to 41

consecutive games with a perfect 32-0 record and held the number one national ranking for the entire season; and

WHEREAS, Kasey Morlock, most valuable player of the Division II tournament, Lori Roufs, named to the all-tournament team, and the other talented individual athletes distinguished themselves under coach Amy Ruley's guidance by displaying exemplary teamwork in pursuit of their goal to claim another national championship, a performance of which North Dakotans are extremely proud;

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

That the Fifty-fourth Legislative Assembly takes pride in extending to all members and coaches of the North Dakota State University Bison women's basketball team its heartiest congratulations for winning the 1995 NCAA Division II women's national basketball championship; and

BE IT FURTHER RESOLVED, that the Secretary of State forward enrolled copies of this resolution to each member of the North Dakota State University Bison women's basketball team, to each of their coaches, and to the president of North Dakota State University, home of the Bison.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4069: A concurrent resolution congratulating the North Dakota State University Bison women's basketball team for winning the 1995 NCAA Division II national championship.

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

SCR 4069 was declared adopted on a voice vote, and the title agreed to.

MOTION

SEN. C. NELSON MOVED that the vote by which SCR 4069 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. C. NELSON MOVED that SCR 4069 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4069.

MOTION

SEN. GOETZ MOVED that HB 1013 be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1013, as engrossed: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ pages 1261-1263 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. B. STENEHJEM REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1013, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed HB 1013, the roll was called and there were 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mushik; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjelm, W.; Streibel; Tallackson; Thane; Urlacher; Watne

NAYS: Bowman; Christmann; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Mathern; Mutch; Nelson, C.; O'Connell; Scherber; Stenehjelm, B.; Tennefos; Traynor; Wanzenk; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

The motion to adopt the amendments to Engrossed HB 1013 passed.

SECOND READING OF HOUSE BILL

HB 1013: A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; to amend and reenact subsection 3 of section 39-04.2-04 and section 39-26-12 of the North Dakota Century Code, relating to the public transportation fund and the abandoned motor vehicle disposal fund; and to provide an effective date.

MOTION

SEN. B. STENEHJEM MOVED that Engrossed HB 1013 be amended as follows:

In lieu of the amendments to Engrossed House Bill No. 1013 as printed on pages 1261-1263 of the Senate Journal, Engrossed House Bill No. 1013 is amended as follows:

Page 1, line 2, after "patrol" insert "; and to amend and reenact subsection 3 of section 39-04.2-04 of the North Dakota Century Code, relating to the public transportation fund"

Page 1, line 9, replace "1,599,382" with "1,639,115"

Page 1, line 10, replace "17,797,238" with "18,264,623"

Page 1, line 11, replace "770,204" with "2,185,888"

Page 1, remove line 12

Page 1, line 13, replace "special funds appropriation" with "all funds" and replace "20,689,626" with "22,089,626"

Page 1, after line 13, insert:

"Less estimated income	<u>18,319,626</u>
Total general fund appropriation	\$ 3,770,000"

Page 1, line 14, after "FUNDS" insert "TRANSFER" and replace "There is hereby appropriated in the special" with "The"

Page 1, line 15, replace "funds" with "estimated income", replace the first "of" with "in", after "Act" insert "includes", and replace "\$19,573,626" with "\$16,573,626"

Page 1, line 16, after "fund" insert "that may be transferred at the direction of the superintendent of the highway patrol"

Page 2, after line 13, insert:

"SECTION 5. LAW ENFORCEMENT TRAINING ACADEMY ADDITION - SPECIAL FUNDS - TRANSFER. The estimated income line item in section 1 of this Act includes the sum of \$630,000 from the public transportation fund, or so much of the sum as may be necessary, that may be transferred at the direction of the superintendent of the highway patrol for the purpose of constructing an addition to the law enforcement training

academy for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 6. LEGISLATIVE INTENT - PUBLIC TRANSPORTATION FUND. It is the intent of the legislative assembly that when the cumulative funding transfers from the public transportation fund to the highway fund total at least \$520,000, the director of the department of transportation introduce a bill to the next legislative assembly amending section 39-04.2-04 to change the formula distribution of the public transportation fund by authorizing the director of the department of transportation to distribute all moneys deposited in the fund to public transportation providers.

SECTION 7. AMENDMENT. Subsection 3 of section 39-04.2-04 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. ~~Unless otherwise provided by law, any~~ Any moneys remaining in the fund at the end of each biennium fiscal year in excess of the estimated moneys needed in the fund to provide for the cash flow needs of the fund for the next fiscal year as determined by the director must be put back into the public transportation fund for redistribution transferred to the highway fund.

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 504 - HIGHWAY PATROL

SENATE - This amendment makes the following object-code changes:

	HOUSE VERSION	ADD CAPITAL IMPROVEMENTS ¹	FUNDING SOURCE CHANGE ²	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$16,479,654				\$16,479,654
Operating expenses	3,919,972				3,919,972
Equipment	158,000				158,000
Capital improvements	32,000	\$1,400,000		\$ 1,400,000	1,432,000
Grants	<u>100,000</u>				<u>100,000</u>
Total	\$20,689,626	\$1,400,000	\$ 0	\$ 1,400,000	\$22,089,626
General fund		\$ 770,000	\$3,000,000	\$ 3,770,000	\$ 3,770,000
Special funds	<u>\$20,689,626</u>	<u>630,000</u>	<u>(3,000,000)</u>	<u>(2,370,000)</u>	<u>18,319,626</u>
Total	\$20,689,626	\$1,400,000	\$ 0	\$ 1,400,000	\$22,089,626
FTE	200				200

¹ Provides funding for the Law Enforcement Training Academy building addition. Funding of \$630,000 is provided from the public transportation fund and \$770,000 from the general fund. The amendment also provides that any excess funds in the public transportation fund, after the \$630,000 has been used for the Law Enforcement Training Academy, are to be transferred to the highway fund to repay it for the highway funds used to construct this addition at the end of each fiscal year.

² Provides a funding source change from the highway fund to the general fund of \$3,000,000 for Highway Patrol operations.

