

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, April 4, 1995

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

The prayer was offered by Senator Kenneth Solberg.

The roll was called and all members were present.

A quorum was declared by the President.

MOTION

SEN. GOETZ MOVED that SB 2081 and SB 2403 be moved to the bottom of the Seventh order, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. WANZEK MOVED that the conference committee report on Engrossed SB 2211 as printed on SJ page 1549 be adopted, which motion failed, on a verification vote.

MOTION

SEN. LIPS MOVED that the conference committee on Engrossed SB 2211 be dissolved, which motion failed, on a verification vote.

REPORT OF CONFERENCE COMMITTEE

SEN. ANDRIST MOVED that the conference committee report on Engrossed HB 1124 as printed on SJ pages 1551-1554 be adopted, which motion prevailed, on a voice vote.

Engrossed HB 1124, as amended, was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1124: A BILL for an Act to create and enact a new section to House Bill No. 1134, as approved by the fifty-fourth legislative assembly, relating to declaring an emergency relating to funding for ethanol production subsidies; to amend and reenact sections 4-10.4-08, 4-10.4-09, 4-24-10, 4-28-07, and 4-28-08 of the North Dakota Century Code, relating to agricultural commodity group reports, commodity taxes, and refunds; 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; Malewaja; 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 1124, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SEN. SOLBERG MOVED that the conference committee report on Engrossed HB 1014 as printed on SJ pages 1550-1551 be adopted, which motion prevailed, on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SEN. NETHING MOVED that the conference committee report on Engrossed HB 1002 as printed on SJ page 1550 be adopted, which motion prevailed, on a voice vote.

REPORT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the conference committee report on Engrossed SB 2403 as printed on SJ pages 1549-1550 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2403, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2403: A BILL for an Act to amend and reenact sections 65-04-01 and 65-04-17 of the North Dakota Century Code, relating to classification of employments for workers' compensation premium rates and the experience rating of employers by the workers compensation bureau; and to provide for a legislative council study.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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; Malewaja; 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 2403, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that Sen. Solberg replace Sen. Holmberg on the conference committee on Engrossed HB 1007, which motion prevailed.

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.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on SB 2211.

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

MR. SPEAKER: The President has appointed Sen. Solberg to replace Sen. Holmberg on the Conference Committee on HB 1007.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1002, HB 1014.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: HB 1124.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2403.

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

MR. SPEAKER: The President has signed: HB 1027, HB 1041, HB 1064, HB 1082, HB 1094, HB 1100, HB 1134, HB 1163, HB 1165, HB 1207, HB 1221, HB 1250, HB 1298, HB 1300, HB 1329, HCR 3009.

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 2074, SB 2087, SB 2088, SB 2103, SB 2133, SB 2142, SB 2159, SB 2195, SB 2198, SB 2207, SB 2209, SB 2247, SB 2288.

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

MADAM PRESIDENT: The House has amended and subsequently passed Engrossed SB 2067 excluding Division F (Section 6).

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2067

Page 2, line 22, replace "44-08-18" with "44-04-18"

Renumber accordingly

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Sand, Chairman) has carefully reexamined the Journal of the Fiftieth, Fifty-eighth, and Fifty-ninth Days and recommends that they be corrected as follows and when so corrected, recommends that they be approved:

Page 948, after line 5, insert:

"DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 9:05 a.m., March 15, 1995: SCR 4032, SCR 4039, SCR 4048.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 9:32 a.m., March 15, 1995: SCR 4017, SCR 4024, SCR 4051."

Page 1320, line 47, replace "W. Stenehjem, C. Nelson" with "Watne, LaFountain"

Page 1359, line 46, replace "16-08.1-02" with "16.1-08.1-02"

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2015 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 2015: Sens. Nething, G. Nelson, Robinson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2013 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 2013: Sens. Goetz, Solberg, Lindaas.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. B. STEMHJEM MOVED that the Senate do concur in the House amendments to SCR 4063 as printed on SJ page 1532, which motion prevailed on a voice vote.

