

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, April 15, 1993

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

The prayer was offered by Rev. Glen Ramsey, Jr., First Presbyterian Church, Bismarck.

The roll was called and all members were present except Senators Dotzenrod, Holmberg, and Maxson.

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2542: SEN. SCHOENWALD (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 1649 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2542: A BILL for an Act to create and enact a new section to chapter 28-01 of the North Dakota Century Code, relating to limitation of actions for certain asbestos claims by public building owners; 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 37 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Goetz; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Nalewaja; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Andrist; Bowman; Freborg; Grindberg; Krebsbach; Mutch; Naaden; Nelson; Sand; Solberg; Tennefos

ABSENT AND NOT VOTING: Maxson

SB 2542 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. MATHERN 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 (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2541.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Secretary of State for his filing at the hour of 8:52 a.m., April 15, 1993: SB 2142, SB 2143, SB 2290.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2542.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on the veto certification of SB 2003.

REPORT OF CONFERENCE COMMITTEE

SB 2019, as engrossed: Your conference committee (Sens. Yockim, DeMers, Thane and Reps. Carlisle, Clayburgh, Kroeber) recommends that the HOUSE RECEDE from the House amendments on SJ pages 994-995, adopt amendments as follows, and place SB 2019 on the Seventh order:

That the House recede from its amendments as printed on pages 994-995 of the Senate Journal and pages 1110-1111 of the House Journal and that Engrossed Senate Bill No. 2019 be amended as follows:

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

Page 1, line 10, replace "31,649,611" with "31,032,866"

Page 1, line 11, replace "7,691,072" with "8,078,952"

Page 1, line 14, replace "10,179,750" with "10,164,750"

Page 1, remove line 15

Page 1, line 16, replace "50,927,034" with "50,383,169"

Page 2, line 1, replace "\$200,000" with "\$185,000"

Page 2, after line 5, insert:

"SECTION 4. APPROPRIATION. In addition to the amount appropriated to job service North Dakota in section 1 of this Act, for the North Dakota work force 2000 program, there is hereby appropriated any additional income for the program from other funds which may become available to the agency for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 5. EMERGENCY. Section 4 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 480 - JOB SERVICE NORTH DAKOTA

CONFERENCE COMMITTEE - This amendment makes the following changes:

- The salaries and wages line item is decreased by \$616,745 from other funds, of which \$151,334 is for reduced employee health insurance costs and \$465,411 is to reflect the \$60 per month salary increase plan in accordance with the provisions of House Bill No. 1018.
- The operating expenses line item is increased by \$300,000 from other funds and the interagency legal fees line item of \$300,000 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General. The operating expenses line item is also increased by \$87,880 of other funds, of which \$42,971 is for Merit System payments to the Central Personnel Division of the Office of Management and Budget and \$44,909 is for indirect cost allocation

payments to the Office of Management and Budget. In total, the operating expenses line item is increased by \$387,880 from other funds.

- The grants line item is decreased by \$15,000 from other funds to reflect a reduction in the funds to be received from the Future Fund for the Work Force 2000 program.

This amendment also adds a section appropriating any additional other funds received by Job Service North Dakota for the Work Force 2000 program for the biennium beginning July 1, 1993, and ending June 30, 1995.

In total, this amendment decreases the appropriation to Job Service North Dakota by \$543,865 of other funds.

Engrossed SB 2019 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. YOCKIM MOVED that the conference committee report on Engrossed SB 2019 be adopted, which motion prevailed.

Engrossed SB 2019, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota; 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; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

SB 2019 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2174: Your conference committee (Sens. O'Connell, Schoenwald, Tennefos and Reps. Dorso, Skarphol, Hokana) recommends that the HOUSE RECEDE from the House amendments on SJ page 911, adopt amendments as follows, and place SB 2174 on the Seventh order:

That the House recede from its amendments as printed on page 911 of the Senate Journal and pages 988-989 of the House Journal, and that Senate Bill No. 2174 be amended as follows:

Page 1, line 7, remove the first "and"

Page 1, line 15, after "licensing" insert "; and to declare an emergency"

Page 3, remove lines 19 through 27

Page 3, line 28, remove "3."