The funding provided for each Highway Patrol program is as follows:

	HOUSE VERSION	SENATE CHANGES	SENATE VERSION
Administration	\$ 1,599,382	\$ 39,733	\$ 1,639,115
Field operations	17,797,238	467,385	18,264,623
Law enforcement training academy	770,204	1,415,684	2,185,888
Salary and benefit adjustment	<u>522,802</u>	<u>(522,802)*</u>	<u> </u>
Total	\$20,689,626	\$1,400,000	\$22,089,626

* Funding in the salary and benefit adjustment line item is allocated to the appropriate program line items to reflect each program's funding level.

A section of legislative intent is added providing that when the highway fund is repaid for the use of \$520,000 for the Law Enforcement Training Academy addition, the director of the Department of Transportation introduce a bill to provide that all moneys deposited in the public transportation fund be distributed to public transportation providers.

REQUEST

SEN. B. STENEHJEM REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1013, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1013, the roll was called and there were 22 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Langley; Mathern; Mushik; Mutch; Nelson, C.; O'Connell; Scherber; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Wanzek; Wogsland; Yockim

NAYS: Andrist; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Tallackson; Thane; Urlacher; Watne

ABSENT AND NOT VOTING: Tomac

The proposed amendments to Engrossed HB 1013 failed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger;

Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Thane; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Bowman; Christmann; LaFountain; Mutch; O'Connell; Stenehjem, B.; Tennefos; Traynor

ABSENT AND NOT VOTING: Tomac

Engrossed HB 1013, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1021, as engrossed: SEN. GOETZ (Appropriations Committee) MOVED that the amendments on SJ pages 1266-1267 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1021: A BILL for an Act making an appropriation for defraying the expenses of the department of economic development and finance; providing for transfers of funds; providing for the reallocation of funds; to provide for wage requirements for economic development projects; to create and enact a new chapter to title 10 of the North Dakota Century Code, relating to the establishment of the North Dakota development fund; to amend and reenact section 54-34.3-08 of the North Dakota Century Code, relating to patent and royalty rights of the North Dakota development fund; and to repeal chapter 10-30.3 of the North Dakota Century Code, relating to the North Dakota future fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

Engrossed HB 1021, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that HB 1152, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1376: SEN. NALEWAJA (Appropriations Committee) MOVED that the amendments on SJ pages 1269-1270 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1376: A BILL for an Act to create and enact a new section to chapter 25-10 of the North Dakota Century Code, relating to a unified mental health delivery system; and to amend and reenact sections 25-01-03, 25-02-01.1, and 25-02-04 of the North Dakota Century Code, relating to the qualifications and appointment of the superintendent and the medical director of the state hospital and requirements for the

formation of a state hospital governing body and delivery of mental health services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Watne

NAYS: DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Mathern; Mushik; Nelson, C.; O'Connell; Robinson; Scherber; Wanzek; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

HB 1376, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1439, as engrossed: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 1271 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1439: A BILL for an Act to amend and reenact sections 54-12-08 and 65-02-06 of the North Dakota Century Code, relating to assistant attorneys general employed by agencies.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Scherber; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

Engrossed HB 1439, as amended, passed and the title was agreed to.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1289 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1289: Reps. Keiser; Berg; Grumbo

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 3047.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1159, HB 1185, HB 1190, HB 1205, HB 1208, HB 1236, HB 1253, HB 1274, HB 1314.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4067.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2005, SB 2187, SB 2538, SCR 4014, SCR 4034.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2018, SCR 4065, SCR 4066.

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

MR. SPEAKER: The President has signed: HB 1159, HB 1185, HB 1190, HB 1205, HB 1208, HB 1236, HB 1253, HB 1274, HB 1314.

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

MR. SPEAKER: The President has signed: HCR 3047.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1286.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2030, SB 2202.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2030

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide an appropriation for capital projects of various state departments and institutions; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for capital projects; to authorize the industrial commission to issue and sell bonds for capital projects; to amend and reenact section 54-17.2-23 of the North Dakota Century Code, relating to the limitation on state building authority lease payments; and to provide guidelines on the contents of future capital construction bills.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**SECTION 1. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES.**

The state board of higher education, in accordance with chapter 15-55, may issue and sell self-liquidating, tax-exempt bonds in an amount not exceeding \$4,430,000, for the purpose of capital projects at institutions under the control of the board, including an amount not exceeding \$430,000 for a parking lot at Bismarck state college and \$4,000,000 for campus networking at the institutions of higher education. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota.

Bonds for campus networking may only be issued after the board of higher education has approved a student technology fee. The use of income generated through a student technology fee is not limited to campus networking; however, the technology fee income may be the only source of funds used for the retirement of bonds issued for campus networking.

Based upon campus master plans, updated cost estimates, and a study that includes projected technology fee income by campus, the board shall determine the necessary amount of revenue bonds to be

issued by campus. The total issue for networking may not exceed \$4,000,000 for the university system. The technology fee paid by students at a campus may only be used for networking or technology purposes at that campus.

SECTION 2. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds authorized under section 1, or so much of the sum as may be necessary, are hereby appropriated for a parking lot at Bismarck state college, in the amount of \$430,000, and for campus networking, in the amount of \$4,000,000.

Any unexpended balance from the sale of bonds must be placed in a sinking fund for the retirement of the authorized bonds.

SECTION 3. PROJECT AUTHORIZATIONS. The industrial commission, acting as the North Dakota building authority, shall arrange for the funding of the projects authorized in this section, hereby declared to be in the public interest, through the issuance of evidences of indebtedness under chapter 54-17.2, during the biennium beginning July 1, 1995, and ending June 30, 1997. The proceeds of the evidences of indebtedness and other available funds are hereby appropriated during the biennium beginning July 1, 1995, and ending June 30, 1997, for the following projects:

Bismarck state college	Science and mathematics center	\$8,060,000
University of North Dakota	Abbott hall	2,371,769
North Dakota state university	Power plant	2,145,000
Dickinson state university	Klinefelter hall	2,750,000

The industrial commission shall issue evidences of indebtedness under this section with the condition that lease rental payments need not begin until July 1, 1997. This authority of the industrial commission to issue evidences of indebtedness ends June 30, 1997, but the industrial commission may continue to exercise all other powers granted to it under chapter 54-17.2 and this Act and to comply with any covenants entered into before that date.