SCR 4063, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4063: A concurrent resolution urging the Federal Railroad Administration to encourage railroads to provide for the application and maintenance of highly reflectorized materials on both sides of all new or refurbished railcars.

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

SCR 4063, as amended, was declared adopted on a voice vote, and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2455, as engrossed: Your conference committee (Sens. Watne, W. Stenehjem, C. Nelson and Reps. Maragos, Kretschmar, Mahoney) recommends that the HOUSE RECEDE from the House amendments on SJ page 1122, adopt amendments as follows, and place SB 2455 on the Seventh order:

That the House recede from its amendments as printed on page 1122 of the Senate Journal and page 1120 of the House Journal and that Engrossed Senate Bill No. 2455 be amended as follows:

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

Page 2, line 19, replace "Subsections 1 and" with "Subsection"

Page 2, line 20, replace "are" with "is"

Page 2, remove lines 21 through 29

Page 3, remove lines 1 through 8

Page 3, line 14, remove the overstrike over "~~or post office box number~~" and insert immediately thereafter "if the signer does not have a residential address"

Re-number accordingly

Engrossed SB 2455 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. WATNE MOVED that the conference committee report on Engrossed SB 2455 be adopted, which motion failed, on a verification vote.

MOTION

SEN. GOETZ MOVED that Engrossed SB 2081 be moved to the top of the Seventh order, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. TENNEFOS MOVED that the conference committee report on Engrossed SB 2081 as printed on SJ pages 1515-1517 be adopted.

REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed SB 2081, which request was granted.

MOTION

SEN. GOETZ MOVED that the question be put at 2:00 p.m., which motion prevailed.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed SB 2081, the roll was called and there were 16 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Freborg; Grindberg; Kringstad; LaFountain; Langley; Mutch; Naaden; Nelson, G.; Schobinger; Solberg; Streibel; Tennefos; Traynor; Wanzek

NAYS: Andrist; DeMers; Goetz; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Lee; Lindaas; Lips; Mathern; Mushik; Nalewaja; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Urlacher; Watne; Wogsland; Yockim

The conference committee report on Engrossed SB 2081 failed.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 4:00 p.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2013 and SB 2015 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2013: Sens. Goetz; Solberg; Lindaas

SB 2015: Sens. Nething; G. Nelson; Robinson

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SCR 4063.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2035, SB 2349, SB 2391, SB 2442, SB 2453.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2430, SB 2439, SB 2463, SB 2480, SB 2520, SB 2524, SCR 4046, SCR 4049.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on SB 2455.

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

MR. SPEAKER: The Senate has not adopted the conference committee report on SB 2081.

REPORT OF CONFERENCE COMMITTEE

SB 2017, as engrossed: Your conference committee (Sens. Lips, Nalewaja, Redlin and Reps. Martinson, Bernstein, Kroeber) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1143-1146, adopt

amendments as follows, and place Engrossed SB 2017 on the Seventh order:

That the House recede from its amendments as printed on pages 1143-1146 of the Senate Journal and pages 1178-1181 of the House Journal and that Engrossed Senate Bill No. 2017 be amended as follows:

Page 1, line 3, after "cemetery" insert "; to provide for a transfer from the veterans' postwar trust fund; to amend and reenact section 54-45-03 of the North Dakota Century Code, relating to the administration of the civil air patrol by the adjutant general; and to provide an effective date"

Page 1, line 13, replace "2,435,834" with "2,753,889"

Page 1, line 17, replace "410,720" with "373,950"

Page 1, line 19, replace "6,395,570" with "6,738,800"

Page 1, line 20, replace "923,250" with "1,223,250"

Page 1, line 21, replace "4,235,227" with "5,082,300"

Page 1, after line 21, insert:

"Civil air patrol 92,454"

Page 2, line 1, replace "16,830,365" with "18,694,407"

Page 2, line 2, replace "9,940,126" with "11,502,180"

Page 2, line 3, replace "6,890,239" with "7,192,227"

Page 2, line 4, replace "\$130,000" with "\$330,000"

Page 2, after line 15, insert:

SECTION 4. SPECIAL FUNDS. The amount of \$100,000, or so much of the amount as is necessary, included in the estimated income line item in section 1 of this Act is to be spent from earnings of the veterans' postwar trust fund for the tuition programs provided for in chapters 37-07.1 and 37-07.2 for the biennium beginning July 1, 1995, and ending June 30, 1997. It is the intent that the \$100,000 be used for tuition payments for veterans as defined by section 37-01-40.

