

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, February 17, 1993

The House convened at 10:00 a.m., with Speaker R. Berg presiding.

The prayer was offered by the Rev. Stephen D. Eastin, First Presbyterian Church, Mandan.

The roll was called and all members were present except Representatives Dalrymple, Martin, Poolman, and Wald.

A quorum was declared by the Speaker.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2004, SB 2011, SB 2017, SB 2029, SB 2110, SB 2213, SB 2279, SB 2308, SB 2315, SB 2324, SB 2339, SB 2357, SB 2360, SB 2362, SB 2364, SB 2370, SB 2379, SB 2388, SB 2394, SB 2401, SB 2415, SB 2417, SB 2423, SB 2425, SB 2431, SB 2441, SB 2445, SB 2449, SB 2456, SB 2458, SB 2472, SB 2488, SB 2490, SB 2494, SB 2496, SB 2497, SB 2506, SB 2509, SB 2513, SB 2514.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2517, SB 2524, SB 2527, SB 2533, SB 2534, SCR 4031, SCR 4034.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4041.

HOUSE ENROSSING AND ENROLLING REPORT

The following bills and resolutions were engrossed: HB 1004, HB 1025, HB 1232, HB 1304, HB 1338, HB 1347, HB 1389, HB 1471, HB 1474, HB 1476, HB 1477, HB 1483, HCR 3022, HCR 3029, HCR 3034, HCR 3039.

The following bills were reengrossed: HB 1057, HB 1274, HB 1464.

SIGNING OF BILLS AND RESOLUTIONS

The Speaker signed the following enrolled resolution: SCR 4041.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1026, HB 1062, HB 1179, HB 1332, HB 1359, HB 1366, HB 1373, HB 1397, HB 1400, HB 1427, HB 1435, HB 1457, HB 1460, HB 1463, HB 1468, HB 1469, HB 1475, HB 1484, HB 1485, HB 1489, HB 1490, HCR 3026, HCR 3030, HCR 3035.

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

MADAM PRESIDENT: The Speaker has signed: SCR 4041.

SIXTH ORDER OF BUSINESS

REP. FREIER MOVED that the rules be suspended and that the House consider all the amendments on the Sixth order of business in one motion, which motion prevailed.

REP. FREIER MOVED that all the amendments on the Sixth order of business to HB 1015, HB 1017, HB 1054, HB 1180, HB 1326, HB 1391, HB 1413, HB 1458, HB 1504, HCR 3037, and SB 2104 be adopted, which motion prevailed.

HB 1015, HB 1017, HB 1054, HB 1180, HB 1326, HB 1391, HB 1413, HB 1458, HB 1504, and HCR 3037, as amended, were placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SB 2104, as amended, was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

REQUEST

REP. PAYNE REQUESTED that the record show that the members of Human Services subcommittee of the Appropriations Committee were excused to complete committee work, which request was granted.

ANNOUNCEMENT

SPEAKER R. BERG ANNOUNCED that the House would be on the Seventh order of business.

MOTION

REP. RING MOVED that the report of the Minority as printed on HJ pages 699-701 be substituted for the report of the Majority on HB 1459.

REQUEST

REP. RING REQUESTED a recorded roll call vote on the motion that the report of the Minority be substituted for the report of the Majority on HB 1459, which request was granted.

ROLL CALL

The question being on the motion that the report of the Minority be substituted for the report of the Majority on HB 1459, the roll was called and there were 38 YEAS, 52 NAYS, 0 EXCUSED, 8 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Berg, J.; Bodine; Boucher; Brodshaug; Carlson, A.; Carlson, C.; Cleary; Coats; Dobrinski; Glassheim; Goffe; Grumbo; Gulleson; Hanson; Hokana; Holm; Huether; Jacobs; Kaldor; Keiser; Kerzman; Kilichowski; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Ring; Rydell; Sitz; Stenson; Thorpe

NAYS: Bateman; Belter; Bernstein; Boehm; Brown; Carlisle; Christopherson; Clayburgh; Dalrymple; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Hagle; Hausauer; Henegar; Howard; Johnson; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Maragos; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Porter; Price; Rennerfeldt; Schindler; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

ABSENT AND NOT VOTING: Byerly; DeWitz; Payne; Poblman; Pyle; St. Aubyn; Wentz; Wilkie

The motion that the report of the Minority be substituted for the report of the Majority failed.

The question then was on the adoption of the report of the Majority, which report was adopted on a verification vote.

HB 1459 was placed on the Eleventh order of business on the calendar.

MOTION

REP. FREIER MOVED that HB 1459 be placed at the head of today's calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1459: A BILL for an Act to create and enact three new sections to chapter 16.1-08.1 of the North Dakota Century Code, relating to campaign contributions and expenditures; to amend and reenact sections

16.1-08.1-01, 16.1-08.1-02, 16.1-08.1-03.1, and 16.1-10-02 of the North Dakota Century Code, relating to campaign contributions and expenditures, campaign contribution reports, and use of public funds for political purposes; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 35 YEAS, 54 NAYS, 9 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Carlson, C.; Cleary; Coats; Dobrinski; Froseth; Glasheim; Goffe; Gorder; Grumbo; Gulleeson; Hanson; Hokana; Huether; Jacobs; Kaldor; Kerzman; Kilichowski; Kroeber; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Ring; Sitz; Stenson; Sveen; Thorpe

NAYS: Austin; Bateman; Belter; Bernstein; Boehm; Brown; Carlisle; Carlson, A.; Christopherson; Clayburgh; Dalrymple; Dorso; Drovdal; Freier; Gates; Gerntholz; Gorman; Grosz; Hagle; Hausauer; Henegar; Howard; Johnson; Keiser; Kelsch; Kempenich; Klein; Kretschmar; Kunkel; Laughlin; Maragos; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; Stenehjem; Svedjan; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

ABSENT AND NOT VOTING: Byerly; DeWitz; Holm; Payne; Poolman; Pyle; St. Aubyn; Wentz; Wilkie

HB 1459 was declared lost.

SECOND READING OF HOUSE BILL

HB 1365: A BILL for an Act to create and enact four new sections to chapter 15-40.2 of the North Dakota Century Code, relating to the enrollment of nonresident students.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 84 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bodine; Dobrinski; Gates; Gerntholz; Glasheim; Gulleeson; Martin; Monson; Ness; Nichols; Olson, A.; St. Aubyn

ABSENT AND NOT VOTING: Poolman; Wentz

Engrossed HB 1365 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1438: A BILL for an Act to establish a statewide open enrollment program allowing elementary and high school students to attend school in a district other than their school district of residence.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Belter; Berg, J.; Bodine; Boucher; Byerly; Carlson, C.; Cleary; Coats; Dalrymple; DeWitz; Drovdal; Freier; Gates; Gerntholz; Goffe; Gorder; Grumbo; Gulleason; Hagle; Hanson; Henegar; Hokana; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kerzman; Kretschmar; Kroeber; Laughlin; Martinson; Mutzenberger; Nelson; Ness; Nichols; Oban; Olsen, D.; Price; Ring; Rydell; Schindler; Soukup; St. Aubyn; Torgerson; Wardner; Wilkie; Speaker R. Berg

NAYS: Austin; Bateman; Bernstein; Boehm; Brodshaug; Brown; Carlisle; Carlson, A.; Christopherson; Clayburgh; Dobrinski; Dorso; Froseth; Glassheim; Gorman; Grosz; Hausauer; Holm; Howard; Keiser; Kempenich; Kilichowski; Klein; Kunkel; Mahoney; Maragos; Martin; Monson; Nicholas; Olson, A.; Payne; Porter; Pyle; Rennerfeldt; Shide; Sitz; Skarphol; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Wald; Wanzek; Wentz

ABSENT AND NOT VOTING: Poolman

Engrossed HB 1438 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that HB 1458 be placed at the head of today's calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1458: A BILL for an Act to create and enact four new subsections to section 14-02.1-02 of the North Dakota Century Code, relating to abortion; and to amend and reenact section 14-02.1-01, subsections 1 and 4 of section 14-02.1-02, subsection 2 of section 14-02.1-03.1, sections 14-02.1-04, and 14-02.1-12 of the North Dakota Century Code, relating to abortion and the protection of unborn human life; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 50 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bateman; Belter; Bernstein; Bodine; Boehm; Boucher; Carlisle; Carlson, A.; Coats; Dalrymple; DeWitz; Dobrinski; Drovdal; Freier; Froseth; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Hagle; Howard; Jacobs; Johnson; Kempenich; Kerzman; Kretschmar; Kunkel; Laughlin; Martin; Nicholas; Nichols; Olsen, D.; Olson, A.; Rennerfeldt; Schindler; Shide; Sitz; Skarphol; Soukup; Stenson; Timm; Tollefson; Wald; Wanzek; Wardner; Wilkie

NAYS: Aarsvold; Allmaras; Austin; Berg, J.; Brodshaug; Brown; Byerly; Carlson, C.; Christopherson; Clayburgh; Cleary; Dorso; Gates; Glassheim; Goffe; Gulleason; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Kaldor; Keiser; Kelsch; Kilichowski; Klein; Kroeber; Mahoney; Maragos; Martinson; Monson; Mutzenberger; Nelson; Ness; Oban; Payne; Porter; Price; Pyle; Ring; Rydell; St. Aubyn; Stenehjem; Svedjan; Sveen; Thorpe; Torgerson; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Poolman

Engrossed HB 1458 was declared lost.

MOTION

REP. FREIER MOVED that the House waive the reading of the titles to HB 1477, HB 1057, HB 1476, and HB 1486, which motion prevailed.

MOTION

REP. PAYNE MOVED that the vote by which HB 1458 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1477: A BILL for an Act to establish a cooperative education enhancement program and a pilot project for school districts with reduced membership; and to amend and reenact sections 15-27.3-06, 15-40.1-06, 15-40.1-11, and 15-47-21 of the North Dakota Century Code, relating to state payments for the educational support of students and district mill levy rates.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 75 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvoold; Allmaras; Boucher; Cleary; Coats; Goffe; Hagle; Hanson; Hokana; Huether; Kaldor; Kerzman; Kilichowski; Kroeber; Laughlin; Oban; Ring; Wardner; Wilkie

NAYS: Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wanzek; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Bateman; Kempenich; Poolman; Wald

Engrossed HB 1477 was declared lost.

SECOND READING OF HOUSE BILL

HB 1487: A BILL for an Act to amend and reenact section 53-06.1-07.2 of the North Dakota Century Code, relating to draw poker and stud poker.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 28 YEAS, 65 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Allmaras; Boehm; Dobrinski; Gates; Glassheim; Grumbo; Hanson; Hausauer; Hokana; Holm; Howard; Huether; Johnson; Kretschmar; Kunkel; Maragos; Martinson; Mutzenberger; Nicholas; Nichols; Ring; St. Aubyn; Stenehjem; Timm; Tollefson; Torgerson; Wald; Wanzek

NAYS: Aarsvold; Austin; Belter; Berg, J.; Bernstein; Bodine; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Goffe; Gorder; Gorman; Grosz; Gulleson; Hagle; Henegar; Jacobs; Kaldor; Keiser; Kelsch; Kilichowski; Klein; Kroeber; Laughlin; Mahoney; Martin; Monson; Nelson; Ness; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenson; Svedjan; Sveen; Thorpe; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Bateman; Gerntholz; Kempenich; Kerzman; Poolman

Engrossed HB 1487 was declared lost.

SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act to provide an appropriation for defraying the expenses of the protection and advocacy project.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 93 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bateman; Gates; Kempenich; Maragos; Poolman

Engrossed HB 1004 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1025: A BILL for an Act to authorize the state developmental center to sell services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 91 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Gates; Gerntholz; Glasheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen;

Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

NAYS: Brodshaug; Froseth; Keiser

ABSENT AND NOT VOTING: Bateman; Kempenich; Poolman; Wilkie

Engrossed HB 1025 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1057: A BILL for an Act to amend and reenact sections 11-33-01, 11-33-20, 23-29-03, subsection 11 of section 23-29-04, subsection 3 of section 23-29-06, and section 23-29-07 of the North Dakota Century Code and to amend and reenact section 1 of chapter 283 of the 1991 Session Laws of North Dakota, relating to county power to regulate property, joint zoning authority over solid waste disposal facilities, definitions, powers and duties of the state department of health and consolidated laboratories, solid waste management district board membership, permits for solid waste management facilities and solid waste transporters, and to prohibit the state department of health and consolidated laboratories from issuing permits for the construction or operation of certain solid waste disposal facilities; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 94 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bateman; Kempenich; Kunkel; Poolman

Engrossed HB 1057 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1232: A BILL for an Act to create and enact three new sections to chapter 4-35 of the North Dakota Century Code, relating to notices of pesticide and fertilizer application to residential turf grass areas; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 14 YEAS, 83 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg, J.; Boucher; Glassheim; Gulleason; Hanson; Kaldor; Maragos; Mutzenberger; Oban; Porter; Ring; Thorpe; Wentz

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

ABSENT AND NOT VOTING: Poolman

Engrossed HB 1232 was declared lost.

SECOND READING OF HOUSE BILL

HB 1274: A BILL for an Act to create and enact a new section to chapter 25-16 of the North Dakota Century Code, relating to residential care and services for the developmentally disabled.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 76 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bernstein; Bodine; Boucher; Brodshaug; Brown; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dorso; Drovdal; Froseth; Glassheim; Goffe; Gorman; Grosz; Grumbo; Gullerson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Oban; Olson, A.; Payne; Porter; Price; Rennerfeldt; Ring; Rydell; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjøm; Stenson; Svedjan; Sveen; Thorpe; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wilkie; Speaker R. Berg

NAYS: Bateman; Boehm; Byerly; Carlisle; Dalrymple; DeWitz; Dobrinski; Freier; Gates; Gerntholz; Gorder; Howard; Kaldor; Keiser; Nichols; Olsen, D.; Pyle; Schindler; Shide; Timm; Wentz

ABSENT AND NOT VOTING: Poolman

Engrossed HB 1274 passed and the title was agreed to.

MOTION

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

REPORT OF STANDING COMMITTEE

HB 1007: Appropriations Committee (Rep. Dalrymple, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (21 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1007 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to provide an appropriation of funds from the national"

Page 1, line 3, remove "guard tuition trust fund;"

Page 1, line 13, replace "2,273,576" with "2,057,920"

Page 1, line 14, replace "20,900" with "18,810"

Page 1, line 15, replace "2,114,275" with "2,167,701"

Page 1, line 17, replace "349,000" with "299,000"

Page 1, remove line 19

Page 1, line 21, replace "6,710,100" with "6,719,172"

Page 2, line 2, replace "5,108,100" with "5,140,849"

Page 2, line 3, replace "18,059,037" with "17,777,416"

Page 2, line 4, replace "11,398,921" with "11,308,863"

Page 2, line 5, replace "6,660,116" with "6,468,553"

Page 2, line 6, replace "APPROPRIATION" with "SPECIAL FUNDS"

Page 2, line 8, replace "hereby appropriated" with "to be spent"

Page 2, line 9, remove "to the adjutant general"

Page 2, line 10, remove "and for adjutant general operations"

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by a total of \$215,656 consisting of:

	GENERAL FUND	OTHER FUNDS	TOTAL
Health insurance adjustment	\$(19,004)	\$ (8,122)	\$ (27,126)
Reduction for Governor Schafer's salary increase recommendation	(35,026)	(153,504)	(188,530)
Total	\$(54,030)	\$(161,626)	\$(215,656)

- The veterans' cemetery line item of \$109,122 from the general fund, and one FTE included in the line, is deleted to reflect the elimination of general fund moneys supporting the cemetery.