The university of North Dakota may obtain and utilize federal funds to assist in remodeling Abbott hall at the university of North Dakota. There is hereby appropriated to the university of North Dakota the sum of \$1,771,769, or so much of the sum as may be necessary, from any federal or other funds that may become available for this project for the biennium beginning July 1, 1995, and ending June 30, 1997.

Grand total special funds appropriation \$21,528,538

SECTION 4. BOND ISSUANCE REPAYMENT RESPONSIBILITY. Of the total amount of evidences of indebtedness issued under the provisions of section 3 of this Act, a total of \$2,206,769 must be available from nongeneral fund sources to assist in the retirement of the evidences of indebtedness, issued for the project costs associated with construction of the projects authorized by this Act:

Bismarck state college project	\$1,060,000
University of North Dakota project	871,769
Dickinson state university project	275,000

Payments must be made in six equal annual installments beginning after fiscal year 1997. Prepayment may be made on any or all of these amounts. Such payments of local matching amounts must be deposited in a special industrial commission account from which the industrial

commission, acting as the North Dakota building authority, shall use the funds in making principal and interest payments.

SECTION 5. AMENDMENT. Section 54-17.2-23 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-17.2-23. State building authority lease payments - Limitation. The general fund amount of lease payments for a biennium associated with capital construction projects financed by the industrial commission acting as the state building authority may not exceed the amount equal to a portion of sales, use, and motor vehicle excise tax collections equal to ~~twelve and one-half~~ eleven percent of an amount, determined by multiplying the quotient of one percent divided by the general sales tax rate that was in effect when the taxes were collected, times the net sales, use, and motor vehicle excise tax collections under chapters 57-39.2, 57-40.2, and 57-40.3.

SECTION 6. CONTENTS OF CAPITAL CONSTRUCTION BILL. The office of management and budget shall continue to prepare capital construction budgets and a capital construction bill. All future capital construction bills may only include projects involving bonding. All other capital projects funded with general fund moneys or special funds must be included in the appropriate agency's appropriation bill."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

HOUSE - This amendment provides for the issuance of up to \$4 million of revenue bonds for campus networking at the institutions of higher education and \$430,000 of revenue bonds for a parking lot at Bismarck State College. The parking lot was already in the bill as \$430,000 of special funds, not revenue bonds.

The campus networking bond issuance is contingent upon the Board of Higher Education approving a student technology fee. The student technology fee is to be sufficient to provide for the retirement of all bonds issued for campus networking.

The amendment also reduces the building authority lease payment guideline from an amount equivalent to 12.5 percent of a one percent sales, use, and motor vehicle excise tax to 11 percent of a one percent sales, use, and motor vehicle excise tax. The amendment also removes the provisions requiring Budget Section review and a two-thirds vote to change the lease payment guidelines.

The following schedule shows the bill as introduced, the Senate version, the House version, and amounts to be added to other appropriation bills:

	BILL AS INTRODUCED	SENATE VERSION	HOUSE VERSION	VARIANCE BETWEEN HOUSE AND SENATE VERSIONS	AMOUNTS INCLUDED IN OTHER BILLS
General fund appropriations					
Office of Management and Budget	\$ 400,000	\$ 400,000		\$ (400,000)	
Forest Service	73,267	73,267		(73,267)	\$ 40,000
Department of Human Services - State Hospital	1,000,000	1,000,000		(1,000,000)	1,000,000
NDSU Main Research Station	40,000	40,000		(40,000)	40,000
State Historical Society	407,586	407,586		(407,586)	407,586
North Dakota University System	500,000	2,500,000		(2,500,000)	1,200,000
North Dakota State University		2,145,000		(2,145,000)	
State Industrial School		311,300		(311,300)	300,000
State Penitentiary		188,000		(188,000)	47,000
Adjutant General		336,000		(336,000)	
North Central Research Center		600,000		(600,000)	300,000
Parks and Recreation		325,000		(325,000)	260,000
State College of Science					500,000
Minot State University					300,000
Valley City State University					300,000
	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
Total general fund appropriations	<u>\$ 2,420,853</u>	<u>\$ 8,326,153</u>	<u>\$ 0</u>	<u>\$ (8,326,153)</u>	<u>\$ 4,694,586</u>
Special funds appropriations					
Office of Management and Budget	\$ 1,000,000	\$ 1,000,000		\$ (1,000,000)	
Bismarck State College	430,000	430,000		(430,000)	
University of North Dakota	4,316,769	4,316,769	\$ 1,771,769	(2,545,000)	\$ 2,545,000
UND Rehabilitation Hospital	125,000				
North Dakota State University	200,000	200,000		(200,000)	200,000
State College of Science	900,000	900,000		(900,000)	500,000
State Penitentiary					141,000
Veterans Home	606,400	606,400		(606,400)	606,400
Highway Patrol	1,400,000	1,400,000		(1,400,000)	1,400,000
State Seed Department	350,000	350,000		(350,000)	350,000
Northern Crops Institute	1,500,000	1,500,000		(1,500,000)	1,500,000
Agronomy Seed Farm	205,000	205,000		(205,000)	205,000
Game and Fish Department	210,000	210,000		(210,000)	210,000
Parks and Recreation	1,120,000	1,120,000		(1,120,000)	1,120,000
Department of Transportation	5,557,000	5,557,000		(5,557,000)	5,557,000

					300,000
Total special funds appropriations	<u>\$17,920,169</u>	<u>\$17,795,169</u>	<u>\$ 1,771,769</u>	<u>\$(16,023,400)</u>	<u>\$14,634,400</u>
Projects financed through bonding					
North Dakota University System	\$ 5,000,000		\$ 4,000,000	\$ 4,000,000 ¹	
Bismarck State College	8,060,000	\$ 8,060,000	8,490,000	430,000	
University of North Dakota	2,371,769	2,371,769	2,371,769		
North Dakota State University	2,145,000		2,145,000	2,145,000	
State College of Science	1,300,000	1,300,000		(1,300,000)	
Dickinson State University	2,750,000	2,750,000	2,750,000		
Minot State University	422,000	422,000		(422,000)	
Valley City State University	514,000	514,000		(514,000)	
Department of Human Services - State Hospital	580,500				
State Industrial School	311,300				
State Penitentiary	188,000				
Adjutant General	330,000				
North Central Research Center	600,000				
Parks and Recreation	<u>325,000</u>				
Total financed projects	<u>\$24,903,569</u>	<u>\$15,417,769</u>	<u>\$19,756,769</u>	<u>\$ 4,339,000</u>	<u>\$ 0</u>
Total all projects	\$45,244,591	\$41,539,091	\$21,528,538	\$(20,010,553)	\$19,328,986

