

JOURNAL OF THE HOUSE

Fifty-third Legislative Assembly

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Bismarck, March 29, 1993

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

The prayer was offered by Father Hugo L. Blotsky, St. Joseph's Catholic Church, Mandan.

The roll was called and all members were present except Representatives Allmaras, Belter, Glassheim, Kunkel, Porter, and Price.

A quorum was declared by the Speaker.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1007, HB 1011, HB 1062, HB 1120, HB 1179, HB 1193, HB 1437.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1007

In lieu of the adopted amendments to Engrossed House Bill No. 1007 as printed on pages 1155-1156 of the Senate Journal, Engrossed House Bill No. 1007 is amended as follows:

Page 1, line 12, replace "2,057,920" with "2,098,844"

Page 1, line 13, replace "18,810" with "20,598"

Page 1, line 14, replace "2,167,701" with "2,114,275"

Page 1, line 19, replace "6,719,172" with "6,775,553"

Page 1, line 21, replace "5,140,849" with "5,163,540"

Page 2, line 1, replace "17,777,416" with "17,845,774"

Page 2, line 2, replace "11,308,863" with "11,347,118"

Page 2, line 3, replace "6,468,553" with "6,498,656"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

SENATE - This amendment increases the salaries and wages line item by \$40,924, of which \$39,750 is from the general fund and \$1,174 is from other funds, to reflect Governor Sinner's salary increase recommendation for state employees. Although the funding for the one FTE for the Veterans' Cemetery is not included, the FTE is added so that if other funds become available during the biennium the position may be filled. It is the intent of the Legislative Assembly that the position is not to be funded with general fund moneys.

This amendment increases the information services line item by \$1,788 from the general fund to restore a portion of the funding reduced by the House.

This amendment decreases the operating expenses line item by \$53,426, of which \$20,374 is from the general fund and \$33,052 is from other funds, to

remove the indirect cost allocation payments to the Office of Management and Budget.

This amendment increases the Army Guard contract line item by \$56,381, of which \$3,615 is from the general fund and \$52,766 is from other funds, to reflect Governor Sinner's salary increase recommendation for state employees.

This amendment increases the Air Guard contract line item by \$22,691, of which \$5,324 is from the general fund and \$17,367 is from other funds, to reflect Governor Sinner's salary increase recommendation for state employees.

In total, this amendment increases the appropriation to the Adjutant General by \$68,358, of which \$30,103 is from the general fund and \$38,255 is from other funds.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1011

Page 1, line 9, replace "2,661,994" with "2,710,947"

Page 1, line 15, replace "3,846,656" with "3,895,609"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 616 - SEED DEPARTMENT

SENATE - This amendment increases the salaries and wages line item by \$48,953 of special funds to reflect Governor Sinner's salary increase recommendation for state employees.

Funding of \$19,827 of special funds is included in the Seed Department's 1993-95 appropriation for indirect cost allocation payments to the Office of Management and Budget. Because this amount was included in the executive recommendation for the Seed Department no change is being made in this amendment.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1062

Page 8, line 4, remove "the"

Page 8, line 5, remove "director determines are"

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1120

Page 2, line 6, replace "referral" with "placement"

Page 2, remove lines 21 through 29

Page 3, remove lines 1 through 6

Page 4, after line 16, insert:

1. a. The placement agency shall provide written notice of a placement made under court order or in an emergency to the superintendent of the district of residence and the superintendent of the admitting district within five working days after the placement.

b. Except as provided in subdivision a, the placement agency shall provide written notice of a placement to the superintendent of the district of residence and the superintendent of the admitting district at least ten working days before the placement.

- c. The placement agency shall afford the district of residence reasonable opportunity to participate in permanency planning for the child."

Renumber accordingly

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1179

Page 1, line 1, after "enact" insert "a new subsection to section 50-06-05.1,"

Page 1, line 3, after "to" insert "a transitional living program and"

Page 1, after line 12, insert:

"SECTION 1. A new subsection to section 50-06-05.1 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

To administer, allocate, and distribute any funds made available for the payment of transitional living services, to develop standards and conduct needs assessments regarding transitional living services, to develop and evaluate pilot projects offering transitional living services, and to apply for and administer federal and other funds that may be made available to undertake any of the activities described in this subsection. For purposes of this subsection, "transitional living services" include housing, supervision, and supportive services intended and designed to assist persons who have received foster care services and who have reached age seventeen, but who have not reached age twenty-one, to achieve independence and self-sufficiency."