- The Army Guard contract line item is increased by a total of \$9,072¹ consisting of:

Health insurance adjustment	\$(3,300)	\$ (31,788)	\$(35,088)
Increase for Governor Schafer's salary increase recommendation	2,831	41,329	44,160
Total	\$ (469)	\$ 9,541	\$ 9,072

- The Air Guard contract line item is increased by a total of \$32,749¹ consisting of:

Health insurance adjustment	\$ (396)	\$15,372	\$14,976
Increase for Governor Schafer's salary increase recommendation	4,170	13,603	17,773
	_____	_____	_____
Total	\$3,774	\$28,975	\$32,749

¹ The compensation increase for the FTEs in the Air Guard contract and Army Guard contract line items was included in the salaries and wages line item in Governor Sinner's compensation increase plan and is being included in the various contract line items in Governor Schafer's recommendation.

In addition to the changes made to reflect Governor Schafer's recommended appropriations, this amendment makes the following changes:

- The information services line item is decreased by \$2,090 from the general fund to reflect a 10 percent decrease in information services.
- The operating expenses line item is increased by \$53,426, of which \$20,374 is from the general fund and \$33,052 is from other funds for indirect cost allocation payments to the Office of Management and Budget.
- The capital improvement line item is decreased by \$50,000 from the general fund.

In total, this amendment reduces the Adjutant General's appropriation by \$281,621, of which \$191,563 is from the general fund and \$90,058 is other funds.

Section 2 is amended to remove the term appropriation since the funds are already appropriated in Section 1. This amendment also removes the phrase Adjutant General operations from the listed uses of the tuition trust fund moneys, since moneys from the tuition trust fund are not included for operations.

REPORT OF STANDING COMMITTEE

HB 1010: Appropriations Committee (Rep. Dairymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (16 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1010 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 57-39.2-26.1 of the North Dakota Century Code, relating to determination of a portion of sales, use, and motor vehicle excise tax revenues; to provide an appropriation for state revenue sharing and personal property tax replacement payments to political subdivisions and senior citizens mill levy match; to provide for a transfer; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-39.2-26.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-39.2-26.1. ~~Allocation Determination of a portion of sales, use, and motor vehicle excise tax revenues to revenue sharing and personal property tax replacement. Notwithstanding any other provision of law, a~~ A portion of sales, use, and motor vehicle excise tax collections equal to sixty 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 must be deposited by the state treasurer in the state aid distribution fund. ~~The determined by the state tax commissioner for each calendar year. The state tax commissioner shall certify to the state treasurer director of the office of management and budget the portion of sales, use, and motor vehicle excise tax net revenues that must be deposited in the state aid distribution fund as determined under this section. The state aid distribution fund must be allocated, subject to legislative appropriation, as follows:~~

- 1- ~~Fifty percent of the revenues must be allocated in the first month subsequent to each quarterly period for state revenue sharing as provided in sections 54-27-20.2 and 54-27-20.3.~~
- 2- ~~Fifty percent of the revenues must be allocated for personal property tax replacement as provided in section 57-58-01.~~

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury the sum of \$51,697,983, or so much of the sum as may be necessary, to the state treasurer for the biennium beginning July 1, 1993, and ending June 30, 1995, for the following purposes:

Revenue sharing and personal property tax replacement payments to political subdivisions	\$51,197,983
Payments to the department of human services for the purpose of providing matching funds for the senior citizens mill levy under section 57-15-56	500,000
Total	<u>\$51,697,983</u>

The state treasurer shall allocate fifty percent of the amount appropriated in this section for personal property tax replacement as provided in section 57-58-01 and fifty percent of the amount appropriated in this section for state revenue sharing as provided in sections 54-27-20.2 and 54-27-20.3. The state treasurer shall allocate personal property tax replacement revenues in two equal annual installments as provided in section 57-58-01 and shall allocate the revenues available for state revenue sharing in eight equal installments, within the first month subsequent to each quarterly period beginning with the quarterly period ending June 30, 1993.

SECTION 3. TRANSFER. On July 1, 1993, the state treasurer shall transfer the unobligated balance in the state aid distribution fund to the state general fund. Upon payment of all obligations, the state treasurer shall transfer any balance to the general fund in the state treasury. After June 30, 1993, the state treasurer shall deposit any moneys that would otherwise be deposited in the state aid distribution fund in the state general fund.

SECTION 4. EFFECTIVE DATE. Section 1 of this Act is effective for all sales tax revenues received after June 30, 1993."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 085 - PAYMENTS TO POLITICAL SUBDIVISIONS

HOUSE - This amendment eliminates the state aid distribution fund and provides for all sales, use, and motor vehicle excise tax collections to be deposited into the general fund. The amendment requires the tax commissioner

to certify to the director of the Office of Management and Budget the portion of the sales, use, and motor vehicle excise tax collections that would have been deposited in the state aid distribution fund had the fund remained.

This amendment changes the funding source for payments to political subdivisions from the state aid distribution fund to the general fund and increases the appropriation by \$197,983, a portion of the balance in the state aid distribution fund as of June 30, 1991.

The amendment provides for \$500,000 of the \$51,697,983 to be provided to counties and cities for senior citizens mill levy match.

REPORT OF STANDING COMMITTEE

HB 1013: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1013 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and to provide an appropriation of funds"

Page 1, line 3, remove "available through the parks and tourism department"

Page 1, line 8, after the second "funds" insert "and other income"

Page 1, line 11, replace "3,426,344" with "3,332,416"

Page 1, line 12, replace "57,654" with "51,889"

Page 1, line 13, replace "590,535" with "588,123"

Page 1, line 14, replace "68,259" with "53,259"

Page 1, replace line 18, with:

"International peace garden 364,583"

Page 1, line 19, replace "4,866,406" with "5,086,424"

Page 1, line 20, replace "1,078,226" with "1,084,882"

Page 1, line 21, replace "3,788,180" with "4,001,542"

Page 2, replace lines 1 through 6, with:

"SECTION 2. PARKS AND HISTORIC SITES IMPROVEMENTS. The state historical society may spend funds appropriated in the parks and historic sites improvements line item in section 1 of House Bill No. 1014, approved by the fifty-third legislative assembly, subject to the approval of the director of the parks and tourism department and the director of the office of management and budget, for the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 3. FUNDING - INTERNATIONAL PEACE GARDEN. The superintendent of the state historical society shall transfer fifty percent of the amount appropriated in the international peace garden line item in section 1 of this Act to the international peace garden within ten days of July 1, 1993, and transfer the remaining fifty percent within ten days of July 1, 1994. The state historical society may not reduce the funds appropriated for the international peace garden in section 1 of this Act by a percentage greater than any percentage allotment of general fund moneys required of the department pursuant to the provisions of sections 54-44.1-12 and 54-44.1-13.1."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 701 - HISTORICAL SOCIETY

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by \$93,928 from the general fund, of which \$19,584 is for reduced employee health insurance costs and \$74,344 is to reflect Governor Schafer's salary increase recommendation.
- The interagency legal fees line item of \$27,460 from the general fund is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

This amendment also makes the following changes:

- The information services line item is reduced by \$5,765, \$5,015 of which is from the general fund and \$750 of other funds to reflect a 10 percent decrease in information services.
- The operating expenses line item is increased by \$32,588, \$25,182 of which is from the general fund and \$7,406 of other funds for indirect cost allocation payments to the general fund.
- The operating expenses line item is reduced by \$35,000 from the general fund to reflect a reduction in estimated operating expenses needed for the 1993-95 biennium.
- The equipment line item is reduced by \$15,000 from the general fund to reflect a reduction in general fund support for equipment purchases for the 1993-95 biennium.
- A separate line item is added of \$364,583 from the general fund for the International Peace Garden appropriation. The executive budget recommended that funding for the International Peace Garden be included as a separate line item in the Parks and Tourism Department appropriation. A section is added providing that if general fund allotments are made during the 1993-95 biennium, the percentage reduction allocated to the Peace Garden may not exceed the percentage reduction for the entire department.
- Section 2, which appropriated funding available through the Parks and Tourism Department for parks and historic sites improvements to the Historical Society, is changed to authorize the Historical Society to spend funds appropriated in the parks and historic sites improvements line item in the Parks and Tourism Department's appropriation bill (House Bill No. 1014) with the approval of the director of the Parks and Tourism Department and the director of the Office of Management and Budget. This change eliminates the appropriation of the same funds in both appropriation bills (House Bill Nos. 1013 and 1014).

In total, this amendment increases funding for the State Historical Society by \$220,018, \$213,362 of which is from the general fund, and \$6,656 of other funds.

REPORT OF STANDING COMMITTEE

HB 1014: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1014 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "4,319,085" with "4,156,459"

Page 1, line 14, replace "102,000" with "91,800"

Page 1, line 15, replace "5,434,825" with "5,524,497"

Page 1, replace line 19 with:

"Williston and Bowman visitors center 40,000"

Page 1, line 20, replace "1,900,000" with "1,710,000"

Page 1, line 21, replace "312,500" with "312,500"

Page 1, remove line 22

Page 2, line 1, replace "14,980,527" with "14,344,103"

Page 2, line 2, replace "4,127,605" with "4,155,353"

Page 2, line 3, replace "10,852,922" with "10,188,750"

Page 2, line 4, remove "- APPROPRIATION"

Page 2, line 6, remove "hereby appropriated"

Page 2, line 7, replace "to the parks and tourism department for the biennium" with a period

Page 2, remove line 8

Page 2, line 9, remove "- APPROPRIATION"

Page 2, line 11, remove "hereby appropriated"

Page 2, line 12, replace "to the parks and tourism department for the biennium" with a period

Page 2, remove line 13

Page 3, line 1, replace "\$1,700,000" with "\$1,510,000"

Page 3, line 2, after "department" insert "and the state historical society"

Page 3, line 4, replace "The" with "With the approval of the" and replace "may make payments of" with "and the director of the office of management and budget, the state historical society may"

Page 3, line 5, replace "\$1,900,000, or so much of that amount as may be necessary," with "spend funds"

Page 3, line 6, remove "to the state historical society"

Page 3, remove lines 8 through 17

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 750 - PARKS AND TOURISM DEPARTMENT

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by \$162,626 from the general fund, of which \$15,744 is for reduced employee health insurance costs, \$71,882 is to reflect Governor Schafer's salary increase recommendation, and \$75,000 is to reflect additional funding available due to projected position vacancies during the 1993-95 biennium.
- The interagency legal fees line item of \$38,687 from the general fund is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.
- The parks and historic sites improvements line item is reduced by \$190,000 from the general fund, from \$1,900,000 to \$1,710,000, \$1,510,000 of which is from the general fund.

This amendment also makes the following changes:

- The information services line item is reduced by \$10,200 from the general fund to reflect a 10 percent decrease in information services.
- The operating expenses line item is increased by \$89,672, \$61,924 of which is from the general fund and \$27,748 of other funds for indirect cost allocation payments to the Office of Management and Budget.
- A separate line item of \$40,000 from the general fund is added for the operations of the Williston and Bowman visitor information centers. If additional funds are necessary, they must come from local sources.
- The State Historical Society is authorized to spend funds from the parks and historic sites improvements line item for parks and historic sites improvements conducted by the Historical Society.
- Funding is removed for the International Peace Garden of \$364,583 from the general fund, which is being added as a separate line item in the State Historical Board's appropriation bill (House Bill No. 1013).

In total, this amendment reduces funding for the Parks and Tourism Department by \$636,424. General fund support is reduced by \$664,172 and funding from other funds is increased by \$27,748.

REPORT OF STANDING COMMITTEE

HB 1064, as reengrossed: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1064 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to provide an appropriation;"

Page 1, line 9, remove "nursing facility or"

Page 2, remove lines 20 and 21

Page 2, line 22, after the first "tax" insert " - Basis of tax" and remove "intermediate care"

Page 2, line 23, remove "for the mentally retarded and nursing facility"

Page 2, remove lines 25 and 26

Page 2, line 27, replace "1. The tax on each intermediate care" with "Each" and replace "for the mentally" with "shall pay a tax"

Page 2, line 28, remove "retarded is"

Page 3, line 1, remove "intermediate care" and remove "for"

Page 3, line 2, remove "the mentally retarded"

Page 3, remove lines 3 through 5

Page 3, line 8, replace "any" with "a"

Page 4, line 5, replace "any" with "the"

Page 4, line 19, replace "Every" with "A" and replace "any" with "the"

Page 4, line 21, replace "every" with "the"

Page 5, line 6, replace "taxes" with "tax"

Page 7, line 11, replace "Medical assistance trust fund established" with "Taxes deposited in general fund"

Page 7, line 12, replace "paid into the state treasury and must" with "deposited in the general fund."

Page 7, remove lines 13 through 29

Page 8, remove lines 1 through 3

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2176: Education Committee (Rep. Gates, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2176 was placed on the Sixth order on the calendar.

Page 1, line 3, after "funds" insert "for certain insurance premiums"

Page 1, line 10, overstrike "shall" and insert immediately thereafter "must"

Page 1, line 12, overstrike "shall" and insert immediately thereafter "must"

Page 1, line 16, overstrike "shall" and insert immediately thereafter "may only", overstrike "solely and exclusively", and overstrike "any of"

Page 2, after line 11, insert:

"(6) The payment of premiums for fire and allied lines, liability, and multiple peril insurance on any building and its use, occupancy, fixtures, and contents."

Page 2, line 12, after "The" insert "custodian of the", overstrike "shall be paid" and insert immediately thereafter "may pay", and overstrike "by the custodian thereof" and insert immediately thereafter "the funds"

Page 2, line 14, overstrike ", and the" and insert immediately thereafter "The"

Renumber accordingly

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

SECOND READING OF HOUSE BILL

HB 1338: A BILL for an Act to amend and reenact section 23-29-07 of the North Dakota Century Code, relating to solid waste management facility permits.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 34 YEAS, 62 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Glassheim; Grumbo; Gulleson; Hanson; Hokana; Huether; Jacobs; Johnson; Kaldor; Kerzman; Kilichowski; Kretschmar; Kroeber; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Porter; Pyle; Ring; Sitz; Stenson; Thorpe; Wilkie

NAYS: Allmaras; Austin; Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Goffe; Gorder; Gorman; Grosz; Hagle; Hausauer; Henegar; Holm; Howard; Keiser; Kelsch; Kempenich; Klein; Kunkel; Laughlin; Maragos; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Clayburgh; Poolman

Engrossed HB 1338 was declared lost.