¹ The \$4 million is for campus networking at the institutions of higher education and bonds issued are to be retired from the proceeds of a student technology fee.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2262

In lieu of the amendments printed on pages 1319 and 1320 of the House Journal, Engrossed Senate Bill No. 2202 is amended as follows:

Page 1, line 13, after "1." insert "If the compensable injury causes permanent impairment and the permanent impairment award payable by the bureau is at least two thousand dollars, the injured employee may defer payment of the permanent impairment award for a period of time not to exceed the date the employee reaches age sixty-five. A permanent impairment award payable by the bureau under this subsection must be paid to the employee in a lump sum that consists of the amount of the award plus any interest that has accrued at the actuarial discount rate in use by the bureau. The actuarial discount rate applied to the award is the average actuarial discount rate in effect for the period of deferment of the employee's award. The bureau shall adopt rules implementing any necessary procedures for award payments made under this subsection.

2."

Page 1, line 14, remove "pay a lump sum to the"

Page 1, line 15, remove "injured employee. The bureau shall"

Page 1, line 16, after "sum" insert "payable under subsection 1"

Page 1, line 19, replace "14" with "15"

Page 1, line 20, remove "this" and after "subsection" insert "1"

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

Page 2, line 11, replace "3" with "4"

Page 2, line 17, replace "4. Except for total losses, an" with "5. An"

Page 2, line 18, replace "award" with "evaluation"

Page 2, line 25, replace "5" with "6"

Page 3, line 6, replace "6" with "7"

Page 3, line 7, after "given" insert "or calculated"

Page 3, line 8, remove "The bureau shall deduct any"

Page 3, remove lines 9 through 11

Page 3, line 12, replace "7" with "8"

Page 3, line 16, replace "8" with "9"

Page 3, line 24, replace "9" with "10"

Page 4, line 3, replace "10" with "11"

Page 4, line 6, replace "11" with "12"

Page 4, line 9, replace "12" with "13"

Page 4, line 11, replace "13" with "14"

Page 4, line 23, replace "14" with "15"

Page 4, line 27, replace "twenty" with "fifteen"

Page 4, after line 27, insert:

"For sixteen percent impairment	5 weeks
For seventeen percent impairment	5 weeks
For eighteen percent impairment	10 weeks
For nineteen percent impairment	10 weeks
For twenty percent impairment	15 weeks"

Page 4, line 28, replace "5" with "15"

Page 4, line 29, replace "10" with "20"

Page 5, line 1, replace "15" with "20"

Page 7, line 11, replace "15" with "16" and after the period insert "An amputation of a finger or toe at the level of the distal interphalangeal joint or proximal to that joint, or the thumb or the great toe at the interphalangeal joint or proximal to that joint, which is determined by the American medical association's "Guides to the Evaluation of Permanent Impairment" to result in a whole body impairment of less than sixteen percent is payable as a sixteen percent impairment.

17."

Page 7, line 28, replace "16" with "18"

Page 8, line 10, replace "17" with "19"

Renumber accordingly

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2192, SB 2350, SB 2359.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2192

Page 1, line 5, remove "and"

Page 1, line 9, after "nurses" insert "; to provide for a joint rulemaking committee; and to provide an expiration date"

Page 2, line 24, after "who" insert "holds a current license to practice in this state as an advanced practice registered nurse and either"

Page 2, line 25, replace "and holds a current license to" with "or has completed the educational requirements in effect when the person was initially licensed."

Page 2, remove line 26

Page 2, line 28, after "who" insert "holds a current license to practice in this state as a licensed practical nurse and either"

Page 2, line 29, remove "an associate degree with a major in"

Page 3, line 1, remove "nursing" and overstrike 'and holds a current license to practice in this state as a'

Page 3, line 2, overstrike "licensed practical nurse" and insert immediately thereafter "an associate degree with a major in nursing or has completed the educational requirements in effect when the person was initially licensed"

Page 5, line 14, after "who" insert "holds a current license to practice in this state as a registered nurse and either"

Page 5, line 15, remove "a baccalaureate degree with a major in"

Page 5, line 16, remove "nursing" and overstrike "and holds a current license to practice in this state as a"

Page 5, line 17, overstrike "registered nurse" and insert immediately thereafter "a baccalaureate degree with a major in nursing or has completed the educational requirements in effect when the person was initially licensed"

Page 7, after line 7, insert:

"9. A person who is not licensed under this chapter and who provides medication administration according to individual needs and as part of an individual habilitation or case plan:

a. Within a developmental disabilities provider agency licensed under chapter 25-16;

b. Within a foster care provider agency licensed under chapter 50-11; or

c. Through, or under contract with, a human service center licensed under chapter 50-06.

A licensed nurse may delegate medication administration to a person exempt under this section."

Page 12, line 17, replace ". The scope of practice statement must" with "and"

Page 12, line 18, replace "for the" with an underscored period

Page 12, remove lines 19 through 26

Page 25, line 2, remove "because of failure to renew,"

Page 25, line 3, remove "under the provisions of this Act"

Page 25, line 4, remove "conditions and"

Page 25, after line 5, insert:

SECTION 19. JOINT RULEMAKING COMMITTEE. A joint rulemaking committee consisting of three members of the board of nursing and three members of the board of medical examiners shall develop rules governing the prescriptive practice described in subdivision b of subsection 6 of section 43-12.1-08. The board of nursing shall implement the rules.

SECTION 20. EXPIRATION DATE. Subsection 9 of section 5 and section 19 of this Act are effective through July 31, 1997, and after that date are ineffective."