Page 5, line 20, remove "any measurable or detectable amount of alcohol in the person's system"

Page 5, line 21, remove "or"

Page 5, remove lines 25 through 29

Page 6, line 1, replace "2." with "1."

Page 6, line 11, replace "3." with "2."

Page 6, line 17, replace "2" with "1"

Page 6, line 27, replace "4." with "3."

Page 7, line 1, replace "2" with "1"

Page 7, line 2, replace "3" with "2"

Page 7, line 21, remove "a measurable or detectable amount of"

Page 7, line 22, remove "alcohol in the driver's system, or"

Page 7, remove lines 24 through 27

Page 7, line 28, replace "2." with "1."

Page 8, line 6, replace "3." with "2."

Page 8, line 12, replace "4." with "3."

Page 11, line 16, replace "4" with "3"

Page 14, line 25, replace "Driving of commercial motor vehicles prohibited" with "Rules"

Page 14, replace lines 26 through 29 with:

"The director shall adopt rules for the issuance and enforcement of out-of-service orders. The rules must be in accordance with the standards and requirements of the federal Commercial Motor Vehicle Safety Act of 1986 [Pub. L. 99-570; 100 Stat. 3207-179; 49 App. U.S.C. 2708] and 49 CFR parts 383 and 392."

Page 15, remove lines 1 through 10

Page 16, after line 2, insert:

"SECTION 15. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

SB 2174 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. O'CONNELL MOVED that the conference committee report on SB 2174 be adopted, which motion prevailed.

SB 2174, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2174: A BILL for an Act to create and enact nine new sections to chapter 39-06.2, and a new subdivision to subsection 1 of section 39-06.2-10 of the North Dakota Century Code, relating to alcohol-related offenses in a commercial motor vehicle, implied consent requirements, hearings, sanctions, judicial appeals, temporary driver permits, out-of-service orders, and operating a commercial motor vehicle while having an

alcohol concentration of four one-hundredths of one percent by weight or greater; to amend and reenact subsections 4 and 7 of section 39-06-32, subsection 2 of section 39-06.2-04, section 39-06.2-11, and subsection 1 of section 39-20-07 of the North Dakota Century Code, relating to sanctions for violating the implied consent laws of another state stemming from the operation of a commercial motor vehicle in another state, employer's notification of certain traffic offenses, providing a class D driver's license when a commercial driver's license is suspended, revoked, or disqualified, and alcohol concentration and its application to commercial drivers' licensing; 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; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Uriacher; Wogsland; Yockim

SB 2174 passed, the title was agreed to, and the emergency clause was declared carried.

REPORT OF CONFERENCE COMMITTEE

SB 2384: Your conference committee (Sens. Langley, Schoenwald, Krebsbach and Reps. Dorso, Shide, Stenson) recommends that the HOUSE RECEDE from the House amendments on SJ page 894, adopt amendments as follows, and place SB 2384 on the Seventh order:

That the House recede from its amendments as printed on page 894 of the Senate Journal and page 966 of the House Journal and that Senate Bill No. 2384 be amended as follows:

- Page 2, line 15, remove the comma
- Page 2, line 16, remove "incomplete,"
- Page 2, line 23, remove the second comma
- Page 2, line 24, remove "incomplete,"
- Page 3, line 1, remove ", incomplete,"
- Page 3, line 8, remove ", incomplete,"
- Page 6, line 22, replace "an" with "any"
- Page 6, replace lines 25 through 27 with:

- "1. A violation of section 2 of this Act is a class C felony if the value of any property or services retained exceeds five thousand dollars and a class A misdemeanor in all other cases. For purposes of this section, the value of any property and services must be determined in accordance with subsection 6 of section 12.1-23-05."