SECTION 5. SPECIAL FUNDS. The amount of \$130,000, or so much of the amount as is necessary, included in the estimated income line item in section 1 of this Act is to be spent from earnings of the veterans' postwar trust fund for the operations and maintenance of the veterans' cemetery for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 6. CONTINGENT TRANSFER - APPROPRIATION. Notwithstanding the provisions of section 37-14-14, and contingent upon the governor's budget recommendation for the 1997-99 biennium identifying and requesting an appropriation from the veterans' postwar trust fund, there is hereby appropriated and the state treasurer shall transfer as provided by this section the sum of \$2,250,000 from the principal balance of the veterans' postwar trust fund as follows: \$1,000,000 to the adjutant general for deposit in the North Dakota militia foundation for the purpose of establishing a permanent endowment fund for the operations of the veterans' cemetery and \$1,250,000 to the veterans' home for deposit in a permanent endowment fund for the future operations of the veterans' home.

These transfers shall take place immediately after the adjournment of the December 1996 organizational session if the executive budget, as presented by the governor to the legislative assembly during the December 1996 organizational session, identifies and requests any appropriations from the veterans' postwar trust fund. If there are no transfers from the veterans' postwar trust fund in the governor's budget recommendation for the 1997-99 biennium, the transfers authorized in this section shall not take place.

All interest accruing on the transfers in this section from the time of the transfer through June 30, 1997, must be deposited in the veterans' postwar trust fund.

SECTION 7. AMENDMENT. Section 54-45-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-45-03. Expenditure of funds - Limitation. The commanding officer, North Dakota wing, civil air patrol, may expend appropriated grant funds as administered by the ~~aeronautics-commission~~ adjutant general. A report of expenditure of grant funds must be issued to the ~~aeronautics-commission~~ adjutant general annually. A general fund grant line item must be appropriated within the ~~aeronautics-commission's~~ adjutant general's budget. These funds may be expended to support the mission of the civil air patrol as determined by the commanding officer. No funds may be expended for uniforms or personal equipment of any member of the civil air patrol. All state equipment on inventory with the civil air patrol on July 7, 1991, and related to the mission of the civil air patrol must be transferred to the North Dakota wing of the civil air patrol.

SECTION 8. EFFECTIVE DATE. Sections 4, 5, and 6 of this Act are effective on December 31, 1995."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

HOUSE - This amendment makes the following changes:

	ENGROSSED BILL	RESTORE VACANT POSITIONS ¹	MOVE CIVIL AIR PATROL TO A SEPARATE LINE	VETERANS' CEMETERY	TUITION WAIVER PROGRAM ²	CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION
Salaries and wages	\$ 2,435,834	\$ 243,739	\$(55,684)	\$130,000		\$ 318,055	\$ 2,753,889
Operating expenses	2,350,464						2,350,464
Equipment	52,800						52,800
Capital improvements	25,000						25,000
Grants	410,720		(36,770)			(36,770)	373,950
Inauguration	1,500						1,500
Army Guard contract	6,395,570	343,230				343,230	6,738,800
Tuition and enlistment compensation	923,250				\$300,000	300,000	1,223,250
Air Guard contract	4,235,227	847,073				847,073	5,082,300
Civil Air Patrol			<u>92,454</u>			<u>92,454</u>	<u>92,454</u>
Total all funds	\$16,830,365	\$1,434,042		\$130,000	\$300,000	\$1,864,042	\$18,694,407
Less estimated income	<u>9,940,126</u>	<u>1,132,054</u>		<u>130,000</u>	<u>300,000</u>	<u>1,562,054</u>	<u>11,502,180</u>
Total general fund	\$ 6,890,239	\$ 301,988	\$ 0	\$ 0	\$ 0	\$ 301,988	\$ 7,192,227
FTE	112	23				23	135

¹ Restores all 23 vacant FTE positions and the related funding.