Page 2, line 8, after the second underscored comma insert "transitional living program,"

Page 3, line 5, after the second underscored comma insert "transitional living program,"

Page 3, after line 13, insert:

"9. "Transitional living program" means a program providing transitional housing, supervision, and a wide range of supportive services to assist youth ages seventeen through twenty-one years who will be emancipating out of the foster care system in making a more natural transition from foster care to independence and self-sufficiency."

Renumber accordingly

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1193

Page 1, line 8, after "purchase" insert "equipment"

Page 2, line 19, after "purchase" insert "equipment"

Page 2, line 21, after "purchase" insert "of equipment"

Renumber accordingly

SENATE AMENDMENTS TO HOUSE BILL NO. 1437

Page 1, line 1, remove "subdivision a of subsection 1 of"

Page 1, line 2, remove "section 4-09-10, subsection 2 of section 4-09-14,"

Page 1, remove lines 7 through 22

Page 2, remove lines 1 through 23

Renumber accordingly

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

MR. SPEAKER: The Senate has passed unchanged: HB 1313, HCR 3014, HCR 3035.

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

MR. SPEAKER: The Senate has failed to pass: HCR 3017, HCR 3070.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2048, SB 2097.

CONSIDERATION OF MESSAGE FROM THE SENATE

REP. MARTINSON MOVED that the House do not concur in the Senate amendments to HB 1498 as printed on HJ page 1317 and that a conference committee be appointed to meet with a like committee from the Senate, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on HB 1498: Reps. Porter, Gates, Ness.

ANNOUNCEMENT BY THE SPEAKER

SPEAKER R. BERG ANNOUNCED that the House would stand in recess until 1:00 p.m.

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

REPORT OF CONFERENCE COMMITTEE

SB 2048: Your conference committee (Sens. Bowman, Graba, Jerome and Reps. Austin, Gorder, Brodshaug) recommends that the HOUSE RECEDE from the House amendments on HJ page 878, adopt amendments as follows, and place SB 2048 on the Seventh order.

That the House recede from its amendments as printed on page 815 of the Senate Journal and page 878 of the House Journal, and that Senate Bill No. 2048 be amended as follows:

Page 1, line 11, after the underscored period insert "The course must be available on videotape or any equivalent medium as designed by the department."

Renumber accordingly

SB 2048 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2097, as engrossed: Your conference committee (Sens. Graba, Maxson, Andrist and Reps. Shide, Keiser, Kilichowski) recommends that the SENATE ACCEDE to the House amendments on HJ page 1112, adopt further amendments as follows, and place SB 2097 on the Seventh order:

That the Senate accede to the amendments as printed on pages 991-992 of the Senate Journal and page 1112 of the House Journal and that Engrossed Senate Bill No. 2097 be further amended as follows:

Page 1, line 20, remove "- Political subdivisions" and replace "A" with "The state or a"

Page 1, line 21, after the second "the" insert "state or"

Renumber accordingly

Engrossed SB 2097 was placed on the Seventh order of business on the calendar.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1498 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1498: Reps. Porter; Gates; Ness

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2390.

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

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

HB 1219: Sens. O'Connell; Schoenwald; Tennefos

HB 1383: Sens. Graba; Lindgren; B. Stenehjem

HB 1438: Sens. Scherber; Kelsh; Freborg

HB 1463: Sens. Heinrich; Evanson; W. Stenehjem

HB 1490: Sens. Graba; Mathern; Malewaja

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2002, SB 2008, SB 2010, SB 2017, SB 2200, and SB 2440 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2002: Sens. Kelly; Yockim; Lips

SB 2008: Sens. DeMers; Redlin; Thane

SB 2010: Sens. Redlin; DeMers; Lips

SB 2017: Sens. Yockim; Lindaas; Goetz

SB 2200: Sens. Schoenwald; Keller; Mutch

SB 2440: Sens. Tomac; Scherber; W. Stenehjem

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

MR. SPEAKER: The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2225 and wishes to inform you that the Senate does now concur with the House amendments to SB 2225 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2225.