Renumber accordingly

SB 2384 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the conference committee report on SB 2384 be adopted, which motion prevailed.

SB 2384, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2384: A BILL for an Act to define what constitutes insurance fraud, facilitate the detection of insurance fraud, allow reporting of suspected insurance fraud, grant immunity for reporting suspected insurance fraud, and require the restitution of fraudulently obtained insurance benefits; and to provide a penalty.

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; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogslund; Yockim

SB 2384 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SCR 4038: Your conference committee (Sens. Graba, Maxson, Andrist and Reps. Tollefson, Bernstein, Kilichowski) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1281, adopt amendments as follows, and place SCR 4038 on the Seventh order:

That the House recede from its amendments as printed on page 1281 of the Senate Journal and pages 1417-1418 of the House Journal and that Senate Concurrent Resolution No. 4038 be amended as follows:

Page 1, line 1, after "resolution" replace the remainder of the resolution with "directing the Legislative Council to study the workers' compensation system including the cost and delivery of medical care, the cost of rehabilitation, legal fees, previous legislation, premium structure, alternate insurance concepts and the impact on the fund of those concepts, administration and staffing of the bureau, the number of injured workers receiving social service benefits, and employer and employee fraud.

WHEREAS, workers' compensation law is designed to provide sure and certain relief to employees injured in the course of their employment; and

WHEREAS, the dramatic increase in the cost of providing workers' compensation, the complexity of litigation involving the bureau in the last 10 years, and premium income that is significantly less than fund expenditures jeopardize the ability of the bureau to provide compensation to injured employees; and

WHEREAS, the Legislative Assembly enacted legislation in 1991 to establish programs to provide for the more efficient and effective administration of benefits by the bureau; and

WHEREAS, self-insurance or private insurance may be a viable option for some North Dakota employers to provide workers' compensation coverage to their employees; and

WHEREAS, the bureau's claims analysts and rehabilitation staff should be qualified and adequately trained to provide consistent claims administration and rehabilitation programs; and

WHEREAS, the extent to which fraud is a contributing factor in increasing workers' compensation costs is not known; and

WHEREAS, insufficient data is available to make reasoned and informed decisions concerning major changes in the structure and organization of the bureau, claims adjudication, benefits, premiums, and other matters that may affect the solvency of the fund;

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

That the Legislative Council study the North Dakota workers' compensation system including the cost and delivery of medical care, the cost of rehabilitation, legal fees, previous legislation, premium structure, alternate insurance concepts and the impact on the fund of those concepts, administration and staffing of the bureau, the number of injured workers receiving social service benefits, and employer and employee fraud; and

BE IT FURTHER RESOLVED, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-fourth Legislative Assembly."

Renumber accordingly

SCR 4038 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the conference committee report on SCR 4038 be adopted, which motion prevailed.

SCR 4038, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4038: A concurrent resolution directing the Legislative Council to study the workers' compensation system including the cost and delivery of medical care, the cost of rehabilitation, legal fees, previous legislation, premium structure, alternate insurance concepts and the impact on the fund of those concepts, administration and staffing of the bureau, the number of injured workers receiving social service benefits, and employer and employee fraud.

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

SCR 4038 was declared adopted and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

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

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

April 15, 1993

This is to inform you that on April 15, 1993, I signed the following: SB 2042, SB 2289, SB 2320, SB 2328, SB 2362, SB 2379, and SB 2523.

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

MADAM PRESIDENT: The Speaker has appointed Rep. Gates to replace Rep. Bateman on the conference committee on: SB 2022.