² House Bill No. 1249 (1995) increases the tuition waiver from 75 percent to 100 percent. The total increase of \$300,000 includes \$200,000 from the National Guard tuition trust fund and \$100,000 from the earnings on the veterans' postwar trust fund.

The amendment also adds a section providing for a contingent transfer of \$2,250,000 from the veterans' postwar trust fund as follows:

\$1,000,000 to the North Dakota Militia Foundation to establish a permanent endowment fund for the operations of the Veterans' Cemetery; and

\$1,250,000 to the Veterans' Home for deposit in a permanent endowment fund for the future operations of the Veterans' Home.

The transfers are contingent upon the Governor's budget recommendation for the 1997-99 biennium identifying and requesting an appropriation from the veterans' postwar trust fund.

The amendment also amends North Dakota Century Code Section 54-45-03 relating to the administration of the Civil Air Patrol by the Adjutant General instead of the Aeronautics Commission.

Engrossed SB 2017 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. LIPS MOVED that the conference committee report on Engrossed SB 2017 be adopted, which motion prevailed, on a voice vote.

Engrossed SB 2017, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general and for operation of the North Dakota veterans' cemetery; to provide for a transfer from the veterans' postwar trust fund; to amend and reenact section 54-45-03 of the North Dakota Century Code, relating to the administration of the civil air patrol by the adjutant general; 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 47 YEAS, 2 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Scherber; Yockim

Engrossed SB 2017, as amended, passed and the title was agreed to.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2017.

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

MADAM PRESIDENT: The House has reconsidered its action whereby it passed SB 2149, reconsidered adoption of the Conference Committee report and rereferred SB 2149 back to Conference Committee.

MOTION

SEN. G. NELSON MOVED that the Senate reconsider its action whereby Reengrossed SB 2149 passed, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that the Senate reconsider its action whereby the committee report on Reengrossed SB 2149 was adopted, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that Reengrossed SB 2149 be rereferred to the conference committee, which motion prevailed. Pursuant to Sen. G. Nelson's motion, Reengrossed SB 2149 was rereferred.

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

MR. SPEAKER: The Senate has reconsidered its action whereby it passed SB 2149, reconsidered its action whereby it adopted the conference committee report, and rereferred SB 2149 back to conference committee.

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 1155, HB 1210, HB 1386.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 6:00 p.m., which motion prevailed.

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

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 1246.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1006, HB 1289, HB 1392.

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 2013: Reps. Hausauer; Wald; Wilkie

SB 2015: Reps. Dorso; Dalrymple; Kroeber

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2006, SB 2029, SB 2305, SB 2313, SB 2425, SB 2428, SB 2475.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2016, SB 2505.

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

MADAM PRESIDENT: The House has passed unchanged: SCR 4012.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on April 4, 1995, I signed the following: SB 2004, SB 2014, SB 2075, SB 2104, SB 2134, SB 2155, SB 2176, SB 2212, SB 2270, SB 2306, SB 2309, SB 2342, SB 2353, SB 2383, SB 2388, SB 2399, SB 2508, SB 2010, SB 2352, SB 2482, SB 2491, and SB 2500.

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 1131, HB 1152, HB 1362.

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

MADAM PRESIDENT: The Speaker has signed: SB 2074, SB 2087, SB 2088, SB 2103, SB 2133, SB 2142, SB 2159, SB 2195, SB 2198, SB 2207, SB 2209, SB 2247, SB 2288.

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 1005, HB 1009, HB 1016, HB 1138, HB 1168, HB 1317, HB 1423, HB 1439, HB 1488.

REPORT OF CONFERENCE COMMITTEE

HB 1289, as engrossed: Your conference committee (Sens. Krebsbach, Mutch, Langley and Reps. Keiser, Berg, Grumbo) recommends that the HOUSE ACCEDE to the Senate amendments on HJ page 1277 and place Engrossed HB 1289 on the Seventh order.