Re-number accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2350

Page 1, line 2, after "land" insert "to the city of Jamestown, North Dakota"

Page 1, line 5, after "convey" insert "to the city of Jamestown, North Dakota,"

Page 2, line 6, after the period insert "The conveyance authorized by this Act is exempt from sections 54-01-05.2 and 54-01-05.5."

4. All moneys realized from the sale must be deposited in the general fund in the state treasury.

5."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2359

In lieu of the amendments printed on pages 1323-1325 of the House Journal, Engrossed Senate Bill No. 2359 is amended as follows:

Page 2, line 17, remove "fencing,"

Page 2, line 18, after "activities" insert ", unless any of these activities disturbs the soil to a depth of eighteen inches [45.72 centimeters] or more"

Page 2, line 26, remove "commercial"

Page 2, line 27, remove "activities and public entities conducting excavating activities"

Page 3, line 1, after the first comma insert "Martin Luther King Day," and after the second comma insert "Good Friday,"

Page 3, line 3, after the period insert "When a holiday falls on a Saturday, it is observed on the preceding Friday as if the Friday were the holiday, and when a holiday falls on a Sunday, it is observed on the following Monday as if the Monday were the actual holiday."

Page 3, line 13, after "facilities" insert ", or a state or local government entity. The department of transportation is not considered an operator for the department's facilities buried on the department's rights of way"

Page 3, line 16, replace the comma with a period

Page 3, remove line 17

Page 3, after line 27, insert:

"17. "Water" includes potable water, wastewater, and storm water."

Page 4, line 3, remove "of sections 3 through 8"

Page 4, line 6, remove "sections 3 through 8 of"

Page 4, line 8, remove "sections 3 through 8 of"

Page 5, line 6, replace "board" with "initial incorporators of the corporation"

Page 5, line 11, replace "governed by a board of" with "incorporated by seventeen initial incorporators, with one member representing the house of representatives and one member representing the senate appointed by the legislative council"

Page 5, line 12, remove "directors of up to thirteen members"

Page 5, line 14, replace "less" with "fewer"

Page 5, line 21, replace "municipalities" with "cities with a population of fewer than five thousand, one member representing cities with a population of at least five thousand, one member representing counties"

Page 5, line 24, remove "anc"

Page 5, line 26, after "services" insert ", and one member representing the production sector of the American petroleum institute", replace "board members" with "initial incorporators", and replace "elected" with "designated"

Page 5, line 28, after the period insert "The legislative members are entitled to the same compensation and expenses as provided for members of committees of the legislative council under section 54-35-10. The legislative council shall pay the compensation for the legislative members."

Page 6, line 1, replace "board" with "initial incorporators" and after "establish" insert ", before August 1, 1996, a board of directors of the nonprofit corporation which consists of eight members representing the participants in the center. The board shall establish"

Page 6, line 21, replace "In addition to the civil penalties provided" with "The"

Page 6, line 22, remove "by this chapter, the"

Page 6, line 25, replace "January 9," with "August 1, 1997"

Page 6, line 26, remove "1996"

Page 7, line 1, replace "seventy-two" with "forty-eight"

Page 7, line 3, after the period insert "If an operator determines more time is necessary for location, the operator may request a twenty-four-hour extension of the excavation or location notice by notifying the notification center. The notification center shall notify the excavator of the extension."

Page 8, line 9, replace "seventy-two" with "forty-eight" and after "hours" insert ", or any extension of that period,"

Page 8, line 18, replace "organized" with "underground facility to convey water"

Page 8, line 19, remove "rural water system"

Page 8, after line 19, insert:

"c. When an operator cannot establish the exact location of the underground facility to convey water, the operator shall mark the location as accurately as possible and the excavator may proceed with caution. When excavation operations approach the estimated location of the underground facility to convey water, the exact location of the facility must be determined by safe and acceptable means. The uncovered facility must be supported and protected to prevent damage."

Page 8, line 20, replace "c" with "d"

Page 8, line 23, replace "d" with "e"

Page 8, line 27, replace "e" with "f"

Page 9, line 2, replace "seventy-two" with "forty-eight"

Page 9, line 3, after "hours" insert ", or any extension of that period,"

Page 9, line 10, replace "f" with "g" and after "hours" insert ", or any extension of that period,"

Page 9, line 13, replace "g" with "h"

Page 9, line 18, replace "h" with "i"

Page 12, remove lines 4 through 7

Page 12, remove lines 13 through 26

Page 13, line 1, replace "This" with "Sections 2, 4, 6, 7, and 8 of this", replace "becomes" with "become", and replace "January 9," with "August 1, 1997. Beginning August 1, 1996, operators and excavators shall plat locations and provide information to the board and the one-call notification center to enable the one-call notification center to begin operating on August 1, 1997"

Page 13, line 2, remove "1996"

Renumber accordingly

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

MADAM PRESIDENT: The Speaker has signed: SCR 4067.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 2:59 p.m., March 27, 1995: SCR 4067.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 4:13 p.m., March 27, 1995: SB 2533, SB 2535.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1256, HB 1317, HB 1423, and HB 1501 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1256: Reps. Price; Christopherson; Mutzenberger

HB 1317: Reps. Kretschmar; Soukup; Delmore

HB 1423: Reps. Stenehjem; Clark; Christenson

HB 1501: Reps. Stenehjem; Clark; Sandvig

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 2103: Reps. Austin; Drovdal; Hanson

SB 2231: Reps. Kelsch; Koppelman; Christenson

SB 2264: Reps. Kelsch; Mickelson; Delmore

SB 2455: Reps. DeKrey; Kretschmar; Mahoney

SB 2520: Reps. Poolman; Berg; Schmidt

SCR 4046: Reps. Klein; Nottestad; Christenson

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

MR. SPEAKER: The Senate does not concur in the House amendments to HB 1138 and the President has appointed as a conference committee to act with a like committee from the House on:

HB 1138: Sens. Thane; Urlacher; Mathern

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

MR. SPEAKER: The Senate does not concur in the House amendments to HB 1168, HB 1260, and HB 1392 and the President has appointed as a conference committee to act with a like committee from the House on:

HB 1168: Sens. W. Stenehjem; Traynor; C. Nelson

HB 1260: Sens. Traynor; Freborg; Krauter

HB 1392: Sens. B. Stenehjem; Mutch; Kelsh

MOTION

SEN. GOETZ MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Tuesday, March 28, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1003, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1003 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and"

Page 1, line 6, after "gallery" insert "; to amend and reenact section 15-10-12 of the North Dakota Century Code, relating to higher education special funds; and to declare an emergency"

Page 3, line 19, replace "95,513,204" with "95,835,032"

Page 3, line 22, replace "1,225,000" with "3,770,000"

Page 3, line 24, replace "125,894,160" with "128,760,988"

Page 3, line 25, replace "47,522,227" with "50,067,227"

Page 3, line 26, replace "78,371,933" with "78,693,761"

Page 4, line 1, replace "76,963,362" with "77,258,332"

Page 4, line 4, replace "929,950" with "1,129,950"

Page 4, line 5, replace "103,072,264" with "103,567,234"

Page 4, line 6, replace "41,224,964" with "41,424,964"

Page 4, line 7, replace "61,847,300" with "62,142,270"

Page 5, line 20, replace "475,000" with "525,000"

Page 5, line 22, replace "13,033,541" with "13,083,541"

Page 5, line 24, replace "9,395,252" with "9,445,252"

Page 6, line 7, replace "1,510,732" with "1,542,048"

Page 6, line 12, replace "2,142,634" with "2,173,950"

Page 6, line 14, replace "1,332,108" with "1,363,424"

Page 6, line 17, replace "55,586,409" with "55,638,295"

Page 6, line 20, replace "75,318,818" with "75,370,704"

Page 6, line 22, replace "25,769,427" with "25,821,313"

Page 6, line 23, replace "266,663,743" with "267,563,743"

Page 6, line 24, replace "187,937,903" with "197,005,418"

Page 6, line 25, replace "454,601,646" with "464,569,161"

Page 7, line 7, remove "or so"

Page 7, line 8, replace "much of the sum as may be necessary" with "from special funds derived from federal funds, the sum of \$900,000"

Page 7, line 9, replace the second "sum" with "sums"

Page 7, line 15, after "funds" insert "derived from other income"

Page 7, line 18, after "Act" insert "and in excess of the additional income received from tuition increases appropriated in section 10 of this Act"

Page 7, line 19, after "treasury" insert "up to the following amounts is hereby appropriated and may be spent subject to board of higher education approval:

INSTITUTION	AMOUNT
North Dakota university system office	\$ 80,052
Bismarck state college	202,800
University of North Dakota - Lake Region	42,744
University of North Dakota - Williston	66,857
University of North Dakota	1,425,667
North Dakota state university	1,236,749
North Dakota state college of science	241,733
Dickinson state university	156,371
Mayville state university	78,369
Minot state university	429,663
Valley City state university	109,149
North Dakota state university - Bottineau	42,186
North Dakota state forest service	24,316
University of North Dakota medical school	<u>1,486,482</u>
Total	\$5,623,138

Any additional excess estimated income"

Page 8, line 10, replace "Funds" with "Up to \$1,350,000 of funds"

Page 8, line 24, remove "to a nonprofit corporation of similar entity"

Page 8, after line 28, insert:

"SECTION 10. APPROPRIATION. In addition to the estimated income line item appropriations in section 1 of this Act, there is hereby appropriated additional income up to the following amounts received from tuition increases approved by the board of higher education for the biennium beginning July 1, 1995, and ending June 30, 1997:

INSTITUTION	AMOUNT
Bismarck state college	\$ 162,520
University of North Dakota - Lake Region	33,955
University of North Dakota - Williston	55,780
University of North Dakota	1,123,460
North Dakota state university	1,113,385
North Dakota state college of science	183,100
Dickinson state university	125,740
Mayville state university	60,940
Minot state university	350,035
Valley City state university	84,455
North Dakota state university - Bottineau	33,335
University of North Dakota medical school	<u>95,810</u>
Total	\$3,422,515

The board of higher education shall notify the office of management and budget of the object code line item allocations of such additional income.

SECTION 11. LEGISLATIVE INTENT - USE OF TUITION INCREASE COLLECTIONS. It is the intent of the legislative assembly that the board of higher education direct the use of any funds received from tuition increases pursuant to section 10 of this Act for instructional activities and to provide more adequate facilities, both for the direct benefit of students. The higher education institutions are encouraged to seek student input regarding the most appropriate use of these funds for the the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 12. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES. The state board of higher education, in accordance with chapter 15-55, may issue and sell self-liquidating, tax-exempt bonds in an amount not exceeding \$2,000,000, for the purpose of constructing an addition to and remodeling of the student union at Dickinson state university for the biennium beginning July 1, 1995, and ending June 30, 1997. Bonds issued under the provisions of this Act may not become a general obligation of the state of North Dakota.

SECTION 13. USE OF PROCEEDS - APPROPRIATION. The proceeds resulting from the sale of bonds authorized under section 12, or so much of the sum as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the purpose of constructing an addition to and remodeling of the student union at Dickinson state university and providing equipment for the facility for the biennium beginning July 1, 1995, and ending June 30, 1997. Any unexpended balance from the sale of bonds must be placed in sinking funds for the retirement of the authorized bonds.

SECTION 14. LEGISLATIVE INTENT - HASTINGS HALL PURCHASE. It is the intent of the legislative assembly that North Dakota state university enter into an agreement to purchase the Hastings hall facility from the state seed department for \$350,000 for the biennium beginning July 1, 1995, and ending June 30, 1997. The source of funds used to purchase the facility is to be determined by North Dakota state university.

SECTION 15. VALLEY CITY STATE UNIVERSITY - APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$150,000, or so much of the sum as may be necessary, to Valley City state university, for the purpose of defraying its expenses resulting from lower than estimated 1993-95 revenue collections, for the period beginning with the effective date of this Act and ending June 30, 1997.