MOTION

REP. GATES MOVED that the House reconsider its action whereby Engrossed HB 1313 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

MOTION

REP. SVEDJAN MOVED that Engrossed HB 1313 be rereferred to the Appropriations Committee, which motion failed on a verification vote.

SECOND READING OF HOUSE BILL

HB 1313: A BILL for an Act to establish a fetal alcohol syndrome center, to require a prevalence study of fetal alcohol syndrome in the state, and to develop a fetal alcohol evaluation and treatment program at the medical center rehabilitation hospital at the university of North Dakota; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 51 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Berg, J.; Bodine; Boucher; Brodshaug; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dobrinski; Glassheim; Goffe; Grumbo; Gulleson; Hanson; Henegar; Hokana; Huether; Jacobs; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Mutzenberger; Nelson; Ness; Nichols; Oban; Porter; Price; Pyle; Ring; Rydell; Schindler; Sitz; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Torgerson; Wilkie

NAYS: Bateman; Belter; Bernstein; Boehm; Brown; Byerly; Carlisle; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Hagle; Hausauer; Holm; Howard; Johnson; Kempenich; Klein; Kunkel; Maragos; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Rennerfeldt; Shide; Skarphol; Soukup; St. Aubyn; Timm; Tollefson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Poolman

Engrossed HB 1313 passed and the title was agreed to.

MOTION

REP. KLEIN MOVED that the House reconsider its action whereby Engrossed HB 1115 failed to pass, which motion lost on a verification vote.

MOTION

REP. DROVDAL MOVED that the House reconsider its action whereby Engrossed HB 1347 passed, which motion lost on a verification vote.

SECOND READING OF HOUSE BILL

HB 1389: A BILL for an Act to provide for adjusted compensation to certain veterans of the Persian Gulf War, Grenada, Lebanon and Panama armed conflicts and for the method of filing and payment of claims, duties of the adjutant general, and exemption from taxation and execution for the payments; to provide a penalty; and to declare an emergency.

MOTION

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

RULING BY SPEAKER

In accordance with House Rule 302 regarding speaking on a bill, leave to speak more than twice on a bill was granted to Rep. Coats by the House on a voice vote.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 51 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Belter; Berg, J.; Bodine; Carlisle; Carlson, C.; Clayburgh; Cleary; Coats; DeWitz; Dobrinski; Gerntholz; Gorder; Grumbo; Gulletson; Hagle; Hanson; Hausauer; Henegar; Hokana; Huether; Jacobs; Johnson; Kaldor; Kelsch; Kerzman; Kilichowski; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martinson; Mutzenberger; Ness; Nicholas; Nichols; Oban; Olsen, D.; Porter; Price; Ring; Rydell; Schindler; Skarphol; St. Aubyn; Stenson; Tollefson; Wilkie

NAYS: Austin; Bateman; Bernstein; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlson, A.; Christopherson; Dalrymple; Dorso; Drovdal; Freier; Froseth; Gates; Glassheim; Goffe; Gorman; Grosz; Holm; Howard; Keiser; Kempenich; Klein; Martin; Monson; Nelson; Olson, A.; Payne; Pyle; Rennerfeldt; Shide; Sitz; Soukup; Stenehjem; Svedjan; Sveen; Thorpe; Timm; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

ABSENT AND NOT VOTING: Poolman

Engrossed HB 1389 passed, the title was agreed to, but the emergency clause lost.

THE HOUSE RECOGNIZED THE PRESENCE OF:

Former Representative June Enget.

SECOND READING OF HOUSE BILL

HB 1464: A BILL for an Act to create and enact a new chapter to the North Dakota Century Code, relating to licensure of hoisting engineer and crane and hoist operators.

ROLL CALL

The question being on the final passage of the amended bill, which has been

read, and has committee recommendation of DO NOT PASS, the roll was called and there were 69 YEAS, 26 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bodine; Boucher; Brodshaug; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Cleary; Coats; Dobrinski; Dorso; Drovdal; Glassheim; Goffe; Gorman; Grumbo; Gulleson; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Payne; Porter; Pyle; Ring; Rydell; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Thorpe; Tollefson; Torgerson; Wardner; Wentz; Wilkie

NAYS: Bateman; Bernstein; Boehm; Brown; Byerly; Clayburgh; Dalrymple; DeWitz; Freier; Froseth; Gerntholz; Gorder; Grosz; Howard; Martinson; Monson; Olsen, D.; Olson, A.; Price; Rennerfeldt; Schindler; Svedjan; Sveen; Timm; Wanzek; Speaker R. Berg

ABSENT AND NOT VOTING: Gates; Poolman; Wald

Engrossed HB 1464 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1471: A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to financial security of pesticide applicators.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 55 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Berg, J.; Boehm; Boucher; Brodshaug; Carlson, C.; Clayburgh; Cleary; Dalrymple; Gerntholz; Glassheim; Goffe; Gorder; Grumbo; Hanson; Hausauer; Henegar; Howard; Kaldor; Kelsch; Kilichowski; Kroeber; Laughlin; Maragos; Martin; Martinson; Mutzenberger; Nelson; Oban; Price; Pyle; Ring; St. Aubyn; Stenehjem; Svedjan; Tollefson; Wanzek; Wardner; Wentz; Speaker R. Berg

NAYS: Austin; Bateman; Belter; Bernstein; Bodine; Brown; Byerly; Carlisle; Carlson, A.; Christopherson; Coats; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gorman; Grosz; Gulleson; Hagle; Hokana; Holm; Huether; Jacobs; Johnson; Keiser; Kempenich; Kerzman; Klein; Kretschmar; Kunkel; Mahoney; Monson; Ness; Nicholas; Nichols; Olsen, D.; Olson, A.; Payne; Porter; Rennerfeldt; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; Stenson; Sveen; Thorpe; Timm; Torgerson; Wald; Wilkie

ABSENT AND NOT VOTING: Gates; Poolman

Engrossed HB 1471 was declared lost.

SECOND READING OF HOUSE BILL

HB 1476: A BILL for an Act to create and enact a new subsection to section 15-34.1-03 and ten new sections to chapter 15-34.1 of the North Dakota Century Code, relating to compulsory school attendance exceptions and home-based instruction; to amend and reenact section 15-34.1-04 of the North Dakota Century Code, relating to violation of compulsory school attendance laws; to repeal section 15-34.1-05 of the North Dakota Century Code, relating to penalties for violation of compulsory school attendance laws; and to provide an expiration date.

MOTION

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 68 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Allmaras; Austin; Bateman; Belter; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Dalrymple; DeWitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Gorder; Gorman; Grosz; Grumbo; Henegar; Holm; Howard; Huether; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Kerzman; Klein; Kretschmar; Kunkel; Mahoney; Maragos; Martin; Martinson; Nicholas; Olsen, D.; Olson, A.; Payne; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; St. Aubyn; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

NAYS: Aarsvold; Berg, J.; Boucher; Brodshaug; Coats; Glassheim; Goffe; Gulleson; Hagle; Hanson; Hokana; Kaldor; Kilichowski; Kroeber; Laughlin; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Pyle; Ring; Sitz; Soukup; Stenehjem; Stenson; Wilkie

ABSENT AND NOT VOTING: Hausauer; Poolman

Engrossed HB 1476 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1443: A BILL for an Act to provide for the creation of a cancer prevention and control community matching grant program; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 40 YEAS, 56 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Bateman; Berg, J.; Boucher; Brodshaug; Cleary; Coats; Dobrinski; Glassheim; Goffe; Grumbo; Gulleson; Hagle; Hanson; Hokana; Huether; Kaldor; Kerzman; Kilichowski; Kretschmar; Kroeber; Laughlin; Mahoney; Maragos; Monson; Mutzenberger; Nelson; Ness; Nichols; Oban; Porter; Pyle; Ring; Sitz; Stenson; Sveen; Thorpe; Wentz; Wilkie

NAYS: Austin; Belter; Bernstein; Bodine; Boehm; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gerntholz; Gorder; Gorman; Grosz; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Keiser; Kelsch; Kempenich; Klein; Kunkel; Martin; Martinson; Nicholas; Olsen, D.; Olson, A.; Payne; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Speaker R. Berg

ABSENT AND NOT VOTING: Gates; Poolman

HB 1443 was declared lost.

MOTION

REP. FREIER MOVED that HB 1504 be placed at the head of todays calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1504: A BILL for an Act relating to small employer employee health insurance coverage; to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to loss ratios; and to repeal chapter 26.1-36.2 of the North Dakota Century Code, relating to small employer employee health insurance coverage.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 85 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bateman; Brown; Drovdal; Grosz; Hagle; Jacobs; Kempenich; Kretschmar; Kunkel; Nicholas; Stenson

ABSENT AND NOT VOTING: Payne; Poolman

Engrossed HB 1504 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1486: A BILL for an Act relating to small employer employee health insurance coverage; to create and enact a new subdivision to subsection 1 of section 26.1-36-04 and a new section to chapter 26.1-36 of the North Dakota Century Code, relating to loss ratios and preexisting condition exclusions; and to repeal chapter 26.1-36.2 of the North Dakota Century Code, relating to small employer employee health insurance coverage.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 97 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Poolman

HB 1486 was declared lost.

SIXTH ORDER OF BUSINESS

REP. FREIER MOVED that the rules be suspended and that the House consider all the amendments on the Sixth order of business in one motion, with the exception of Reengrossed HB 1064, which motion prevailed.

REP. FREIER MOVED that the rules be suspended and that the amendments on the Sixth order of business to HB 1007, HB 1010, HB 1013, and HB 1014 be adopted, which motion prevailed.

HB 1007, HB 1010, HB 1013, and HB 1014, as amended, were placed on the Eleventh order of business on the calendar.

SECOND READING OF HOUSE BILL

HB 1015: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions of the state water commission and the soil conservation committee; and to amend and reenact sections 1 and 4 of chapter 573 of the 1991 Session Laws of North Dakota, relating to the centennial trees commission and to the provision of an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Poolman; Wilkie

Engrossed HB 1015 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that the House stand in recess until 3:45 p.m., which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1001: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (17 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1001 was placed on the Sixth order on the calendar.

Page 1, line 2, after "officials" insert "and the securities commissioner" and replace "4-01-21," with "53-06.1-12.1 and 54-12-18 of the North Dakota Century Code, relating to the games of chance and the attorney general refund fund."

Page 1, remove lines 3 through 8

Page 1, line 14, after "officials" insert "and the securities commissioner"

Page 1, line 16, after "Dakota" insert "and the securities commissioner"

Page 1, line 20, replace "1,560,399" with "1,297,585"

Page 1, line 21, replace "45,680" with "38,250"

Page 1, line 22, replace "356,379" with "316,021"

Page 2, remove lines 2 through 4

Page 2, line 6, replace "4,000" with "2,000"

Page 2, line 7, replace "5,239" with "3,239"

Page 2, remove lines 9 and 10

Page 2, line 11, replace "1,840,916" with "1,674,340"

Page 2, line 14, replace "268,662" with "258,908"

Page 2, line 15, replace "868" with "781"

Page 2, remove line 18

Page 2, line 20, replace "287,817" with "275,014"

Page 2, line 23, replace "1,475,458" with "1,431,069"

Page 2, line 24, replace "1,254,278" with "1,128,850"

Page 2, remove line 28

Page 3, line 2, replace "all funds" with "general fund appropriation" and
replace "4,360,114" with "4,150,908"

Page 3, remove lines 3 and 4

Page 3, line 7, replace "11,829,776" with "10,871,514"

Page 3, line 8, replace "585,760" with "527,184"

Page 3, line 9, replace "2,596,413" with "2,765,693"

Page 3, replace line 13 with:

"Local gaming enforcement grants 1,224,000"

Page 3, remove line 19

Page 3, line 20, replace "418,324" with "418,324"

Page 3, remove line 21

Page 3, line 22, replace "19,969,150" with "20,123,020"

Page 3, line 23, replace "12,208,386" with "8,406,738"

Page 3, line 24, replace "7,760,764" with "11,716,282"

Page 3, line 27, replace "4,659,577" with "4,531,194"

Page 3, line 28, replace "121,000" with "108,900"

Page 3, line 29, replace "408,092" with "409,382"

Page 4, line 1, replace "45,120" with "45,120"

Page 4, remove line 2

Page 4, line 3, replace "5,246,614" with "5,094,596"

Page 4, line 4, replace "1,945,322" with "1,899,298"

Page 4, line 5, replace "3,301,292" with "3,195,298"

Page 4, line 8, replace "509,186" with "546,745"

Page 4, line 9, replace "26,374" with "24,385"

Page 4, line 10, replace "52,021" with "57,021"

Page 4, remove line 12

Page 4, line 14, replace "general fund appropriation" with "all funds" and replace "1,341,601" with "1,375,301"

Page 4, after line 14, insert:

"Less estimated income	<u>5,000</u>
Total general fund appropriation	\$1,370,301"

Page 4, line 17, replace "10,676,157" with "10,257,712"

Page 4, line 18, replace "1,517,392" with "1,365,653"

Page 4, remove line 21

Page 4, line 25, replace "15,252,405" with "14,667,693"

Page 4, line 26, replace "550,000" with "150,000"

Page 4, line 27, replace "14,702,405" with "14,517,693"

Page 5, line 1, replace "595,357" with "548,715"

Page 5, line 2, replace "25,000" with "22,500"

Page 5, line 3, replace "110,313" with "146,151"

Page 5, line 4, replace "4,200" with "4,200"

Page 5, remove line 5

Page 5, line 6, replace "802,258" with "721,566"

Page 5, line 7, replace "82,142" with "85,905"

Page 5, line 8, replace "720,116" with "635,661"

Page 5, line 11, replace "4,625,865" with "4,321,823"

Page 5, line 12, replace "122,125" with "104,872"

Page 5, line 13, replace "5,167,864" with "5,380,283"

Page 5, line 14, replace "122,800" with "72,100"

Page 5, line 15, replace "20,000" with "20,000"

Page 5, remove line 16

Page 5, line 17, replace "10,111,654" with "9,899,078"

Page 5, line 18, replace "7,253,100" with "6,296,381"

Page 5, line 19, replace "2,858,554" with "3,602,697"

Page 5, line 22, replace "2,515,337" with "2,316,014"

Page 5, line 23, replace "95,749" with "78,974"

Page 5, line 24, replace "1,447,450" with "1,657,859"

Page 5, remove line 29

Page 6, remove line 1

Page 6, line 4, replace "1,892,037" with "1,792,037"

Page 6, line 5, replace "932,856" with "1,032,856"

Page 6, line 7, replace "8,524,377" with "8,284,195"

Page 6, line 8, replace "3,791,342" with "3,925,642"

Page 6, line 9, replace "4,733,035" with "4,358,553"

Page 6, line 13, replace "82,743" with "74,469"

Page 6, remove line 16

Page 6, line 17, replace "288,552" with "288,387"

Page 6, remove line 18

Page 6, line 20, replace "special funds appropriation" with "all funds" and replace "9,946,730" with "9,224,409"

Page 6, after line 20, insert:

"Less estimated income	<u>1,003,541</u>
Total general fund appropriation	\$8,220,868

Subdivision 12.