Engrossed HB 1289 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. KREBSBACH MOVED that the conference committee report on Engrossed HB 1289 be adopted.

REQUEST

SEN. KRAUTER REQUESTED a recorded roll call vote on the motion to adopt the conference committee report on Engrossed HB 1289, which request was granted.

ROLL CALL

The question being on the motion to adopt the conference committee report on Engrossed HB 1289, the roll was called and there were 28 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Langley; Naaden

The conference committee report on Engrossed HB 1289 was adopted.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1249.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1289.

MOTION

SEN. GOETZ MOVED that the Senate be on the Seventh and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, April 5, 1995, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1006, as engrossed: Your conference committee (Sens. Naaden, St. Aubyn, Redlin and Reps. Bateman, Byerly, Huether) recommends that the SENATE RECEDE from the Senate amendments on HJ pages 1378-1380, adopt amendments as follows, and place Engrossed HB 1006 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1378-1380 of the House Journal and pages 1195-1198 of the Senate Journal and that Engrossed House Bill No. 1006 be amended as follows:

Page 1, line 2, replace "requiring" with "to provide for a study of the licensing of home health care providers"

Page 1, remove line 3

Page 1, line 4, remove "health service for the cost of providing services on Indian reservations"

Page 1, line 13, replace "22,564,886" with "23,298,664"

Page 1, line 17, replace "15,539,722" with "15,489,722"

Page 1, line 18, replace "400,000" with "175,000"

Page 1, line 20, replace "70,863,753" with "71,322,531"

Page 2, line 1, replace "56,073,016" with "56,292,698"

Page 2, line 2, replace "14,790,737" with "15,029,833"

Page 2, line 4, replace "\$400,000" with "\$175,000"

Page 2, replace lines 25 through 28 with:

"SECTION 6. LEGISLATIVE COUNCIL INTERIM STUDY OF HOME HEALTH CARE LICENSING. The legislative council shall consider studying the licensing of home health care providers during the 1995-96 interim. If conducted, the study must include a determination of the appropriate agency or entity to be responsible for the licensing of home health care providers."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 301 - DEPARTMENT OF HEALTH AND CONSOLIDATED LABORATORIES

SENATE - This amendment makes the following changes:

	HOUSE VERSION	RESTORE 3 FTE HEALTH CARE REFORM - HB 1050	RESTORE 1 FTE MEDICAL EXAMINER - SB 2482	RESTORE 1 FTE LAB ANALYSIS - SB 2358	RESTORE 2 FTE FIRE INSPECTIONS - SB 2149	OTHER CONFERENCE COMMITTEE CHANGES	CONFERENCE COMMITTEE VERSION
Salaries and wages	\$22,564,886	\$231,513	\$289,096	\$92,583	\$120,586		\$23,298,664
Operating expenses	31,384,002						31,384,002
Equipment	847,000						847,000
Capital improvements	28,143						28,143
Grants	15,539,722					\$ (50,000)	15,489,722
Abandoned motor vehicle	400,000					(225,000)	175,000
Physician loan program	100,000						100,000
Health care program	_____	_____	_____	_____	_____	_____	_____
Total	\$70,863,753	\$231,513	\$289,096	\$92,583	\$120,586	\$(275,000)	\$71,322,531
Less estimated income	<u>56,073,016</u>	<u>231,513</u>	<u>0</u>	<u>92,583</u>	<u>120,586</u>	<u>(225,000)</u>	<u>56,292,698</u>
General fund	\$14,790,737	\$ 0	\$289,096	\$ 0	\$ 0	\$ (50,000)	\$15,029,833
FTE	298	3	1	1	2	1	306

The other conference committee changes are:

- Reduce grants by \$50,000 from the general fund relating to health promotion and education.
- Reduce the spending from the abandoned motor vehicle fund from \$400,000 to \$175,000.
- Authorizes one FTE related to House Bill No. 1318, the establishment of a trauma system; funding is included in House Bill No. 1318.

This amendment:

- Removes the section requiring the department to bill Indian Health Service for the cost of services provided on Indian reservations.
- Adds a section providing for a study of the licensing of home health care providers.