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

MR. SPEAKER: The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2231 and wishes to inform you that the Senate does now concur with the House amendments to SB 2231 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2231.

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

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

HB 1019: Sens. Yockim; Tallackson; Goetz

HB 1079: Sens. Tomac; W. Stenehjem; Krebsbach

HB 1104: Sens. Scherber; Tomac; Krebsbach

HB 1158: Sens. O'Connell; Kelsh; Evanson

HB 1178: Sens. Scherber; Evanson; Sand

HB 1208: Sens. Tallackson; Kelly; Lips

HB 1212: Sens. Dotzenrod; Kinnoin; Tennefos

MOTION

REP. MARTINSON MOVED that the House consider Minority Report "A" to SB 2466, then Minority Report "B" and then the Majority Report, which motion prevailed.

SIXTH ORDER OF BUSINESS

SB 2466, as engrossed: REP. RYDELL (Human Services Committee) MOVED that the proposed Minority "A" amendments on HJ pages 1453-1455 be adopted and then be placed on the Fourteenth order with DO PASS.

RULING BY THE SPEAKER

SPEAKER R. BERG RULED that if the House adopts Minority Report "A", then Minority Report "B" and the Majority Report will be lost.

REQUEST

REP. RING REQUESTED a recorded roll call vote on the motion to adopt the proposed Minority Report "A" amendments to Engrossed SB 2466, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed Minority Report "A" amendments to Engrossed SB 2466, the roll was called and there were 35 YEAS, 63 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: 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; Kretschmar; Kunkel; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Speaker R. Berg

The motion to adopt the proposed Minority Report "A" amendments to Engrossed SB 2466 failed to pass.

SIXTH ORDER OF BUSINESS

SB 2466, as engrossed: REP. RYDELL (Human Services Committee) MOVED that the proposed Minority Report "B" amendments on HJ pages 1455-1456 be adopted and then be placed on the Fourteenth order with DO PASS.

REQUEST

REP. RYDELL REQUESTED a recorded roll call vote on the motion to adopt the proposed Minority Report "B" amendments to Engrossed SB 2466, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed Minority Report "B" amendments to Engrossed SB 2466, the roll was called and there were 33 YEAS, 65 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: 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; Kretschmar; Kunkel; Martin; Martinson; Monson; Nicholas; Olsen, D.; Olson, A.; Payne; Poolman; Porter; Price; Rennerfeldt; Rydell; Schindler; Shide; Skarphol; Soukup; St. Aubyn; Stenehjem; Svedjan; Sveen; Timm; Tollefson; Torgerson; Wald; Wanzek; Wardner; Wentz; Wilkie; Speaker R. Berg

The motion to adopt the proposed Minority Report "B" amendments to Engrossed SB 2466 failed to pass.

SIXTH ORDER OF BUSINESS

SB 2466, as engrossed: REP. RYDELL (Human Services Committee) MOVED that the proposed Majority Report amendments on HJ pages 1452-1453 be adopted and then be placed on the Fourteenth order with **DO NOT PASS.**

REQUEST

REP. RING REQUESTED a recorded roll call vote on the motion to adopt the proposed Majority Report amendments to Engrossed SB 2466, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed Majority Report amendments to Engrossed SB 2466, the roll was called and there were 76 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Aarsvold; Allmaras; Bodine; Boucher; Brodshaug; Dobrinski; Goffe; Grumbo; Gulleson; Hanson; Hokana; Huether; Kilichowski; Kroeber; Laughlin; Mahoney; Maragos; Nelson; Ness; Nichols; Thorpe; Wilkie

The motion to adopt the proposed Majority Report amendments to Engrossed SB 2466 passed.