SECURITIES COMMISSIONER

Salaries and wages	\$ 518,638
Information services	16,421
Operating expenses	62,051
Equipment	<u>5,600</u>
Total general fund appropriation	\$ 602,710"

Page 6, line 21, replace "40,239,737" with "54,320,325"

Page 6, line 22, replace "37,697,531" with "21,772,505"

Page 6, line 23, replace "77,937,268" with "76,092,830"

Page 6, line 28, replace "There is hereby" with "The estimated income"

Page 6, line 29, remove "appropriated to the attorney general, as"

Page 7, line 1, after "Act" insert "includes"

Page 7, line 2, replace "\$628,392" with "\$615,022"

Page 7, replace lines 5 through 13 with:

"SECTION 4. LOCAL GAMING ENFORCEMENT GRANTS - ATTORNEY GENERAL.
The attorney general, through the state treasurer's office, shall pay, from funds appropriated in the local gaming enforcement grants line item in subdivision 4 of section 1 of this Act, \$153,000 per quarter to cities and counties in proportion to the adjusted gross proceeds within each city, for sites within city limits, or within each county, for sites outside city limits, to the total adjusted gross proceeds for the biennium beginning July 1, 1993, and ending June 30, 1995. Any amounts received by a city or county under this section must be used by the city or county for expenses connected with gaming enforcement within the city or county."

Page 7, line 20, replace "There is hereby" with "The"

Page 7, line 21, remove "appropriated the", after "\$32,485" insert "is available", and replace "to" with "for"

Page 7, line 24, remove "There is hereby"

Page 7, line 25, replace "appropriated to the insurance commissioner as included in subdivision" with "Subdivision"

Page 7, line 26, after "Act" insert "includes" and replace "\$101,685" with "\$97,110"

Page 8, line 1, remove "There is"

Page 8, remove line 2

Page 8, line 3, replace "subdivision" with "Subdivision", after "Act" insert "includes", and replace "\$272,219" with "\$259,025"

Page 8, line 7, remove "There"

Page 8, remove line 8

Page 8, line 9, replace "subdivision" with "Subdivision", after "Act" insert "includes", and replace "\$117,003" with "\$111,089"

Page 8, after line 12, insert:

"SECTION 10. PETROLEUM TANK RELEASE COMPENSATION FUND - INSURANCE COMMISSIONER. The sum of \$179,593, or so much of the sum as may be necessary, included in subdivision 11 of section 1 of this Act, is from the petroleum tank release compensation fund for petroleum tank release compensation fund administrative expenses for the biennium beginning July 1, 1993, and ending June 30, 1995."

Page 8, line 13, replace "There is hereby" with "The appropriation in subdivision 4 of section 1 of this Act includes"

Page 8, line 14, remove "appropriated"

Page 8, line 27, replace "APPROPRIATION" with "COLLECTIONS"

Page 9, line 1, remove "is hereby appropriated"

Page 9, line 2, replace "as" with "is"

Page 9, line 3, after "Act" insert "as estimated income"

Page 9, remove lines 5 through 11

Page 9, line 12, replace "Notwithstanding any" with "Subdivision 4 of section 1 of this Act includes the appropriation of"

Page 9, line 13, remove "other provisions of law,"

Page 9, line 15, remove "is hereby appropriated"

Page 9, line 16, remove ", as included in subdivision 4 of section 1 of"

Page 9, line 17, remove "this Act"

Page 9, line 18, replace "APPROPRIATION - STATE AUDITOR. Notwithstanding any other" with "POLITICAL SUBDIVISION AUDIT FEES. The estimated income line item in"

Page 9, remove lines 19 through 21

Page 9, line 22, after "Act" insert "includes \$1,289,530 from political subdivision audit fees" and replace "\$1,321,897" with "\$1,289,530"

Page 9, line 23, replace "be deposited" with "remain" and replace "and made available" with a period

Page 9, remove line 24

Page 9, line 25, replace "ATTORNEY GENERAL" with "STATE TREASURER" and remove "attorney"

Page 9, line 26, replace "general" with "state treasurer" and remove "attorney"

Page 9, line 27, replace "general" with "state treasurer" and replace "4" with "6"

Page 10, remove lines 3 through 21

Page 10, line 24, replace "\$1,135,000" with "\$1,335,000"

Page 10, line 27, replace "\$535,000" with "\$735,000"

Page 10, line 28, after the period insert "Of the \$735,000 provided for the noxious weeds program, \$200,000 of this amount is equal to the estimated amount of funds remaining unspent from the appropriation provided for the noxious weeds program for the 1991-93 biennium contained in 1991 Senate Bill No. 2451. Expenditure of funds pursuant to this \$200,000 included in the estimated income line item in subdivision 10 of section 1 of this Act may not exceed the amount of funds remaining unspent pursuant to the appropriation contained in 1991 Senate Bill No 2451."

Page 11, replace lines 1 through 29 with:

"SECTION 17. AMENDMENT. Section 53-06.1-12.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

~~53-06.1-12.1. Allocation of games Games of chance tax~~
~~Appropriation. The state treasurer, at the direction of the~~
~~attorney general, shall pay one hundred seventy thousand dollars per~~
~~quarter to cities and counties in proportion to the adjusted gross~~
~~proceeds within each city, for sites within city limits, or within each~~
~~county, for sites outside city limits, to the total adjusted gross~~

~~proceeds. Any amounts received by a city or county under this section must be used by the city or county for expenses connected with enforcement of this chapter within the city or county. In addition, two hundred thousand dollars per biennium, must be deposited in the attorney general's operating fund and must be used only for the enforcement of gaming as appropriated. Any remaining deposit all taxes collected under this chapter must be deposited by the state treasurer in the general fund in the state treasury.~~

SECTION 18. AMENDMENT. Section 54-12-18 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-12-18. Special fund established - Continuing appropriation. A special fund is established in the state treasury and designated as the attorney general refund fund. The attorney general shall deposit all moneys recovered by the consumer fraud division for refunds to consumers in cases where persons or parties are found to have violated the consumer fraud laws, all costs, expenses, attorney's fees, and civil penalties collected by the division regarding any consumer fraud or antitrust matter, and all cash deposit bonds paid by applicants for a transient merchant's license who do not provide a surety bond. The moneys in the fund are appropriated, as necessary, for the following purposes:

1. To provide refunds of moneys recovered by the consumer fraud and antitrust division on behalf of consumers;
2. To pay valid claims against cash deposit bonds posted by transient merchant licenses;
3. To refund, upon expiration of the two-year period after the expiration of the transient merchant's license, the balance of any cash deposit bond remaining after the payment of valid claims;
4. To pay costs, expenses, and attorney's fees and salaries incurred in the operation of the consumer fraud division; and
5. To pay the actual costs of a background investigation of applicants for a gaming employee work permit investigations, licensing, and enforcement of gaming in the state or pursuant to Indian gaming compacts.

At the end of each fiscal year any moneys in the fund in excess of the amounts required for subsections 1, 2, 3, and 5 must be deposited in the general fund. The attorney general, with the concurrence of the director of the office of management and budget, shall establish the necessary accounting procedures for use of the attorney general refund fund, particularly with respect to expenditures under subsection 4."

Page 12, remove lines 1 through 29

Page 13, remove lines 1 through 18

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

AGENCY 101 - GOVERNOR'S OFFICE

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations for the Governor's office:

- The salaries and wages line item is decreased by a total of \$260,814 consisting of:

	GENERAL FUND	OTHER FUNDS	TOTAL
Health insurance adjustment	\$ (7,296)		\$ (7,296)
Reduction for Governor Schafer's salary increase recommendation	(36,800)		(36,800)
2 FTEs removed related to the Centennial trees program to be funded in HB 1015 - Soil Conservation Committee	(54,241)	\$(100,894)	(155,135)
Reduction for two FTEs deleted	<u>(61,583)</u>	<u> </u>	<u>(61,583)</u>
Total	\$(159,920)	\$(100,894)	\$(260,814)

- The information services line item is reduced by \$3,180 of other funds related to removal of the Centennial trees program.
- The operating expenses line item is decreased by a net amount of \$40,358 consisting of a decrease of \$49,558 of other funds related to removal of the Centennial trees program and adding \$9,200 from the general fund for lease payment for a car.
- The grants line item is eliminated by removing \$60,000 of other funds related to the removal of the Centennial trees program.
- The grants to state agencies line item is eliminated by removing \$40,000 of other funds related to the removal of the Centennial trees program.
- The interagency legal fees line is eliminated by removing \$5,606 from the general fund.

In addition to the changes listed above, this amendment makes the following changes:

- The salaries and wages line item is decreased by \$2,000 from the general fund to reflect a reduction in temporary salaries.
- The information services line item is decreased by \$4,250 from the general fund to reflect a 10 percent decrease.
- The North Dakota-Saskatchewan-Manitoba Commission line item is reduced by \$2,000 from the general fund and the Yellow-Missouri-Fort Union Commission line item is reduced by \$2,000 from the general fund to reflect more accurately the anticipated expenditures for the two commissions for the 1993-95 biennium.

In total, this amendment reduces the appropriation to the Governor's office by \$420,208, of which \$166,576 is from the general fund and \$253,632 is from other funds.

DEPARTMENT 106 - LIEUTENANT GOVERNOR

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by \$9,754 from the general fund, of which \$1,152 is for reduced employee health insurance costs and \$8,602 is to reflect the Schafer salary increase recommendation.

- The interagency legal fees line item of \$2,962 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

Under the provisions of these amendments, the Lieutenant Governor's salary will remain at the current annual level of \$56,116.

In addition to the changes listed above, this amendment decreases the information services line item by \$87 from the general fund to reflect a 10 percent reduction.

In total, this amendment reduces the Lieutenant Governor's appropriation by \$12,803 from the general fund.

DEPARTMENT 108 - SECRETARY OF STATE

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations for the Secretary of State:

- The salaries and wages line item is decreased by \$41,972 from the general fund, of which \$9,600 is for reduced employee health insurance costs and \$32,372 is to reflect Governor Schafer's salary increase recommendation.
- Under the provisions of this bill, the Secretary of State's salary remains at \$51,752 as under current law. The salaries and wages line is reduced by \$2,417 from the general fund to remove the two percent increase provided in Governor Schafer's budget.
- The interagency legal fees line item of \$39,389 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

The information services line item is decreased by \$125,428 (10 percent) from the general fund.

The general fund appropriation is increased by \$1,666,877, and estimated income is reduced by the same amount due to the Central Notice System being changed from other funds to the general fund. Section 17 is removed since it is no longer necessary. General fund revenue is also increased by \$1,666,877 relating to the change.

DEPARTMENT 117 - STATE AUDITOR

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations for the State Auditor's office:

- The salaries and wages line item is decreased by \$125,966 of which \$81,877 is from the general fund and \$44,089 is from other funds. Of the \$125,966, \$21,888 is for reduced employee health insurance costs and \$104,078 is to reflect Governor Schafer's salary increase recommendation.
- Under the provisions of this bill, the State Auditor's salary will remain at \$51,752 as under current law. The salaries and wages line is reduced by \$2,417 from the general fund to remove the two percent increase provided in Governor Schafer's budget.
- The operating expenses line item is increased by \$1,290 and the interagency legal fees line item of \$12,825 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General. The \$1,290 remains as the portion of legal fees

relating to other funds since the Attorney General will continue to charge special funded agencies for legal services.

This amendment does not reduce equipment by \$10,000 from the general fund as recommended in Governor Schafer's budget but maintains equipment funding as recommended in Governor Sinner's budget. The \$10,000 is for office furniture.

The information services line item is reduced by 10 percent of \$12,100. Of the \$12,100, \$10,165 is from the general fund and \$1,935 is from other funds.

Section 14 is changed to include the amended amount for the Political Subdivision Audit Division and appropriation language is removed to avoid duplicate appropriations.

DEPARTMENT 120 - STATE TREASURER

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is increased by \$53,958 from the general fund for one FTE liquor wholesale licensing previously recommended to be transferred to the Attorney General's office, decreased by \$2,688 from the general fund for reduced employee health insurance costs, and decreased by \$13,711 to reflect Governor Schafer's salary increase recommendation for a net general fund increase of \$37,559.
- The information services line item is increased by \$720 from the general fund for costs associated with the one FTE liquor wholesale licensing which was previously recommended to be transferred to the Attorney General's office.
- The operating expenses line item is increased by \$5,000 of other funds for liquor decals.
- The interagency legal fees line item of \$6,870 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.
- Adds an estimated income line item of \$5,000, derived from the sale of liquor decals.

Under the provisions of this amendment, the State Treasurer's salary will remain at the current annual level of \$51,752.

In addition to the changes listed above, this amendment reduces the information services line item by \$2,709 from the general fund to reflect a 10 percent reduction.

In total, this amendment increases the State Treasurer's appropriation by \$33,700, of which \$28,700 is from the general fund and \$5,000 is other funds.

DEPARTMENT 125 - ATTORNEY GENERAL'S OFFICE

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

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

	GENERAL FUND	OTHER FUNDS	TOTAL
Health insurance adjustment	\$ (42,048)	\$ (14,017)	\$ (56,065)
Reduction for Governor Schafer's salary increase recommendation	(196,468)	(64,580)	(261,048)
Delete funds for 5 FTE attorneys transferred to Workers Compensation		(463,782)	(463,782)
1 FTE removed related to the liquor tax licensing function to be funded in the State Treasurer's office	(53,960)		(53,960)
Reduce funds for vacant positions	(123,407)		(123,407)
Total	\$ (415,883)	\$ (542,379)	\$ (958,262)

- The information services line item is reduced by 10 percent, a reduction of \$26,384 from the general fund, and \$32,192 of other funds.
- The operating expenses line item is increased by a net amount of \$169,280 from the general fund consisting of a reduction of \$720 related to removal of the liquor tax licensing function and an increase of \$170,000 to remove the legal services contingency line item and transfer the funds to operating expenses.
- The interagency legal fees line item of \$47,572 from the general fund is removed.
- The legal services line item of \$170,000 from the general fund is eliminated and transferred to the operating expenses line item.
- The liquor decal revenue line of \$5,000 from other funds is eliminated.

The general fund appropriation is increased by a total of \$3,222,077, with a corresponding decrease to other funds to (1) reflect not billing general fund agencies for legal services of \$1,662,077 (This change consists of \$1,486,204 in the original recommendation and \$175,873 to reflect the change of the Insurance Commissioner, Banking and Financial Institutions, and the Industrial Commission (\$55,000) to general funding.) and (2) changing gaming enforcement funding to a general fund appropriation from gaming collections totaling \$1,560,000. A section is added providing that all gaming tax collections be deposited in the general fund.