The conference committee amendment differs from the Senate Version in that the funding for the three FTEs related to health care reform is changed from \$208,132 from the general fund to other funds.

Engrossed HB 1006 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1392, as engrossed: Your conference committee (Sens. B. Stenehjem, Mutch, Kelsh and Reps. Timm, Price, Grumbo) recommends that the **SENATE RECEDE** from the Senate amendments on HJ pages 1278-1279, adopt amendments as follows, and place Engrossed HB 1392 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1278 and 1279 of the House Journal and pages 1089 and 1090 of the Senate Journal and that Engrossed House Bill No. 1392 be amended as follows:

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, remove "; and to provide an effective date"

Page 1, line 8, after "Common" insert "household goods"

Page 1, line 9, replace "motor" with "household goods"

Page 1, line 11, replace "property" with "household goods"

Page 1, remove lines 16 through 21

Page 2, remove lines 1 through 12

Page 2, line 14, remove "or passenger motor"

Page 2, line 20, remove "and passenger"

Page 2, line 21, replace "shall" with "may", remove "all", and replace "household goods or" with "motor carriers of household goods except for transportation provided wholly within a city in this state or within a distance beyond the corporate limits of a city as determined by the department and:"

Page 2, remove lines 22 through 24

Page 2, line 25, replace "2. Require" with "1. May require"

- Page 2, line 26, replace "3. Supervise and regulate" with "2. Shall supervise" and replace "motor" with "household goods"
- Page 3, line 1, replace "and passenger" with "goods"
- Page 3, line 4, replace "and passenger" with "goods"
- Page 3, line 5, remove "or passenger"
- Page 3, line 9, replace ", a list of equipment used by the carrier, a" with a period
- Page 3, remove lines 10 and 11
- Page 3, line 12, replace "hearing" with "comment"
- Page 3, line 14, replace "hearing" with "comment"
- Page 3, line 15, replace "interested parties requesting the notice" with "the North Dakota motor carriers association and may send notice to appropriate news media"
- Page 3, line 17, remove "1." and remove "or"
- Page 3, line 18, remove "passenger" and replace the colon with "the"
- Page 3, remove lines 19 through 22
- Page 3, line 23, remove "c. The" and remove the semicolon
- Page 3, line 24, replace "d. Any" with "any"
- Page 3, remove lines 25 through 29
- Page 4, line 2, after "offer" insert "written" and remove "at an oral hearing"
- Page 4, line 3, remove "and request for hearing with the department and the applicant"
- Page 4, line 5, remove ", the party's witnesses, and the time needed to present the case" and remove "A"
- Page 4, remove line 6
- Page 4, line 9, replace "and passenger" with "goods"
- Page 4, line 10, remove "and passenger" and remove the comma
- Page 4, line 11, remove "uniform for similar service,"
- Page 4, line 21, remove "opportunity for hearing and" and after "to" insert "and opportunity for comment by"
- Page 4, line 23, replace "or passenger" with "goods" and remove "or"
- Page 4, line 24, remove "passenger"
- Page 4, line 25, remove "and thereafter before January"
- Page 4, line 26, remove "first of each year," and remove "not less than eighty-five dollars nor"
- Page 4, line 27, remove "more than", remove "fifty", and remove ", as determined by the department"

Page 5, replace lines 4 through 14 with:

"Insurance required of carrier - Liability of insurer. The department, before granting a certificate to any common motor carrier, shall require the owner or operator to procure public liability insurance. The conditions of the liability insurance must guarantee the payment of any loss or damage to property or on account of the death or injury to any person resulting from the negligence of the carrier. The carrier shall file the insurance policy with the department and the policy must be kept in full force. Upon failure of a carrier to maintain insurance required by this section, the department shall cancel the certificate. A certificate of any company authorized to write liability or property damage insurance in the state, in a form approved by the department and certifying that there is in effect a liability insurance policy required by this section, may be filed instead of the policy."

Page 5, line 16, replace "general" with "highway"

Page 5, remove lines 26 through 29

Renumber accordingly

Engrossed HB 1392 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