MOTION

REP. FREIER MOVED that SB 2466, as amended, be placed on the Fourteenth, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2466: A BILL for an Act to establish a universal health access program for citizens of the state; to provide an appropriation; 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 NOT PASS**, the roll was called and there were 27 YEAS, 71 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Allmaras; Berg, J.; Bodine; Boucher; Brodshaug; Cleary; Coats; Glasheim; Goffe; Grumbo; Gulleson; Hanson; Hokana; Kaldor; Kerzman; Kroeber; Mahoney; Maragos; Mutzenberger; Nelson; Ness; Oban; Pyle; Ring; Sitz; Stenson; Thorpe

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

Engrossed SB 2466 was declared lost.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2027, SB 2051, SB 2095, SB 2120, SB 2144, SB 2327, SB 2359, SB 2468, SCR 4070.

MOTIONS

REP. MARTINSON MOVED that the House clinch all legislative action of today, which motion prevailed.

REP. MARTINSON MOVED that the House message all legislative action of today to the Senate, which motion prevailed.

REP. MARTINSON MOVED that HB 1512 be rereferred to the Education Equity Review Committee, which motion prevailed.

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

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

SB 2295: Reps. Svedjan; Price; Kerzman

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2466.

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

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

SB 2096: Reps. Jacobs; C. Carlson; Kilichowski

SB 2200: Reps. Dorso; Froseth; Mahoney

SB 2227: Reps. Soukup; Froseth; Mahoney

SB 2440: Reps. Dorso; Tollefson; Mahoney

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2096: Reps. Jacobs, C. Carlson, Kilichowski.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2200: Reps. Dorso, Froseth, Mahoney.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2227: Reps. Soukup, Froseth, Mahoney.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2295: Reps. Svedjan, Price, Kerzman.

APPOINTMENT OF CONFERENCE COMMITTEE

THE SPEAKER APPOINTED as a Conference Committee on SB 2440: Reps. Dorso, Tollefson, Mahoney.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1013, HB 1026.

SENATE AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1013

Page 1, line 11, replace "3,332,416" with "3,468,003"

Page 1, line 12, replace "51,889" with "56,422"

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

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

Page 1, line 19, replace "5,086,424" with "5,243,956"

Page 1, line 20, replace "1,084,882" with "1,139,309"

Page 1, line 21, replace "4,001,542" with "4,104,647"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 701 - HISTORICAL SOCIETY

SENATE - This amendment makes the following changes:

- The salaries and wages line item is increased by \$135,587, \$74,344 of which is from the general fund for the following:

	GENERAL FUND	SPECIAL FUNDS	TOTAL
Sinner salary increase recommendation for state employees	\$74,344		\$ 74,344
Funding for volunteer coordinator		\$54,350	54,350
Pay equity increases		<u>6,893</u>	<u>6,893</u>
Total	\$74,344	\$61,243	\$135,587

- The information services line item is increased by \$4,533, \$3,943 of which is from the general fund, to restore a portion of the funding reduced by the House. The funding level provided reflects a reduction of \$1,232 from the executive recommendation relating to information services rate reductions.
- The operating expenses line item is reduced by \$32,588, \$25,182 of which is from the general fund, to remove funding for indirect cost allocation payments to the Office of Management and Budget.
- The operating expenses line item is increased by \$35,000 from the general fund to restore funding reduced by the House.
- The equipment line item is increased by \$15,000 from the general fund to restore funding reduced by the House.

In total, this amendment increases funding for the Historical Society by \$157,532, \$103,105 of which is from the general fund and \$54,427 of other funds.