REPORT OF CONFERENCE COMMITTEE

SB 2006, as engrossed: Your conference committee (Sens. Kelly, DeMers, Nething and Reps. St. Aubyn, Payne, Pyle) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1238-1243, adopt amendments as follows, and place SB 2006 on the Seventh order:

That the House recede from its amendments as printed on pages 1238-1243 of the Senate Journal and pages 1373-1379 of the House Journal and that engrossed Senate Bill No. 2006 be amended as follows:

Page 1, line 6, replace "and" with "to create and enact nine new subsections to section 23-09-01 of the North Dakota Century Code, relating to food establishments, hotels, lodginghouses, restaurants, and boardinghouses;", after "reenact" insert "subsection 1 of section 19-02.1-24,", and after the first comma insert "23-09-17,"

Page 1, line 7, remove "and", after "23-09-19" insert ", 23-09.1-03, 23-10-05, and 61-28.2-01", and after "to" insert "license fees and"

Page 1, line 8, after "laboratories" insert "and to the water pollution control revolving loan fund program; and to provide for a legislative council study"

Page 1, line 17, replace "22,197,754" with "22,296,250"

Page 1, line 18, replace "505,371" with "491,703"

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

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

Page 1, line 21, replace "11,956,168" with "11,981,168"

Page 2, remove line 2

Page 2, line 5, replace "62,587,172" with "62,702,326"

Page 2, line 6, replace "47,610,217" with "47,571,082"

Page 2, line 7, replace "14,976,955" with "15,131,244"

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

Page 3, after line 6, insert:

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

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

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

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

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

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

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

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

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

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

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

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

Page 3, remove line 11

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

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

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

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

Page 3, remove lines 21 through 24

Page 3, after line 24, insert:

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

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

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

12. For a bar or tavern dispensing beer, liquor, or alcoholic beverages, twenty dollars.
13. For an establishment operating one or more mobile food units or pushcarts, twenty-five dollars.

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

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

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

Page 4, line 10, remove "a representative"

Page 4, after line 12, insert:

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

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

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

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

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

8. For a trailer park or campground containing more than fifty lots, ~~eighty~~ one hundred twenty dollars.

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

SECTION 15. AMENDMENT. Section 61-28.2-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

61-28.2-01. Water pollution control revolving loan fund program - Purposes - Establishment - Capitalization of fund - Disposition of moneys - Administration.

1. It is the determination of the legislative assembly that the federal funds for the administration and implementation of the federal wastewater construction grants program will decline within the years to come, thereby decreasing the amount of funds that the state will have to operate and carry out the functions that it has been assigned to accomplish. In order to continue to provide funds to political subdivisions for the planning, design, construction, and rehabilitation of wastewater treatment facilities, public water supply systems, and other lawful activities connected with this program, it is the purpose of this section to provide for the establishment of a revolving loan fund to be capitalized by federal grants, matching state funds when required, and by any other funds generated by the operation of the revolving loan fund.
2. There is hereby established ~~a fund to be known as the water pollution control revolving loan fund, hereafter referred to as the "revolving loan fund"~~, which must be maintained and operated by the state department of health and consolidated laboratories. Grants from the federal government or its agencies allotted to the state for the capitalization of the revolving loan fund, and state matching funds when required, must be deposited directly in the revolving loan fund in compliance with the terms of the federal grant. Money in the revolving loan fund must be expended in a manner consistent with terms and conditions of the grants received by the state and may be used to offer loan guarantees; to provide payments to reduce interest on loans and loan guarantees; to make bond interest subsidies; to provide bond guarantees on behalf of municipalities, other local political subdivisions, and intermunicipal or interstate agencies; to provide assistance to a municipality, other local political subdivisions, or intermunicipal or interstate agencies with respect to the nonfederal share of the costs of a project; to finance the cost of facility planning and the preparation of plans, specifications, and estimates for construction of publicly owned treatment works or public water supply systems; to provide financial assistance for the construction and rehabilitation of a project on the state priority list; to secure principal and interest on bonds issued by a public trust having the state of North Dakota as its beneficiary, or the North Dakota municipal bond bank if the proceeds of such bonds are deposited in the revolving loan fund and to the extent provided in the terms of the federal grant; to provide for loan guarantees for similar revolving funds established