A separate line item is added providing \$1,224,000 from the general fund for local gaming enforcement grants to cities and counties. A section is also added providing that the Attorney General distribute \$153,000 each quarter to the cities and counties based on the adjusted gross proceeds generated in each city or county.

A section is added expanding the use of funds in the Attorney General refund fund which the Attorney General may spend pursuant to a continuing appropriation, to include, in addition to investigations, licensing and gaming enforcement.

In addition, the amount to be spent from the fire and tornado fund is reduced by \$13,370 to reflect the revised salary and health insurance package.

In total, \$153,870 is added to the Attorney General's office appropriation including an increase of \$3,955,518 from the general fund, and a decrease of \$3,801,648 of other funds.

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations for the Tax Commissioner's office:

- The salaries and wages line item is decreased by a total of \$418,445 consisting of:

	TOTAL GENERAL FUND
Delete funds for 1 FTE vacant attorney position	\$ (75,281)
Health insurance adjustment	(59,904)
Reduction in salary increase package	(223,260)
Reduction for vacant positions	<u>(60,000)</u>
 Total	 \$(418,445)

- The information services line item is reduced by \$151,739 from the general fund.
- The interagency legal fees line is eliminated by removing \$14,528 from the general fund.
- The city sales tax income of \$400,000 is removed from other funds and replaced by a general fund appropriation. Income received related to the administrative fees will be deposited in the general fund. Section 4, which would have allowed the Tax Commissioner to retain the first \$400,000 of these collections in the department's operating fund, is removed.
- In total, \$584,712 is reduced from the Tax Commissioner's office appropriation including a decrease of \$184,712 from the general fund and a decrease of \$400,000 from other funds.

DEPARTMENT 401 - INSURANCE COMMISSIONER

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations for the Insurance Commissioner:

- The salaries and wages line item is decreased by \$104,455, of which \$69,176 is from the general fund and \$35,279 is from other funds. Of the \$104,455, \$16,898 is for reduced employee health insurance costs and \$87,557 is to reflect Governor Schafer's salary increase recommendation. The salaries and wages line is also decreased by \$3,883, of which \$3,106 is from the general fund, to correct an error in the bill as introduced.
- Under the provisions of this bill, the Insurance Commissioner's salary will remain at \$51,752, as under current law. The salaries and wages line is reduced by \$2,417 from the general fund to remove the two percent increase provided in Governor Schafer's budget.
- The interagency legal fees line item of \$17,000 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.
- The boiler inspection line item is decreased by \$165 relating to the salary increase recommendation.
- The Securities Commission line item of \$696,882 is removed from the Insurance Commissioner's appropriation and included as a separate appropriation.

- The insurance tax to fire departments' appropriation of \$5,200,000 and the Insurance Commissioner's appropriation from the insurance regulatory trust fund of \$3,020,868 are changed from special funds to the general fund.
- Sections 7, 8, and 9 are changed to reflect the transfers necessary from the bonding, fire and tornado, and unsatisfied judgment funds after the amendments. A new section is added to reflect the amount of funding from the petroleum tank release fund. Section 18 is removed because it is not necessary since the insurance tax payments will be from the general fund.

In addition, salaries and wages are increased by \$110,755 from the general fund. The \$110,755 is to be used to retain employment of an actuary in order to remain accredited by the National Association of Insurance Commissioners. The remaining amount of the \$110,755 is to restore reductions made in the executive budgets. This increase is the same amount as the decreases to salaries and wages; therefore, the salaries and wages remain the same.

The information services line item is reduced by \$8,274 (10 percent) from the general fund.

DEPARTMENT 406 - LABOR COMMISSIONER

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by \$18,642 from the general fund, of which \$3,072 is for reduced employee health insurance costs and \$15,570 is to reflect Governor Schafer's salary increase recommendation.
- The interagency legal fees line item of \$67,388 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

Under the provisions of this amendment, the Labor Commissioner's salary will remain at the current annual level of \$51,272.

In addition to the changes made to reflect Governor Schafer's recommended appropriation, this amendment makes the following changes:

- The salaries and wages line item is decreased by \$28,000 from the general fund for the elimination of one FTE, providing for total authorized FTE level of seven.
- The information services line item is decreased by \$2,500, of which \$2,167 is from the general fund and \$333 is from other funds to reflect a 10 percent reduction in Information Services Division.
- The operating expenses line item is increased by \$35,838, of which \$31,742 is from the general fund and \$4,096 is from other funds for indirect cost allocation payments to the general fund.

In total, this amendment reduces the Labor Commissioner's appropriation by \$80,692, of which \$84,455 is from the general fund and other funds are increased by \$3,763.

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by \$219,394, of which \$158,323 is from the general fund. Of this reduction, \$19,201, \$9,600 of which is from the general fund, relates to reduced employee health insurance costs, \$110,193, \$58,723 of which is from the general fund, relates to Governor Schafer's salary increase recommendation for state employees, and \$90,000 from the general fund is to reflect additional funding available due to projected position vacancies during the 1993-95 biennium. Under provisions of these amendments, the salaries of the three Public Service Commissioners will remain at the current annual salary level of \$51,752 each.
- The operating expenses line item is increased by \$14,310 from special funds and the interagency legal fees line item of \$53,000, \$38,690 of which is from the general fund, is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.
- Funding for the Public Utility Division, proposed to be from special funds rather than the general fund, is returned to the general fund and the increased funding provided for the Public Utility Division, including one FTE position, is removed as follows:

	GENERAL FUND	SPECIAL FUNDS
Public Utility Division funding source change	<u>\$1,041,458</u>	\$(1,041,458)
Reductions:		
Salaries and wages (1FTE)	\$ (84,648)	
Information services	(5,600)	
Operating expenses	(37,713)	
Equipment	<u>(50,700)</u>	
Total reduction	<u>\$ (178,661)</u>	
Public Utility Division funding (general fund)	\$ 862,797	

In addition, this amendment makes the following changes:

- The information services line item is reduced by \$11,653, \$7,657 of which is from the general fund and \$3,996 of other funds to reflect a 10 percent decrease in information services.
- The operating expenses line item is increased by \$235,822, \$86,016 of which is from the general fund and \$149,806 of other funds for indirect cost allocation payments to the Office of Management and Budget.

In total, this amendment reduces funding for the Public Service Commission by \$212,576. General fund support for the Commission is increased by \$744,143 and funding from special funds is reduced by \$956,719. Authorized FTE positions are reduced by one FTE from 52 to 51 FTE positions.

DEPARTMENT 414 - SECURITIES COMMISSIONER

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- Governor Sinner's recommendation transferred the Securities Commissioner's budget in to the Insurance Commissioner's budget and Governor Schafer's recommendation leaves the Securities Commissioner as a separate budget.

- The salaries and wages line item includes \$518,638 from the general fund to provide funding for a total of seven FTEs.
- Includes \$18,246 from the general fund for information services, \$91,051 for operating expenses, and \$5,600 for equipment.

In addition to the changes listed above, this amendment also makes the following changes to Governor Schafer's recommended appropriations:

- The information services line item is decreased by \$1,825 from the general fund to reflect a 10 percent reduction.
- The operating expenses line item is decreased by \$29,000 from the general fund to eliminate \$3,000 included for payments to the State Auditor and \$26,000 for rent on the office space, neither of which is required because the agency is funded with general fund moneys.

In total, this amendment provides \$602,710 from the general fund, a decrease of \$94,172 from Governor Sinner's recommendation, for the Securities Commissioner.

DEPARTMENT 602 - AGRICULTURE COMMISSIONER

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by \$86,234, of which \$69,471 is from the general fund. Of this reduction, \$15,362, \$12,290 of which is from the general fund, relates to reduced employee health insurance costs and \$70,872, \$57,181 of which is from the general fund, relates to Governor Schafer's salary increase recommendation for state employees. Under provisions of these amendments, the Agriculture Commissioner's salary will remain at the current annual level of \$51,752.
- The operating expenses line item is increased by \$14,875 from special funds and the interagency legal fees line item of \$119,493, \$104,618 of which is from the general fund, is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.
- Funding of \$115,000 from the general fund for rangeland grasshopper control is removed.
- Funding for the Agricultural Mediation Service is reduced by \$100,000 from the general fund, from \$600,000 to \$500,000, including two FTE positions. The department may continue to contract for additional mediators, if needed. Total funding provided for the Agricultural Mediation Service is \$1,792,037.
- Collections from Pride of Dakota and the Agricultural Mediation Service will be deposited in the general fund rather than the Agriculture Department's operating fund; therefore, \$45,000 for the Pride of Dakota program and \$100,000 for the agricultural mediation program are appropriated from the general fund rather than special funds.
- Funding for the brand registration program and livestock subprogram is eliminated, including 1.75 FTE positions. Duties of the livestock subprogram are to be conducted by other programs within the department. Reductions resulting from this change are:

Salaries and wages (1.75 FTE)	\$(113,089)
Information services	(8,000)
Operating expenses	<u>(17,500)</u>

Total general fund

\$(138,589)

This amendment also makes the following changes:

- The information services line item is reduced by \$8,775, \$7,972 of which is from the general fund and \$803 of other funds to reflect a 10 percent decrease in information services.
- The operating expenses line item is increased by \$213,034, \$116,168 of which is from the general fund and \$96,866 of other funds for indirect cost allocation payments to the general fund.
- The noxious weeds line item is increased by \$100,000. General fund support is reduced by \$100,000 and funding from the environment and rangeland protection fund is increased by \$200,000, reflecting the estimated amount appropriated from the fund for the 1991-93 biennium which will not be spent, and therefore available in the fund for the 1993-95 biennium.

In total, this amendment reduces funding for the Agriculture Department by \$240,182. General fund support is reduced by \$374,482 and funding from other funds is increased by \$134,300. Funding is provided for a total of 40.25 FTE positions, a reduction of 3.75 FTEs.

In total, funding provided in House Bill No. 1001 is reduced by \$1,844,438. General fund support is increased by \$14,080,588 and funding from other funds is reduced by \$15,925,026.

REPORT OF STANDING COMMITTEE

HB 1005: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (17 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). HB 1005 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to amend and reenact sections 4-01-19, 6-09.10-03, 26.1-01-07, subsection 1 of section 26.1-03-17, section 26.1-03-20, subsections 5, 9, and 10 of section 41-09-42, and section 41-09-42.1 of the North Dakota Century Code, relating to the pride of Dakota program, the agricultural mediation service, the insurance regulatory trust fund, the insurance tax distribution fund, and the computerized Uniform Commercial Code central filing system fund;"

Page 1, line 4, after the semicolon insert "to provide a statement of legislative intent relating to the homeless grant program;"

Page 1, line 9, after "repeal" insert "sections 18-04-04.1, 26.1-01-07.1, 26.1-01-07.2, and 26.1-01-07.3 of the North Dakota Century Code and"

Page 1, line 10, after "to" insert "the insurance tax distribution fund, the insurance regulatory trust fund, and"

Page 2, line 1, replace "4,495,326" with "4,754,875"

Page 2, line 2, replace "1,993,753" with "1,794,378"

Page 2, line 3, replace "1,490,112" with "1,534,986"

Page 2, line 7, replace "Interagency legal fees" with "Grants for homeless programs" and replace "124,000" with "40,000"

Page 2, line 9, replace "500,000" with "2,500,000"

Page 2, remove line 14

Page 2, line 18, replace "47,371,838" with "48,892,886"

Page 2, line 19, replace "38,352,258" with "40,904,725"

Page 2, line 20, replace "9,019,580" with "7,988,161"

Page 2, line 23, replace "3,060,890" with "2,979,741"

Page 2, line 24, replace "32,000" with "28,800"

Page 2, line 27, replace "1,926,000" with "1,926,000"

Page 2, remove line 28

Page 2, line 29, replace "general fund appropriation" with "all funds" and replace "8,201,890" with "7,617,541"

Page 2, after line 29, insert:

"Less estimated income	<u>300,000</u>
Total general fund appropriation	\$7,317,541"

Page 3, line 3, replace "10,494,972" with "10,212,604"

Page 3, line 4, replace "20,709,600" with "18,123,904"

Page 3, line 5, replace "6,205,000" with "5,180,000"

Page 3, line 6, replace "37,407,572" with "33,516,508"

Page 3, line 9, replace "1,319,189" with "1,284,074"

Page 3, line 10, replace "56,860" with "51,174"

Page 3, line 11, replace "2,356,982" with "2,444,878"

Page 3, line 13, replace "3,773,031" with "3,820,126"

Page 3, line 16, replace "1,974,692" with "1,922,882"

Page 3, line 17, replace "1,357,596" with "1,221,836"

Page 3, line 18, replace "411,208" with "434,402"

Page 3, line 19, replace "123,000" with "123,000"

Page 3, remove line 20

Page 3, line 21, replace "3,868,914" with "3,702,120"

Page 3, line 22, replace "330,000" with "332,006"

Page 3, line 23, replace "3,538,914" with "3,370,114"

Page 3, line 24, replace "20,760,384" with "18,675,816"

Page 3, line 25, replace "79,862,861" with "78,873,365"

Page 3, line 26, replace "100,623,245" with "97,549,181"

Page 4, after line 12, insert:

"SECTION 5. EXEMPTION. The state radio communications equipment appropriation contained in section 1 of chapter 32 of the 1991 Session Laws is not subject to the provisions of North Dakota Century Code

section 54-44.1-11, and the unexpended funds from this appropriation shall be available for the purchase of radio consoles during the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 6. CENTRAL OPERATIONS. The amount of \$200,000 or so much of the sum as is necessary, included in the estimated income line item in section 1 of this Act, is to be spent by the central operations division from the capitol building fund during the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 7. FACILITY MANAGEMENT. The amount of \$300,000, or so much of sum as is necessary, included in the estimated income line item in section 1 of this Act, is to be spent by the facility management division from the capitol building fund during the biennium beginning July 1, 1993, and ending June 30, 1995.

SECTION 8. INTENT - HOMELESS GRANT PROGRAM. It is the intent of the fifty-third legislative assembly that the grants for homeless program line item contained in section 1 of this Act is to be administered by the office of intergovernmental assistance and that none of the funding provided is to be used for administering the distribution of the grants. The funding provided in section 1 of this Act is to be used to supplement the emergency shelter grants program and the funds are to be distributed in accordance with the rules and regulations provided for the emergency shelter grants program."

Page 4, line 16, replace "3.0" with "2.0"

Page 4, line 18, after the period insert "The funding for the 3.0 percent increase during the second year of the biennium can only be given to the extent that it can be paid without an increase in the appropriation."