SECTION 16. AMENDMENT. Section 15-10-12 of the North Dakota Century Code is amended and reenacted as follows:

15-10-12. Board may accept gifts and bequests - State treasurer to have custody of school funds. The state board of higher education may, subject to the limitations of section 15-10-12.1, receive donations, gifts, grants, and bequests offered or tendered to or for the benefit of any institution of higher education under its control or subject to its administration, and all moneys coming into the hands of the board as donations, gifts, grants, and bequests must be used for the specific purpose for which they are donated or given. A special revenue fund, for each institution of higher education under the control of the board or subject to its administration, must be maintained within the state treasury and all institutional income and institutional collections of public funds of each institution, ~~except institutional funds received as donations, gifts, grants, and bequests, from tuition collections~~ must be placed in the special fund for the use

of the institution for which the money was raised. All rent, interest, or income from land, money, or property, donated or granted by the United States and allocated to specific institutions of higher learning under the terms of the Enabling Act and the Constitution of North Dakota must be deposited in the special revenue fund of each institution and expended in accordance with section 1 of article IX of the Constitution of North Dakota. Moneys in the special revenue fund are subject to legislative appropriations. All other funds, unless restricted by the terms of a grant, donation, or bequest, received by the institutions from federal, state, and local grants and contracts, indirect cost recoveries, special student fees, room and board fees and other auxiliary enterprise fees, student activity fees, continuing education program fees, internal service fund revenues, and all other revenues must be deposited in the Bank of North Dakota. Biennial estimates of revenue and expenditures of the other funds by source of funds must be presented at the same time biennial budget requests for appropriations from the special revenue fund and state general fund are prepared and submitted to the office of the budget pursuant to section 15-10-15. Payments from each institution's general fund appropriation must be made in amounts as may be necessary for the operation and maintenance of each institution, except that at the close of the biennium the balance of funds not paid from the general fund appropriation must be deposited in the special revenue funds of the institutions. All such appropriations are subject to proration in the same manner as other appropriations are prorated if insufficient funds are available to meet expenditures from the general fund. Sinking funds for the payment of interest and principal of institutional revenue bonds must be deposited pursuant to section 15-55-06.

SECTION 17. EMERGENCY. Section 15 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

SENATE - This amendment makes the following changes:

GENERAL FUND CHANGES

	HOUSE VERSION	ADD CAPITAL IMPROVEMENTS	RESTORE VACANT POSITIONS ²	OTHER CHANGES	TOTAL CHANGES	SENATE VERSION
System Office	\$ 10,180,461					\$ 10,180,461
Bismarck State College	11,274,522					11,274,522
UND-Lake Region	3,843,958					3,843,958
UND-Williston	3,871,612					3,871,612
University of North Dakota	78,371,933		\$321,828		\$321,828	78,693,761
North Dakota State University	61,847,300		294,970		294,970	62,142,270
State College of Science	19,953,849					19,953,849
Dickinson State University	10,788,145					10,788,145
Mayville State University	6,885,779					6,885,779
Minot State University	19,914,362					19,914,362
Valley City State University	9,395,252	\$50,000 ¹		\$150,000 ⁵	200,000	9,595,252
NDSU-Bottineau	3,235,035					3,235,035
Forest Service	1,332,108		31,316		31,316	1,363,424
UND Medical School	25,769,427		51,886		51,886	25,821,313
UND Rehabilitation Hospital						
Total general fund - HB1003	\$266,663,743	\$50,000	\$700,000	\$150,000	\$900,000	\$267,563,743

¹ Provides funding which was included in Senate Bill No. 2030 for the following projects:

University of North Dakota:

Building connection	\$ 750,000 other funds
Medical School animal quarters	750,000 federal funds
Apartment storage facility	420,000 other funds
Auxiliary storage facility	250,000 other funds
Plant services storage and recycling facility	375,000 other funds
Total	\$2,545,000 other and federal funds

North Dakota State University - President residence - \$200,000 other funds

Valley City State University - Additional funding for McFarland Hall project - \$50,000 general fund (The executive budget provided \$514,000 of bond proceeds and other funds for the project. The House provided \$250,000 from the general fund for the project.)

GENERAL FUND CHANGES

² Restores vacant positions removed by the House as follows:

University of North Dakota	Restores four of the 13.44 FTE positions removed
North Dakota State University	Restores three of the 11.3 FTE positions removed
Forest Service	Restores the one FTE position removed
UND Medical School	Restores one of the two FTE positions removed

³ Provides \$900,000 of federal funds relating to the Bute Gym remodeling project at North Dakota State College of Science.

⁴ Authorizes the Board of Higher Education to issue revenue bonds in the amount of \$2 million to remodel, construct an addition to, and equip the student union at Dickinson State University.

⁵ Provides additional operating funds for Valley City State University for the remainder of the 1993-95 biennium as a result of lower than estimated revenue collections during the 1993-95 biennium.

A section is added appropriating additional tuition income of up to \$3,422,515 for all the higher education institutions which may result from higher education tuition increases of two percent the first year and one percent the second year of the 1995-97 biennium, subject to Board of Higher Education approval. A section of legislative intent is added providing that the additional collections resulting from the tuition increases be used for instructional activities and to provide more adequate facilities, both to benefit students.

Section 3 of the bill is amended to authorize each higher education institution to spend excess estimated income of up to three percent of its estimated income line item subject to Board of Higher Education approval. Any additional excess estimated income may be spent only upon Emergency Commission approval. Previously, this section provided that all excess income may be spent upon Emergency Commission approval.

A section is added amending North Dakota Century Code Section 15-10-12 clarifying the definition of institutional income as it relates to higher education and providing that the Board of Higher Education submit to the Office of Management and Budget at the time the budget is submitted biennial estimates of all other fund revenues and expenditures, by source.

A section of legislative intent is added providing that North Dakota State University enter into an agreement to purchase Hastings Hall from the Seed Department for \$350,000 from funding sources to be determined by North Dakota State University.

Section 9 of the bill is amended to remove provisions that the Forest Service provide centennial trees grants to a nonprofit corporation or similar entity. The amendment provides no restrictions on grant recipients.

REPORT OF STANDING COMMITTEE

HB 1249: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1249 was placed on the Fourteenth order on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2072, as engrossed: Your conference committee (Sens. Kringstad, Freborg, Heitkamp and Reps. Olson, Brown, Hanson) recommends that the SENATE ACCEDE to the House amendments on SJ page 980 and place SB 2072 on the Seventh order.