by municipalities, other local political subdivisions, or intermunicipal agencies; to purchase debt incurred by municipalities or other local political subdivisions for wastewater treatment projects or public water supply systems; to improve credit market access by guaranteeing or purchasing insurance or other credit enhancement devices for local obligations or obligations of a public trust having the state of North Dakota as its beneficiary or the North Dakota municipal bond bank; to fund other programs which the federal government authorizes by the terms of its grants; to fund the administrative expenses of the state department of health and ~~consolidated laboratories~~ associated with the revolving loan fund; and to provide for any other expenditure consistent with the federal grant program and state law. Money not currently needed for the operation of the revolving loan fund or otherwise dedicated may be invested. All interest earned on investments must be credited to the revolving loan fund.

3. ~~The department shall administer the revolving loan fund must be administered by the state department of health and consolidated laboratories, which is authorized to.~~ The department may enter into contracts and other agreements in connection with the operation of the revolving loan fund, including contracts and agreements with federal agencies, political subdivisions, public trusts having the state of North Dakota as beneficiary or the North Dakota municipal bond bank, and other parties to the extent necessary or convenient for the implementation of the revolving loan fund program. The ~~state department of health and consolidated laboratories~~ shall maintain full authority for the operation of the revolving loan fund in accordance with applicable federal and state law.
4. The ~~state department of health and consolidated laboratories~~ has the following powers and duties in regard to the revolving loan fund:
 - a. To apply for and accept grants of money from the United States environmental protection agency or other federal agencies for the purpose of making funds available to political subdivisions for the planning, design, construction, and rehabilitation of wastewater treatment facilities, public water supply systems, and other related activities. The department may contract to receive such grants, agree to match the grant in whole or in part when required, and to comply with applicable federal laws and regulations in order to secure the grants. Money received through these grants and state matching funds must be deposited into the water pollution control revolving loan fund or used for appropriate administrative purposes.
 - b. To administer the revolving loan fund as established. ~~The office is also authorized to~~ department may enter into contracts and other agreements in connection with the operation of the revolving loan fund to the extent necessary or convenient for the implementation of the revolving loan fund program.
 - c. To administer and disburse funds in accordance with the federal ~~Clean Water Act~~ and Safe Drinking Water Acts, as amended.

- d. To promulgate adopt rules as necessary to carry out the provisions of this chapter and meet the requirements of the federal Clean Water Act and Safe Drinking Water Acts, as amended.

SECTION 16. LEGISLATIVE COUNCIL STUDY - STUDY OF ENVIRONMENTAL HEALTH FUNCTIONS WITHIN THE DEPARTMENT OF HEALTH AND CONSOLIDATED LABORATORIES AND OF ENVIRONMENTAL HEALTH AS AN INDEPENDENT AGENCY. The legislative council shall consider studying the feasibility and desirability of removing the environmental health functions and responsibilities of the department of health and consolidated laboratories from that department and establishing a department to handle all environmental functions and responsibilities. The study, if conducted, should address the complexity and diversity of health-related and environmental functions and responsibilities of the department of health and consolidated laboratories and whether the needs of the state would be best served by removing the environmental health functions and responsibilities from the department of health and consolidated laboratories. The legislative council, if a study is conducted, shall report its findings and recommendations, together with any legislation requested to implement the recommendations, to the fifty-fourth legislative assembly."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 301 - DEPARTMENT OF HEALTH AND CONSOLIDATED LABORATORIES

CONFERENCE COMMITTEE - This amendment makes the following changes:

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

	GENERAL FUND	OTHER FUNDS	TOTAL
Reduction to provide the legislative salary increase recommendation as contained in HB 1018	\$(159,892)	\$(195,425)	\$(355,317)
Add funds to restore the forensic pathologist position - delay general fund moneys to allow funds for the second year of the 1993-95 biennium and to allow other funds for the amount of the general fund reduction in the event federal funds may be available. It is intended the department explore options of sharing this position with other state and private entities including a North Dakota-South Dakota partnership.	145,881	145,881	291,762
Add funds for 4 FTEs for food and lodging inspections	244,051		244,051
Reduce funds for anticipated vacant positions	<u>(82,000)</u>	<u> </u>	<u>(82,000)</u>
Total	\$ 148,040	\$ (49,544)	\$ 98,496

- The information services line item is reduced by a total reduction of \$13,668, of which \$4,151 is from the general fund and \$9,517 is from other funds in accordance with the provisions of House Bill No. 1018.