Page 5, after line 2, insert:

"SECTION 12. INTENT - INDIRECT COST ALLOCATION. It is the intent of the fifty-third legislative assembly that the office of management and budget is to collect from state agencies, amounts for indirect cost reimbursement for which appropriations were provided."

Page 5, line 6, replace "7,000,000" with "7,500,000"

Page 5, line 7, replace "2,500,000" with "2,000,000"

Page 5, line 9, replace "State aid distribution fund" with "Human services receivables" and replace "18,894,000" with "3,000,000"

Page 5, line 10, replace "Capitol building fund" with "Housing finance agency reserves" and replace "500,000" with "1,500,000"

Page 5, after line 11, insert:

"SECTION 14. TRANSFER. On July 1, 1993, the state treasurer shall transfer the unobligated balance of any moneys received or generated by the commissioner of agriculture as a result of the pride of Dakota program or any other marketing program within the department of agriculture and the unobligated balance of any moneys received or generated by the commissioner of agriculture as a result of the agricultural mediation service to the general fund in the state treasury. Upon payment of all obligations, the state treasurer shall transfer any balance to the general fund in the state treasury.

SECTION 15. AMENDMENT. Section 4-01-19 of the North Dakota Century Code is amended and reenacted as follows:

4-01-19. Marketing bureau. Within the department of agriculture of this state a marketing bureau must be established and maintained for the purpose of gathering and disseminating statistical information on agricultural marketing problems of the state, and to engage in marketing services of agricultural products. Any moneys received or generated by any marketing program within the department must be deposited in the general fund in the state treasury.

SECTION 16. AMENDMENT. Section 6-09.10-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-09.10-03. North Dakota agricultural mediation service - Powers - Compensation and expenses - Fees. The board shall meet at the call of the chairman, as is necessary to fulfill its duties under this chapter. The ~~department~~ commissioner of agriculture shall administer the agricultural mediation service. The ~~commissioner of agriculture~~ shall establish an agricultural mediation service to disseminate information to farmers concerning farm credit problems and to provide assistance to seek to resolve farm credit problems. The commissioner shall appoint an administrator of the agricultural mediation service. The commissioner shall hire staff, negotiators, and mediators who may mediate disputes involving farmers and others, either of whom may request assistance. The board may charge the farmer and others a reasonable fee for any assistance provided, such funds to be ~~used to continue the service until June 30, 1993 deposited in the general fund in the state treasury.~~ Fees charged to the farmer's creditors are limited to twenty-five dollars per hour, each, for the time spent in mediation sessions. The board shall adopt policies governing the negotiators, staff, and mediators hired under this section. Board members are entitled to receive sixty-five dollars for each day of official service, as directed by the board. The board members are entitled to expenses as provided in sections 44-08-04 and 54-06-09. ~~The expenses provided under this section may be paid from any funds available in the home quarter purchase fund.~~

SECTION 17. TRANSFER. On July 1, 1993, the state treasurer shall transfer the unobligated balance of the insurance regulatory trust fund and the insurance tax distribution fund to the general fund in the state treasury. After payment of all obligations of the insurance regulatory trust fund and the insurance tax distribution fund, the state treasurer shall transfer the balance to the general fund in the state treasury.

SECTION 18. AMENDMENT. Section 26.1-01-07 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

26.1-01-07. Fees chargeable by commissioner. The commissioner shall charge and collect the following fees:

1. For filing articles of incorporation, or copies, or amendments thereof, twenty-five dollars.
2. For each original certificate of authority issued upon admittance, one hundred dollars and for renewal of certificate of authority, amendment to certificate of authority, or certified copy thereof, fifty dollars.
3. For issuing an annual reciprocal exchange license, the same fees as those applicable to the issuance of a certificate of authority in subsection 2.

4. For filing an annual report of a fraternal benefit society, and issuing a license or permit to the society, and for each renewal thereof, twenty-five dollars.
5. For filing bylaws or amendments thereof, ten dollars.
6. For filing of articles of merger, or copies thereof, thirty dollars.
7. For receiving the service of process as attorney, whether the commissioner is served with the process or admits service thereon, ten dollars.
8. For filing of power of attorney by nonadmitted insurer for conduct of business in compliance with surplus lines laws of this state, ten dollars.
9. For filing an annual statement, twenty-five dollars.
10. For each abstract of the annual statement of an insurance company for publication, ten dollars.
11. For an official examination, the expenses of the examination at the rate adopted by the department. The rates must be reasonably related to the direct and indirect costs of the examination, including but not limited to, actual travel expenses, including hotel and other living expenses, compensation of the examiner and other persons making the examination, and necessary attendant administrative costs of the department directly related to the examination and must be paid by the examined insurer together with compensation upon presentation by the department to the insurer of a detailed account of the charges and expenses after a detailed statement has been filed by the examiner and approved by the department.
12. For issuing a certificate to a domestic insurance company showing a compliance with the compulsory reserve provisions of this title and the maintenance of proper security deposits, and for any renewal of the certificate, ten dollars.
13. For a written licensee's examination administered by the office of the commissioner, with the examination not to exceed two lines of insurance at any one sitting, twenty dollars.
14. For a written licensee's examination not administered by the office of the commissioner under a contract with a testing service, the actual cost of the examination, subject to approval of the commissioner, which must be paid to the testing service.
15. For issuing and each annual renewal of a resident insurance broker's, surplus lines insurance broker's, insurance consultant's, health service corporation sales representative's, and prepaid legal services organization sales representative's license, or duplicate thereof, ten dollars.
16. For issuing and each annual renewal of a nonresident insurance broker's, health service corporation sales representative's, prepaid legal services organization sales representative's, and insurance consultant's license, or duplicate thereof, fifteen dollars.

17. For issuing a license for a resident agent or limited insurance representative of a foreign insurance company, or duplicate, ten dollars.
18. For issuing a nonresident insurance agent's or limited insurance representative's license, or duplicate, ten dollars.
19. For issuing a license for an agent or limited insurance representative of a domestic insurance company, county mutual insurance company, fraternal benefit society, or any other society, or duplicate, ten dollars.
20. For issuing and each annual renewal of a license to a resident agent for the attorney for a reciprocal exchange, ten dollars.
21. For filing of any miscellaneous documents or papers, including documents of admission and those filed annually upon license renewal, ten dollars each.
22. For a copy of any paper filed in the commissioner's office, twenty cents per folio.
23. For affixing the commissioner's official seal on a copy of any paper filed in the office and certifying the copy, ten dollars.
24. For each insurance company appointment and renewal of an appointment of an insurance agent or limited insurance representative, ten dollars.
25. For each company application for admission, five hundred dollars, except applications for admission for county mutual, fraternal benefit, and surplus lines companies must be one hundred dollars.
26. For issuing a license and each annual renewal of a license to an insurance premium finance company, one hundred dollars.
27. For examining or investigating an insurance premium finance company, the actual expense and per diem incurred; but the per diem charge may not exceed fifty dollars.
28. For issuing and each annual renewal of a license to an advisory organization, or duplicate thereof, fifty dollars.

Nonprofit health service corporations and health maintenance organizations are subject to the same fees as any other insurance company. County mutual insurance companies and benevolent societies are liable only for the fees mentioned in subsections 2, 10, 11, 13, 19, 22, 23, and 24.

~~However, the commissioner may, after public notice and hearing, increase the fees authorized by this section for any year if it is determined necessary to generate the revenue appropriated by the legislative assembly from the insurance regulatory trust fund to fund budgeted operations for the insurance department. The insurance commissioner may not implement a fee increase pursuant to this section to enhance or in any manner add funds to the legislative appropriation for the insurance department.~~

SECTION 19. AMENDMENT. Subsection 1 of section 26.1-03-17 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Before issuing the annual certificate required by law, the commissioner shall collect from every stock and mutual insurance company, nonprofit health service corporation, health maintenance organization, and prepaid legal service organization, except a fraternal benefit society, doing business in this state, a tax on the gross amount of premiums, assessments, membership fees, subscriber fees, policy fees, service fees collected by any third party administrator providing administrative services to a group that is self-insured for health care benefits, and finance and service charges received in this state during the preceding calendar year, at the rate of two percent with respect to life insurance, one and three-fourths percent with respect to accident and health insurance, and one and three-fourths percent with respect to all other lines of insurance. This tax does not apply to considerations for annuities. The total tax is payable on or before March first following the year for which the tax is assessable and must be deposited in the insurance tax distribution fund under section 18-04-04.1 but not in an amount exceeding two million six hundred thousand dollars in any fiscal year, and any amounts exceeding that amount must be deposited in the general fund in the state treasury. If the due date falls on a Saturday or legal holiday, the tax is payable on the next succeeding business day.

SECTION 20. AMENDMENT. Section 26.1-03-20 of the North Dakota Century Code is amended and reenacted as follows:

26.1-03-20. Examinations - By whom conducted ~~— Compensation to be paid into insurance regulatory trust fund.~~ Qualified regular employees of the commissioner, or the commissioner's designated representatives acting as independent contract examiners under the direction of regular employees of the commissioner, shall conduct all examinations of an insurance company required or permitted by law to be conducted by the commissioner, whether or not the examinations are convention examinations called in accordance with rules promulgated by the national association of insurance commissioners. Their compensation is to be paid out of the appropriation for the commissioner's office. Any sums paid to the employees or to the commissioner by the company examined, as an examination fee or otherwise, is state money, and forthwith must be paid into deposited in the insurance regulatory trust general fund in the state treasury. Any sums paid to the employee or the commissioner as expense money for the examiner may be paid directly to the employee, and no employee may charge or collect from the state any expenses incurred in connection with any examination for or during which expenses or any part thereof have been paid by any other person, firm, or corporation. However, independent contract examiners must be paid directly by the company examined after approval by the commissioner. The commissioner may contract for and procure the services of financial and market conduct examiners and other or additional specialized technical or professional assistants, as independent contractors. None of the persons providing those services or assistance on a contract or fee basis may be in the classified service of the state.

SECTION 21. TRANSFER. On July 1, 1993, the state treasurer shall transfer the unobligated balance of any moneys in the computerized Uniform Commercial Code central filing system fund to the general fund in the state treasury. Upon payment of all obligations,

the state treasurer shall transfer any balance to the general fund in the state treasury.

SECTION 22. AMENDMENT. Subsections 5, 9, and 10 of section 41-09-42 of the 1991 Supplement to the North Dakota Century Code are amended and reenacted as follows:

5. The fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing for an original financing statement or for a continuation statement or to obtain information from the system is as follows:
 - a. For filing and indexing any statement under the Uniform Commercial Code, five dollars, and when a nonstandard statement is presented for filing, an additional fee of five dollars plus one dollar per page must be made. No additional fee may be charged if the form is filed also to gain protection under the central notice system.
 - b. For making certified copies of any recorded instrument, five seven dollars.
 - c. For completing a certificate requesting information, five seven dollars for the first five entries and one dollar two dollars for each additional five entries or fraction thereof.
 - d. For completing a certificate requesting copies, five seven dollars for the first three copies or fraction thereof, and one dollar two dollars for each additional copy.
 - e. For furnishing copies only of any filed instrument, one dollar.
9. The fee for furnishing information on a verbal request pursuant to subsection 5 of section 41-09-46 is five seven dollars.
10. The fee for furnishing a certificate pursuant to subsection 5 of section 41-09-46 is five seven dollars.

SECTION 23. AMENDMENT. Section 41-09-42.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

~~41-09-42.1. Creation of special fund — Fees collected by secretary of state. A special fund is hereby established in the state treasury to be known as the computerized Uniform Commercial Code central filing system fund. Any fees collected by the secretary of state pursuant to subsections 5, 8, 9, 10, and 11 of section 41-09-42 must be deposited in the computerized Uniform Commercial Code central filing system fund and may be spent within the limits of legislative appropriations for the purpose of implementing, maintaining, updating, and administering the computerized Uniform Commercial Code central filing data base system, the computerized central notice system, and the computerized statutory lien data base system. This fund is not subject to section 54-44-11 general fund in the state treasury."~~

Page 5, line 12 replace "Section" with "Sections 18-04-04.1, 26.1-01-07.1, 26.1-01-07.2, and 26.1-01-07.3 of the North Dakota Century Code and section"

Page 5, line 13, replace "is" with "are"

Page 5, line 14, replace "Section 9" with "The portion of section 24" and after "Act" insert "repealing section 3 of chapter 32 of the 1991 Session Laws of North Dakota"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 113 - OFFICE of MANAGEMENT and BUDGET CENTRAL OPERATIONS

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

-- The salaries and wages line item was decreased by \$190,451 as follows:

	GENERAL FUND	FEDERAL FUNDS	TOTAL
Reduced employee health insurance costs	\$ 18,931	\$ 3,341	\$ 22,272
Schafer salary increase recommendation	92,833	16,382	109,215
Eliminate new FTE accountant position	58,964	0	58,964
Total	\$170,728	\$ 19,723	\$190,451

- The interagency legal fees line item of \$124,000 from the general fund is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.
- The grant to the Consensus Council of \$50,000 from the general fund has been deleted.
- Changes the funding source for the capitol planning line item of \$200,000 from the capital construction fund to the Capitol building fund.

In addition to the changes made to reflect Governor Schafer's recommended appropriations this amendment makes the following changes:

- The information services line item was decreased by \$199,375, of which \$196,488 is from the general fund and \$2,887 is from other funds, to reflect a 10 percent reduction.
- The operating expenses line item was increased by \$44,614, of which \$43,346 is from other funds and \$1,268 is from the general fund for indirect cost allocation payments to the Office of Management and Budget.
- The operating expenses line item was increased by \$260 from the general fund for the purchasing division to make Merit System payments to the Central Personnel Division.
- A grants for homeless programs line item of \$40,000 from the general fund was established. A section of legislative intent was added stating that the \$40,000 is to be disbursed by the Office of Intergovernmental Assistance as grants and that none of the \$40,000 is to be used for administering the distribution of the grants.
- The state contingencies line item was increased by \$2,000,000 of other funds allowing the Emergency Commission to approve the acceptance and expenditure of special funds that may become available to state agencies between legislative sessions, pursuant to North Dakota Century Code Section 54-16-04.2.

- The estimated income line item was increased by \$531,731 and the general fund appropriation was decreased by \$531,731 to reflect the funding source change for the Merit System within the Central Personnel Division of the Office of Management and Budget. It is intended that the Central Personnel Division will bill state agencies for the Merit System as has been done in the past. Amounts are being included in the agency budgets for the Merit System payments to the Central Personnel Division.

In total, this amendment increases the appropriation to the Office of Management and Budget central operations by \$1,521,048, of which \$1,031,419 is a general fund decrease and \$2,552,467 is an increase in other funds.

This amendment changes the state employee compensation adjustments guidelines to reflect Governor Schafer's recommendation for state employee salary increases.

This amendment adds a section of legislative intent regarding the billing of state agencies for indirect cost allocations.