Engrossed SB 2072 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2081, as engrossed: Your conference committee (Sens. Tennefos, Christmann, Tomac and Reps. Wardner, Timm, Sitz), having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

Engrossed SB 2081 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2088, as engrossed: Your conference committee (Sens. Christmann, Kringstad, Heitkamp and Reps. Gorder, Torgerson, Aarsvold) recommends that the HOUSE RECEDE from the House amendments on SJ pages 871-872, adopt amendments as follows, and place SB 2088 on the Seventh order:

That the House recede from its amendments as printed on pages 871 and 872 of the Senate Journal and pages 895 and 896 of the House Journal and that Engrossed Senate Bill No. 2088 be amended as follows:

Page 1, line 1, replace "subsection" with "subsections 6 and"

Page 1, line 2, after "shotgun" insert "and a handgun"

Page 1, line 4, replace "Subsection" with "Subsections 6 and"

Page 1, line 5, replace "is" with "are"

Page 1, after line 6, insert:

- "6. "Handgun" means any firearm having that is not designed to be fired from the shoulder, which has a barrel less than sixteen inches [40.64 centimeters] long that is not designed to be fired from the shoulder, and which is capable of firing, by the energy of an explosive in a fixed metallic cartridge, an exposed projectile through a rifled bore. The term includes the Thompson contender forty-five caliber single-shot center-fire with a pistol grip or similar firearm, if in compliance with the National Firearms Act [26 U.S.C. 5801-5872]."

Page 1, line 7, remove the overstrike over the comma and remove "or"

Page 1, line 8, remove the overstrike over "~~and intended to be fired~~" and after "~~using~~" insert "with one hand below or behind and one hand in front of the breach,"

Page 1, line 10, after "smooth" insert "or a rifled"

Renumber accordingly

Engrossed SB 2088 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2101, as engrossed: Your conference committee (Sens. Traynor, W. Stenehjem, C. Nelson and Reps. Maragos, Kliniske, Christenson) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1036 and place SB 2101 on the Seventh order.

Engrossed SB 2101 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2143, as engrossed: Your conference committee (Sens. Christmann, Kringstad, Heitkamp and Reps. Carlson, K. Henegar, Hanson) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 881-882 and place SB 2143 on the Seventh order.

Engrossed SB 2143 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2152: Your conference committee (Sens. Bowman, Wanzek, Tomac and Reps. Nicholas, Johnson, Sitz) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 912 and place SB 2152 on the Seventh order.

SB 2152 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2159: Your conference committee (Sens. Wanzek, Grindberg, Heinrich and Reps. Sveen, Schimke, Nichols) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 804, adopt amendments as follows, and place SB 2159 on the Seventh order:

That the House recede from its amendments as printed on page 804 of the Senate Journal and page 820 of the House Journal and that Senate Bill No. 2159 be amended as follows:

Page 1, line 2, remove "15-47-33,"

Page 1, line 7, remove "length of school term,"

Page 10, remove lines 8 through 21

Re-number accordingly

SB 2159 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2195, as engrossed: Your conference committee (Sens. Andrist, Wanzek, Tomac and Reps. Shide, Thompson, Boucher) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 912, adopt amendments as follows, and place SB 2195 on the Seventh order:

That the House recede from its amendments as printed on page 912 of the Senate Journal and pages 930 and 931 of the House Journal and that Engrossed Senate Bill No. 2195 be amended as follows:

Page 3, line 23, replace "eleven" with "twelve"

Page 3, line 24, after "[45.36 kilograms]" insert "after June 30, 1995, and before July 1, 1997,"

Page 3, line 25, after the period insert "The board shall levy an assessment of not more than thirteen cents per hundredweight [45.36 kilograms] after June 30, 1997, and before July 1, 1999, and not more than fourteen cents per hundredweight [45.36 kilograms] after June 30, 1999."

Renumber accordingly

Engrossed SB 2195 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2204: Your conference committee (Sens. Tennefos, Urlacher, Kinnoin and Reps. Grosz, Rennerfeldt, Dobrinski) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1038-1041 and place SB 2204 on the Seventh order.

SB 2204 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2207: Your conference committee (Sens. Tennefos, Christmann, Heitkamp and Reps. Poolman, Maragos, Delmore) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 817, adopt amendments as follows, and place SB 2207 on the Seventh order:

That the House recede from its amendments as printed on page 817 of the Senate Journal and page 839 of the House Journal and that Senate Bill No. 2207 be amended as follows:

Page 1, line 10, replace "to recover rental" with "Admission" and after "fees" insert "collected for a leased exhibition must be deposited in a special account in the special revolving fund established under section 55-02-04, and may be used only to pay the associated costs of the exhibition. Any admission fees collected in excess of the costs of a leased exhibition must be deposited in the state general fund"

Renumber accordingly

SB 2207 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2338: Your conference committee (Sens. Traynor, Watne, LaFountain and Reps. Klein, Sabby, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 857, adopt amendments as follows, and place SB 2338 on the Seventh order:

That the House recede from its amendments as printed on page 857 of the Senate Journal and page 882 of the House Journal, and that Senate Bill No. 2338 be amended as follows:

Page 1, line 10, remove "before", overstrike "January 1,", and remove "1990"

Page 1, line 11, overstrike the comma and after "hereby" insert "for a period of five years or more."

Renumber accordingly

SB 2338 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2453, as engrossed: Your conference committee (Sens. Traynor, W. Stenehjem, C. Nelson and Reps. Jacobs, Walker, Coats) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 983 and place SB 2453 on the Seventh order.

Engrossed SB 2453 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2463, as reengrossed: Your conference committee (Sens. Traynor, Freborg, Heitkamp and Reps. Wald, Kunkel, Wilkie) recommends that the SENATE ACCEDE to the House amendments on SJ page 1047 and place SB 2463 on the Seventh order.

Reengrossed SB 2463 was placed on the Seventh order of business on the calendar.

The Senate stood adjourned pursuant to Senator Goetz's motion.

William C. Parker, Secretary