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

In addition, operating expenses is increased by \$70,200 from the general fund for the 4 FTEs added and by \$19,926 of other funds for payment of Merit System fees to the Office of Management and Budget.

- The equipment line item is reduced by \$10,000 from the general fund.
- The grants line item is increased by \$25,000 from the general fund for aid to local health districts, from \$975,000 to \$1,000,000. The House had funded this at \$877,500.

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

In total, \$115,154 is added to the Department of Health and Consolidated Laboratories, including an increase of \$154,289 from the general fund and a decrease of \$39,135 from other funds.

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

	ORIGINAL EXECUTIVE BUDGET	SENATE VERSION	HOUSE VERSION	CONFERENCE COMMITTEE	SCHAFFER EXECUTIVE BUDGET
Salaries and wages	\$22,606,256	\$22,197,754	\$22,156,340	\$22,296,250	\$21,663,025
Information services	505,371	505,371	454,834	491,703	496,371
Operating expenses	25,477,503	25,467,503	25,787,229	25,787,229	25,629,643
Equipment	865,976	855,976	845,976	845,976	848,798
Grants	11,576,168	11,956,168	11,858,668	11,981,168	11,126,168
Grants to state agencies	820,000	820,000	820,000	820,000	820,000
Interagency legal fees	304,400	304,400	0	0	0
Abandoned motor vehicle	400,000	400,000	400,000	400,000	400,000
Belfield/Bowman project	1,120,000	0	0	0	0
Physician loan program	<u>80,000</u>	<u>80,000</u>	<u>80,000</u>	<u>80,000</u>	<u>80,000</u>
Total all funds	\$63,755,674	\$62,587,172	\$62,403,047	\$62,702,326	\$61,064,005
Less estimated income	<u>47,084,424</u>	<u>47,610,217</u>	<u>47,322,579</u>	<u>47,571,082</u>	<u>46,597,842</u>
Total general fund	\$16,671,250	\$14,976,955	\$15,080,468	\$15,131,244	\$14,466,163
FTEs authorized	315	314	319	319	311

In addition, statutory language is added to the water pollution control revolving loan fund law concerning the Safe Drinking Water Act and public water supply systems and a section for a Legislative Council study of environmental health functions within the department.

Engrossed SB 2006 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. KELLY MOVED that the conference committee report on Engrossed SB 2006 be adopted, which motion prevailed.

Engrossed SB 2006, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health and consolidated laboratories; to provide a statement regarding the disbursement of domestic violence prevention grants; to provide for appropriations from the abandoned motor vehicle disposal fund, solid waste management fund, environment and rangeland protection fund, and domestic violence fund; to create and enact nine new subsections to section 23-09-01 of the North Dakota Century Code, relating to food establishments, hotels, lodginghouses, restaurants, and boardinghouses; to amend and reenact subsection 1 of section 19-02.1-24, sections 23-09-11, 23-09-17, 23-09-18, 23-09-19, 23-09.1-03, 23-10-05, and 61-28.2-01 of the North Dakota Century Code, relating to license fees and inspections by the department of health and consolidated laboratories and to the water pollution control revolving loan fund program; 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 40 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Andrist; Bowman; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos

ABSENT AND NOT VOTING: Mutch; Naaden

SB 2006 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 1389 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1389: Reprs. D. Olsen; Klein; Thorpe

MOTION

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

MOTION

SEN. MATHERN MOVED that the Senate be on the Fourth, Fifth, Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Friday, April 16, 1993, which motion prevailed.

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

CAROL SIEGERT, Secretary