This amendment changes the special fund transfers to be made during the 1993-95 biennium to reflect Governor Schafer's recommendation. The following schedule shows the change in special fund transfers:

	BILL AS INTRODUCED	BILL AS AMENDED	DIFFERENCE
Fire and tornado fund	\$ 7,000,000	\$ 7,500,000	\$ 500,000
State bonding fund	2,500,000	2,000,000	(500,000)
Lands and minerals trust fund	2,000,000	2,000,000	0
State aid distribution fund	18,894,000	0	(18,894,000)
Capitol building fund	500,000	0	(500,000)
Pay equity implementation fund	229,000	229,000	0
Human Services receivables	0	3,000,000	3,000,000
Housing Finance Agency reserves	<u>0</u>	<u>1,500,000</u>	<u>1,500,000</u>
Total	\$31,123,000	\$16,229,000	\$(14,894,000)

The transfers of other special funds to the general fund are contained in other bills.

This amendment transfers the following special funds and any unobligated balances as of July 1, 1993, to the state general fund to reflect Governor Schafer's recommendation:

- Any moneys generated by the marketing bureau and mediation services within the Agriculture Department.
- Insurance regulatory trust fund.
- Insurance tax distribution fund.
- Computerized Uniform Commercial Code central filing system fund.

DEPARTMENT 111 - FACILITY MANAGEMENT

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item was decreased by \$81,149 from the general fund, of which \$22,248 is for reduced employee health insurance costs and \$58,901 is to reflect the Schafer salary increase recommendation.

- The building contingency line item of \$500,000 of general fund moneys is eliminated.
- Changes the funding source for the capital improvements line item to include \$300,000 from the Capitol building fund.

In addition to the changes made to reflect Governor Schafer's recommended appropriations, this amendment decreases the information services line item by \$3,200 from the general fund to reflect a 10 percent decrease.

In total, this amendment reduces the general fund appropriation to the Facility Management Division by \$884,349 and increases the other funds appropriation by \$300,000 for a net decrease of \$584,349.

DEPARTMENT 112 - INFORMATION SERVICES DIVISION

HOUSE - This amendment makes the following change to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item was decreased by \$280,368 of other funds, of which \$49,536 is for reduced employee health insurance costs and \$230,832 is to reflect the Schafer salary increase recommendation.

In addition to the changes made to reflect Governor Schafer's recommended appropriations, this amendment makes the following changes:

- Reduces the operating expenses line item by \$2,687,720 of other funds and the equipment line item by \$1,025,000 of other funds for a total reduction of \$3,712,720 of other funds to reflect a 10 percent reduction in the agency's appropriation. It is intended that the information services line item in each agency's budget is to be reduced by 10 percent, in conjunction with the 10 percent reduction in the Information Services Division appropriation.
- Increases the operating expenses line item by \$102,024 of other funds for indirect cost allocation payments to the Office of Management and Budget.

In total, this amendment reduces the appropriation to the Information Services Division by \$3,891,064 of other funds.

DEPARTMENT 118 - CENTRAL DUPLICATING SERVICES

HOUSE - This amendment makes the following change to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item was decreased by \$35,115 of other funds, of which \$8,832 is for reduced employee health insurance costs and \$26,283 is to reflect the Schafer salary increase recommendation.

In addition to the changes made to reflect Governor Schafer's recommended appropriations, this amendment makes the following changes:

- The information services line item was decreased by \$5,686 of other funds to reflect a 10 percent reduction.
- The operating expenses line item was increased by \$87,896 of other funds for indirect cost allocation payments to the Office of Management and Budget.

In total, this amendment increases the appropriation to Central Duplicating Services by \$47,095 of other funds.

DEPARTMENT 506 - STATE RADIO COMMUNICATIONS

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item was decreased by \$51,810 from the general fund, of which \$10,369 is for reduced employee health insurance costs and \$41,441 is to reflect the Schafer salary increase recommendation.
- The interagency legal fees line item of \$2,418 is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

This amendment adds a section allowing State Radio Communications to carry over any unexpended amount from the 1991-93 biennium's equipment line item appropriation for the purchase of radio consoles which will not be purchased during the 1991-93 biennium due to lack of space.

In addition to the changes made to reflect Governor Schafer's recommended appropriations, this amendment makes the following changes:

- The information services line item was decreased by \$135,760 from the general fund to reflect a 10 percent reduction.
- The operating expenses line item was increased by \$23,194, of which \$21,188 is from the general fund and \$2,006 is from other funds for indirect cost allocation payments to the Office of Management and Budget.

In total, this amendment reduces the State Radio Communications general fund appropriation by \$168,800 and increases the other funds appropriation by \$2,006 for a net decrease of \$166,794.

In total, this amendment reduces the appropriations contained in this bill by \$3,074,064, of which \$2,084,568 is from the general fund and \$989,496 is from other funds.

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

HOUSE ENROSSING AND ENROLLING REPORT

The following bill was engrossed: HB 1015.

The following bill was reengrossed: HB 1389.

SECOND READING OF SENATE BILL

SB 2104: A BILL for an Act to amend and reenact sections 47-30.1-03.1, 47-30.1-10, and subsection 1 of section 47-30.1-19 of the North Dakota Century Code, relating to abandoned property; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Bateman; Belter; Berg, J.; Bernstein; Bodine; Boehm; Boucher; Brodshaug; Brown; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dewitz; Dobrinski; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Goffe; Gorder; Gorman; Grosz; Grumbo; Gulleon; Hagle; Hanson; Hausauer; Henegar; Hokana; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kempenich; Kerzman; Kilichowski;

Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Martin; Martinson; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Olsen, D.; Olson, A.; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Schindler; Shide; Sitz; Skarphol; Soukup; St. Aubyn; Stenehjem; Stenson; Svedjan; Sveen; Thorpe; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

ABSENT AND NOT VOTING: Dalrymple; Poolman

SB 2104, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

REP. FREIER MOVED that the rules be suspended and that SB 2104, as amended, be messaged to the Senate immediately, which motion prevailed.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2104.

SECOND READING OF HOUSE BILL

HB 1017: A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau and its divisions; and to provide for authorization to expend funds from the workers' compensation contingency line item.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 97 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Poolman

Engrossed HB 1017 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1054: A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to authority of county weed boards to control pests; and to amend and reenact subsection 1 of section 4-33-11, sections 63-01.1-02, 63-01.1-03, 63-01.1-04.1, subsections 2, 3, and 4 of section 63-01.1-05, sections 63-01.1-08, 63-01.1-09, 63-01.1-13, and 63-01.1-13.1 of the North Dakota Century Code, relating to financing local pest control programs and pest control by county weed boards.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 96 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Payne; Poolman

Engrossed HB 1054 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1180: A BILL for an Act to amend and reenact sections 20.1-03-04 and 20.1-03-12 and subsections 7, 8, 19, and 26 of section 20.1-03-12 of the North Dakota Century Code, relating to licenses and permits for game, fish, predators, and boating; and to provide an effective date.

MOTION

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 71 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Aarsvold; Allmaras; Austin; Belter; Berg, J.; Bodine; Boucher; Brodshaug; Byerly; Carlson, A.; Carlson, C.; Christopherson; Clayburgh; Cleary; Coats; Dalrymple; DeWitz; Dobrinski; Dorso; Gates; Gerntholz; Glasshiem; Goffe; Gorman; Grosz; Grumbo; Gulleson; Hanson; Hausauer; Holm; Howard; Huether; Jacobs; Johnson; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Klein; Kretschmar; Kroeber; Kunkel; Laughlin; Mahoney; Maragos; Monson; Mutzenberger; Nelson; Ness; Nicholas; Nichols; Oban; Payne; Porter; Price; Pyle; Rennerfeldt; Ring; Rydell; Sitz; St. Aubyn; Stenehjem; Stenson; Thorpe; Tollefson; Wald; Wanzek; Wardner; Wentz; Wilkie

NAYS: Bateman; Bernstein; Boehm; Brown; Carlisle; Drovdal; Freier; Froseth; Gorder; Hagle; Henegar; Hokana; Kempenich; Martin; Martinson; Olsen, D.; Olson, A.; Schindler; Shide; Skarphol; Soukup; Svedjan; Sveen; Timm; Torgerson; Speaker R. Berg

ABSENT AND NOT VOTING: Poolman

Engrossed HB 1180 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

HB 1001: **REP. DALRYMPLE (Appropriations Committee) MOVED** that the amendments to HB 1001 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

REP. FREIER MOVED that HB 1001, as amended, be placed at the head of the Eleventh order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act to provide an appropriation for defraying the expenses of various elected state officials and the securities commissioner; and to amend and reenact sections 53-06.1-12.1 and 54-12-18 of the North Dakota Century Code, relating to the games of chance and the attorney general refund fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 83 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Berg, J.; Bodine; Coats; Goffe; Gulleson; Kerzman; Kilichowski; Mahoney; Ness; Ring; Sitz; Stenson; Thorpe

ABSENT AND NOT VOTING: Poolman

Engrossed HB 1001 passed and the title was agreed to.

SIXTH ORDER OF BUSINESS

HB 1005: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments to HB 1005 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

REP. FREIER MOVED that HB 1005, as amended, be placed at the head of the Eleventh order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1005: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to amend and reenact sections 4-01-19, 6-09.10-03, 26.1-01-07, subsection 1 of section 26.1-03-17, section 26.1-03-20, subsections 5, 9, and 10 of section 41-09-42, and section 41-09-42.1 of the North Dakota Century Code, relating to the pride of Dakota program, the agricultural mediation service, the insurance regulatory trust fund, the insurance tax distribution fund, and the computerized Uniform Commercial Code central filing system fund; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide a statement of legislative intent relating to the homeless grant program; to provide a statement of legislative intent relating to state employee compensation adjustments; to provide a statement of legislative intent relating to total quality management in state government; to authorize appropriation grant line item transfers at the approval of the budget section; to authorize transfer of various special funds to the general

fund; to repeal sections 18-04-04.1, 26.1-01-07.1, 26.1-01-07.2, and 26.1-01-07.3 of the North Dakota Century Code and section 3 of chapter 32 of the 1991 Session Laws of North Dakota, relating to the insurance tax distribution fund, the insurance regulatory trust fund, and the transfer of funds from the game and fish fund to the state radio communications operating account; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 66 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Poolman

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

SIXTH ORDER OF BUSINESS

HB 1064, as reengrossed: REP. DALRYMPLE (Appropriations Committee) MOVED that the amendments to Reengrossed HB 1064 be adopted with **DO PASS**, which motion prevailed.

MOTION

REP. FREIER MOVED that Reengrossed HB 1064, as amended, be placed at the head of the Eleventh order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1064: A BILL for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to a tax to fund medical assistance; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Austin; Bateman; Belter; Bernstein; Boehm; Byerly; Carlisle; Carlson, A.; Carlson, C.; Christopherson; Dalrymple; DeWitz; Dorso; Drovdal; Freier; Froseth; Gates; Gerntholz; Glassheim; Gorder; Gorman; Grosz; Hagle; Hausauer; Henegar; Holm; Howard; Jacobs; Johnson; Kempenich; Klein; Kunkel; Laughlin; Maragos; Monson; Nicholas; Payne; Rennerfeldt; Schindler; Skarphol; Soukup; St. Aubyn; Sveen; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

NAYS: Aarsvold; Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Brown; Clayburgh; Cleary; Coats; Dobrinski; Goffe; Grumbo; Gulleson; Hanson; Hokana; Huether; Kaldor; Keiser; Kelsch; Kerzman; Kilichowski; Kretschmar; Kroeber; Mahoney; Martin; Martinson; Mutzenberger; Nelson;

Ness; Nichols; Oban; Olsen, D.; Olson, A.; Porter; Price; Pyle; Ring; Rydell; Shide; Sitz; Stenehjem; Stenson; Svedjan; Thorpe; Timm; Wilkie

ABSENT AND NOT VOTING: Poolman

Reengrossed HB 1064 passed and the title was agreed to.

MOTION

REP. PAYNE MOVED that the vote by which Reengrossed HB 1064 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

MOTION

REP. OBAN MOVED that the House reconsider its action whereby the amendments to HB 1007, HB 1010, HB 1013, and HB 1014 were adopted on a voice vote, which motion lost on a verification vote.

SECOND READING OF HOUSE BILL

HB 1010: A BILL for an Act to amend and reenact section 57-39.2-26.1 of the North Dakota Century Code, relating to determination of a portion of sales, use, and motor vehicle excise tax revenues; to provide an appropriation for state revenue sharing and personal property tax replacement payments to political subdivisions and senior citizens mill levy match; to provide for a transfer; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 62 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Poolman

Engrossed HB 1010 passed and the title was agreed to.

MOTION

REP. MARTINSON MOVED that the Clincher be put on all bills that action was taken on today, which motion prevailed.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1004, HB 1015, HB 1025, HB 1057, HB 1274, HB 1313, HB 1365, HB 1389.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1438, HB 1464, HB 1476.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Thursday, February 18, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1498: Appropriations Committee (Rep. Dalrymple, Chairman) recommends DO PASS (22 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1498 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1003: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (20 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1003 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second comma insert "the school for the blind,"

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

Page 1, line 4, replace the semicolon with a period

Page 1, remove lines 5 and 6

Page 1, line 18, replace "8,686,142" with "8,255,919"

Page 1, line 19, replace "702,413" with "632,172"

Page 1, line 20, replace "4,956,884" with "5,480,382"

Page 2, remove line 2

Page 2, line 4, replace "43,541,871" with "44,077,495"

Page 2, remove lines 6 and 7

Page 2, after line 7, insert:

"Electronic media	360,000
School district restructuring	2,550,000
Telecommunications	3,000,000
Teacher centers	200,000
LEAD	140,000"

Page 2, line 8, replace "1,160,592" with "1,160,592"

Page 2, remove line 9

Page 2, line 10, replace "606,326,238" with "203,984,601"

Page 2, line 11, replace "159,936,624" with "159,621,158"

Page 2, line 12, replace "446,389,614" with "44,363,443"

Page 2, line 15, replace "1,759,803" with "1,664,885"

Page 2, line 16, replace "83,109" with "72,098"

Page 2, line 17, replace "1,053,261" with "1,207,506"

Page 2, line 18, replace "105,118" with "22,500"

Page 2, after line 18, insert:

"Multitype library authority 50,000"

Page 2, line 20, replace "893,000" with "843,000"

Page 2, line 21, replace "3,962,291" with "3,927,989"

Page 2, line 22, replace "1,108,502" with "1,183,595"

Page 2, line 23, replace "2,853,789" with "2,744,394"

Page 2, line 26, replace "3,466,910" with "3,374,443"

Page 2, line 27, replace "47,625" with "42,862"

Page 2, line 28, replace "822,536" with "811,598"

Page 2, line 29, replace "63,623" with "58,623"

Page 3, line 1, replace "97,950" with "27,950"

Page 3, line 2, replace "4,498,644" with "4,315,476"

Page 3, line 3, replace "1,214,676" with "480,525"

Page 3, line 4, replace "3,283,968" with "3,834,951"

Page 3, after line 4, insert:

"Subdivision 4.

SCHOOL FOR THE BLIND

Salaries and wages	\$2,251,531
Information services	5,000
Operating expenses	495,018
Equipment	20,000
Capital improvements	<u>20,000</u>
Total all funds	\$2,791,549
Less estimated income	<u>471,855</u>
Total general fund appropriation	\$2,319,694"

Page 3, line 5, replace "452,527,371" with "53,262,482"

Page 3, line 6, replace "162,259,802" with "161,757,133"

Page 3, line 7, replace "614,787,173" with "215,019,615"

Page 3, line 16, replace "APPROPRIATION" with "DISPLACED HOMEMAKER FUND"

Page 3, line 18, remove "hereby appropriated"

Page 3, line 19, remove "to the department of public instruction"

Page 3, line 23, replace "\$893,000" with "\$843,000"

Page 3, remove lines 26 through 29

Page 4, remove lines 1 through 6

Page 4, after line 11, insert:

"SECTION 6. STATE FILM LIBRARY - APPROPRIATION. In addition to \$166,030 included in the estimated income line item in subdivision 1 of section 1, there is hereby appropriated any additional income received by the state film library for funding additional FTE positions for the period beginning July 1, 1993, and ending June 30, 1995. The additional income may be spent only upon emergency commission approval.

SECTION 7. STATEMENT OF LEGISLATIVE INTENT. It is the intent of the 1993 legislative assembly that of the \$2,550,000 included in subdivision 1 of section 1 of this Act for school district restructuring \$2,050,000 is for consortiums organized in 1991 which shall continue to be funded for one more year at a rate of \$165 per student, at which time all consortium funding shall cease; \$200,000 is for assistance with annexation and reorganization activity, including assistance to county committees in counties that no longer employ a county superintendent of schools; \$250,000 is for one-time reorganization grants to school districts that received consortium planning grants in the 1991-93 biennium; and \$50,000 is for miscellaneous grants as needed.

SECTION 8. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the residential services currently provided at the school for the blind are to be discontinued by July 1, 1994, and that any cost savings from the elimination of residential services during the second year of the biennium beginning July 1, 1993, and ending June 30, 1995, are to be used to enhance the outreach services provided by the school."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 201 - DEPARTMENT OF PUBLIC INSTRUCTION

HOUSE - This amendment makes the following changes to the Department of Public Instruction:

LINE ITEM	Schafer Changes				Other Changes				TOTAL CHANGES	HB 1883 AS AMENDED PUBLIC INSTRUCTION	
	HB 1883 AS INTRODUCED PUBLIC INSTRUCTION	SALARY INCREASE AND HEALTH INSURANCE	FURTHER REDUCTION	SCHOOL FOR THE BLIND SEPARATE	LEGAL FEES LINE DELETED	DELETE 4 FTEs	SPECIAL PROJECTS	REMOVE FOUNDATION AID			OTHER CHANGES
Salaries and wages	\$ 8,686,142	\$(231,253)	\$ (66,800)			\$(385,000)			\$ 166,938 ¹	\$ (430,223)	\$ 8,255,919
ISD	782,413								(78,241) ²	(78,241)	632,172
Operating expenses	4,856,884		(48,000)			(25,000)			588,498 ³	523,498	5,480,382
Foundation aid	488,362,768						\$(488,362,768)			(488,362,768)	0
Special education	43,541,871								535,624 ⁴	535,624	44,077,495
Special projects	7,688,888					\$(750,000)				(750,000)	6,258,888
School for the Blind	1,647,527			\$(1,647,527)						(1,647,527)	0
Interagency legal fees	148,888				\$(148,888)					(148,888)	0
Other line items	138,288,633									0	138,288,633
Total	\$586,326,238	\$(231,253)	\$(100,000)	\$(1,647,527)	\$(148,888)	\$(330,000)	\$(488,362,768)		\$1,219,911	\$(482,341,637)	\$283,984,601
General fund	446,389,614	(138,752)	(100,000)	(1,127,887)	(148,888)	(330,000)	(488,362,768)		922,356	(482,826,171)	44,363,443
Other funds	159,936,624	(92,501)		(520,520)					297,555	(315,466)	159,621,158

¹ Increase salaries and wages from income from the film library for 4 additional FTEs.

² Reduces the information services line item by 18 percent.

³ Provides funding for payments for indirect cost allocation system.

⁴ Increases funding for special education.

This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations for the Department of Public Instruction:

- The salaries and wages line item is decreased by \$231,253, of which \$138,752 is from the general fund and \$92,501 is from other funds to reflect Governor Schafer's health insurance and salary increase recommendations. Of the \$231,253, \$46,080 is for reduced employee health insurance costs and \$185,173 is to reflect Governor Schafer's salary increase recommendation.
- Under the provisions of this bill, the Superintendent of Public Instruction's salary will remain at \$52,792 as under current law.
- The salaries and wages line item is further reduced by \$60,000 from the general fund and the operating expenses line item is reduced by \$40,000 from the general fund.
- The interagency legal fees line item of \$140,000 from the general fund is deleted to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.
- The School for the Blind line item of \$1,647,527 is removed and placed as a separate subdivision of the bill. Of the \$1,647,527, \$1,127,007 is from the general fund and \$520,520 is from other funds.

In addition, salaries and wages are reduced by \$305,000 from the general fund and operating expenses by \$25,000 from the general fund to delete four FTE positions. The department is to combine divisions in order to enhance administrative efficiency and therefore reduce the need for four FTEs which may include division directors. The deletion of the four FTE positions may occur over the course of the 1993-95 biennium.

The information services line item is reduced by \$70,241 or 10 percent. Of the \$70,241, \$41,386 is from the general fund and \$28,855 is from other funds.

The operating expenses line item is increased by \$588,498, of which \$428,118 is from the general fund and \$160,380 from other funds for indirect cost allocation payments to the Office of Management and Budget.

Special education grants are increased by \$535,624 from the general fund to increase state support for special education.

The special projects line item of \$7,000,000 is removed and separate line items are included amounting to \$6,250,000 as follows:

	1991-93 APPROPRIATION	1993-95 AGENCY REQUEST	1993-95 EXECUTIVE RECOMMENDATIONS	HB 1003 1993-95 HOUSE RECOMMENDATION
Electronic media	\$ 360,000	\$ 412,354	\$ 0	\$ 360,000
Uniform accounting	150,000	75,000	0	0
Uniform student records	0	250,000	0	0
School district restructuring	5,900,000	10,235,661	0	2,550,000 ¹
Telecommunications	5,050,295	6,752,000	0	3,000,000
Teacher centers	199,400	240,000	0	200,000
LEAD	140,000	228,000	0	140,000
Education reform	0	479,000	0	0
Governor's school	0	200,000	0	0
Special projects and grants	0	0	7,000,000	0
	\$11,799,695	\$18,872,015	\$7,000,000	\$6,250,000

¹ The \$2,550,000 provides \$2,050,000 for \$165 per student payments for one more year for consortiums organized in 1991; \$200,000 for annexation and reorganization funding; \$250,000 for reorganization grants for school districts that received planning grants during 1991-93; and \$50,000 miscellaneous grants.

State film library - The salaries and wages line item is increased by \$166,030 from income of the State Film Library to fund up to four FTEs to continue operations of the film library. The executive budget had deleted funding for the program and related eight FTEs. In addition, a new section is added that appropriates, upon Emergency Commission approval, additional income received by the film library to fund additional FTE positions.

Foundation aid - The foundation aid line item of \$400,362,768 from the general fund is deleted. The amount to be provided for foundation aid will be appropriated in a different bill.

DEPARTMENT 250 - STATE LIBRARY

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations for the State Library:

- The salaries and wages line item is decreased by \$45,051 from the general fund, of which \$10,752 is for reduced employee health insurance costs and \$34,299 is to reflect Governor Schafer's salary increase recommendation.
- Governor Sinner's budget recommendation that the State Library operate the talking book program for the visually impaired is deleted and additional funding to continue the library's contract with South Dakota is provided. Line item adjustments reflecting this change include:

Salaries and wages (3 FTEs)	\$(22,000)
Information services	(2,000)
Operating expenses	16,239
Equipment	<u>(79,618)</u>
Total general fund	\$(87,379)

- The entire amount of funding provided in Governor Sinner's budget recommendation for ODIN training in schools and public libraries is removed as follows:

Salaries and wages	\$(27,867)
Information services	(1,000)
Operating expenses	(13,402)
Equipment	<u>(3,000)</u>
Total general fund	\$(45,269)

- Funding provided for a school library coordinator position and library development field services costs of \$30,621 from the general fund is charged to federal funds.

This amendment also reduces the grants to public libraries by \$50,000 from the general fund and adds \$50,000 from the general fund in a special line item to continue funding for the multitype library authority pilot project begun during the 1991-93 biennium to interface and integrate school, community, and public libraries in northwestern North Dakota.

The information services line item is reduced by \$8,011, \$6,911 of which is from the general fund to reflect a 10 percent decrease in information services.

The operating expenses line item is increased by \$151,408, \$105,836 of which is from the general fund for indirect cost allocation payments to the general fund.

In total, this amendment reduces funding for the State Library by \$34,302. General fund support is reduced by \$109,395 and other funds are increased by \$75,093. Authorized FTE positions are reduced by three FTEs, from 29.5 to 26.5.

DEPARTMENT 252 - SCHOOL FOR THE DEAF

HOUSE - This amendment makes the following changes to Governor Sinner's executive budget recommendation to reflect Governor Schafer's recommended appropriations:

- The salaries and wages line item is decreased by \$92,467 from the general fund, of which \$18,432 is for reduced employee health insurance costs and \$74,035 is to reflect Governor Schafer's salary increase recommendation.
- The capital improvements line item is decreased by \$70,000 from the general fund. The remaining \$27,950 is for the following projects:

Extend fire protection	\$ 5,000
Automate building entrance doors	3,230
Install chairlift in tunnel	15,000
Unspecified	<u>4,720</u>
Total	\$27,950

In addition to the changes listed above, this amendment makes the following changes:

- Provides authority for a .76 FTE librarian I for a total authorized FTE level of 50.73 but does not provide funding for the position.
- Reduces the information services line item by \$4,763, of which \$4,643 is from the general fund and \$120 is from other funds, to reflect a 10 percent decrease in information services.
- The operating expenses line item is decreased by \$50,000 from the general fund.
- The operating expenses line item is increased by \$39,062, of which \$28,120 is from the general fund and \$10,942 is from other funds for indirect cost allocation payments to the Office of Management and Budget.
- The equipment line item is decreased by \$5,000 from the general fund.

-- The estimated income line is decreased by \$734,151, with a corresponding increase in the general fund appropriation, for the following items previously contained in the estimated income line:

Proceeds from sale of land designated for special purpose	\$ (16,000)
Title I library service (federal funds)	(9,384)
Billings to local school districts	(719,589)
Reduction in information services line item	(120)
Indirect cost allocation payments	10,942
	<hr/>
Total decrease	\$(734,151)

In total, this amendment reduces the school's appropriation of other funds by \$734,151 and increases its general fund appropriation by \$550,983 for a net reduction of \$183,168.

DEPARTMENT 253 - NORTH DAKOTA SCHOOL FOR THE BLIND

HOUSE - This amendment eliminates the special line item of \$1,647,527, of which \$1,127,007 is from the general fund within the Department of Public Instruction subdivision and creates a separate subdivision with separate line items for the School for the Blind.

This amendment would provide for the following:

- Leave the school in Grand Forks.
- Provide funding for 34.95 FTEs.
- Eliminate the residential service component of the school effective July 1, 1994.
- Increase the estimated income line item by \$93,000 from all income sources, including rent on the dormitory building.
- Establish an information services line item of \$5,000 to be used by the school for connecting to the statewide accounting system, in the event the Department of Public Instruction discontinues providing the services to the school. If the Department of Public Instruction continues to provide the services, it is the intent that the school would get Emergency Commission approval to transfer the funds to operating expenses.
- Provides \$30,018 within the operating expenses line item, of which \$20,634 is from the general fund and \$9,384 is from other funds, for indirect cost allocation payments to the Office of Management and Budget.

This amendment also provides a section of legislative intent that any savings from the elimination of the residential services during the second year of the biennium is to be used to enhance the outreach services.

In total, this amendment increases the general fund appropriation to the school by \$1,192,687 in comparison to both Governor Sinner's and Governor Schafer's recommended general fund appropriations of \$1,127,007.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

Reps. Clayburgh, Gerntholz, Howard, Kroeber and Sens. Lindgren, Nething introduced:

HCR 3055: A concurrent resolution directing the Legislative Council to study the structure and organization of the Division of Emergency Management and local emergency management organizations.

Was read the first time and referred to the **Government and Veterans Affairs Committee.**

Reps. Austin, Brodshaug, A. Carlson, Holm, Svedjan, Wentz introduced:

HCR 3056: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a funding program for child care licensing reforms, child abuse prevention, and child injury prevention through the purchase of personalized motor vehicle license plates.

Was read the first time and referred to the **Transportation Committee.**

Reps. Brodshaug, Dorso, Rydell introduced:

HCR 3057: A concurrent resolution directing the Legislative Council to study the problems and resources available to meet the needs of North Dakota youth age 17 through 21 who are released from the state foster care or court system.

Was read the first time and referred to the **Human Services Committee.**

Reps. Boucher, Bodine, Price, Rydell and Sens. Holmberg, O'Connell introduced:

HCR 3058: A concurrent resolution directing the Legislative Council to study the provision of services to blind and visually impaired children and adults.

Was read the first time and referred to the **Human Services Committee.**

FIRST READING OF SENATE BILLS

SB 2290: A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to consumption of alcoholic beverages by a person under twenty-one years of age.

Was read the first time and referred to the **Judiciary Committee.**

SB 2426: A BILL for an Act relating to the provision of health care for residents of this state; to create and enact a new subsection to section 23-01-03, a new subsection to section 23-17.2-02, a new subdivision to subsection 1 of section 23-17.2-03, a new subsection to section 23-17.2-03, a new subsection to section 26.1-04-03, two new sections to chapter 26.1-36, three new sections to chapter 50-24.1, a new subdivision to subsection 1 of section 57-38-01.2, a new subsection to section 57-38-30.3, and a new section to chapter 57-38 of the North Dakota Century Code, relating to the duties of the North Dakota health council, the definition of long-term care facility, the certificate of need program, unfair insurance practices, a health plan for children and pregnant women, and income tax deductions for long-term care insurance; to amend and reenact subsection 7 of section 23-17.2-02, sections 26.1-18-12, and 26.1-36-37.1 of the North Dakota Century Code, relating to the definition of health care facility, prohibiting copayments and deductibles for prenatal care and preventive services, and a standard health insurance proof of loss and claim form; and to provide an appropriation.

Was read the first time and referred to the **Appropriations Committee.**

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

ROY GILBREATH, Chief Clerk