SENATE AMENDMENTS TO HOUSE BILL NO. 1026

In lieu of the amendments adopted by the Senate as printed on pages 1047-1049 of the Senate Journal, House Bill No. 1026 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-06 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to discharge or replacement of certain governmental employees to avoid providing benefits; to amend and reenact section 54-06-14 and subsection 4 of section 54-52.1-01 of the North Dakota Century Code, relating to sick, annual, and family leave and group medical benefits; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-06-14 of the 1992 Special Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-06-14. Annual leave and sick leave for state employees. Annual leave and sick leave must be provided for temporary employees who have been employed by the state for at least one year and for all persons in the permanent employment of this state who are not employed under a written contract of hire setting forth the terms and conditions of their employment, within the limitations, terms, and provisions of this section. Annual leave for an employee entitled to it must be within a range of a minimum of one working day per month of employment to a maximum of two working days per month of employment, based on tenure of employment, to be fixed by rules adopted by the employing unit. Sick leave for an employee entitled to it must be within a range of a minimum of one working day per month of employment to a maximum of one and one-half working days per month of employment, based on tenure of employment, to be fixed by rules adopted by the employing unit. Annual leave must be compensated for on the basis of full pay for the number of working days' leave credited to the employee. Sick leave must be compensated for on the basis of full pay for absence due to illness on working days during tenure of employment. An employee with at least ten continuous years of state employment is entitled to a lump sum payment equal to one-tenth of the pay attributed to the employee's unused sick leave accrued under this section. The pay attributed to the accumulated, unused sick leave must be computed on the basis of the employee's salary or wage at the time the employee leaves the employ of the state and at the rate of one hour of pay for each hour of unused sick leave. The agency, unit, or entity that last employed the employee shall make the lump sum payment from funds appropriated by the legislative assembly to that agency, unit, or entity for salaries and wages. Any state agency, unit, or entity which employs persons subject to this section shall formulate and adopt rules governing the granting of annual leave and sick leave which will effectuate the purpose of this section and best suit the factors of employment of that employing unit. Each employing unit shall file with the office of management and budget a copy of the rules adopted, including any amendments or additions to the rules. No employing unit may discharge or replace any person to avoid providing any benefit under this section.

SECTION 2. A new section to chapter 54-06 of the North Dakota Century Code is created and enacted as follows:

Discrimination - Employment policies and benefits. No employing unit of this state may discriminate in its employment policies or benefits between any permanent employee or temporary employee employed at least one year.

SECTION 3. AMENDMENT. Subsection 4 of section 54-52.1-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. "Eligible employee" means every permanent employee who is employed by a governmental unit, as that term is defined in section 54-52-01. "Eligible employee" includes members of the legislative assembly, judges of the supreme court, paid members of state or political subdivision boards, commissions, or associations, full-time employees of political subdivisions, elective state officers as defined by subsection 2 of section 54-06-01, and disabled permanent employees who are receiving compensation from the North Dakota workers' compensation fund. As used in this subsection, "permanent employee" means one whose services are not limited in duration, who is filling an approved and regularly funded position in a governmental unit, and who is employed at least seventeen and one-half hours per week and at least five months each year. As used in this subsection, "permanent employee" also means a temporary employee who has been employed by a governmental unit for at least one year.

SECTION 4. A new section to chapter 54-52.1 of the North Dakota Century Code is created and enacted as follows:

Discharge - Replacement. No governmental unit may discharge or replace any person to avoid providing any benefit under this chapter.

SECTION 5. EFFECTIVE DATE. This Act becomes effective on January 1, 1994."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 113 - OMB-CENTRAL OPERATIONS

SENATE - This amendment provides annual leave, sick leave, family leave, and group health insurance benefits to temporary employees who work for the state at least one year.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1028.

SENATE AMENDMENTS TO REENGROSSED HOUSE BILL NO. 1028

Page 3, line 22, after "Act" insert "and from funding made available by the information services division from the surcharge collected pursuant to section 8 of this Act,"

Page 5, line 8, remove ": all monetary contributions, gifts, and grants received"

Page 5, line 9, remove "by the division and"

Page 5, line 20, replace "ten" with "fifteen"

Page 5, line 26, after "Act" insert "including the provision of specialized equipment to eligible persons,"

Page 7, line 19, replace "\$684,000" with "\$1,026,000"

Page 7, line 22, after the period insert "Of this amount, up to \$342,000 shall be made available to the vocational rehabilitation division of

the department of human services for the provision of specialized equipment to eligible persons, which is hereby appropriated."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 112 - INFORMATION SERVICES DIVISION

SENATE - This amendment increases the surcharge on telephone access lines from 10 cents to 15 cents per month and increases the related appropriation from \$684,000 to \$1,026,000, a \$342,000 increase. Up to \$342,000 will be available for the provision of specialized equipment to eligible hearing-impaired persons by the Vocational Rehabilitation Division of the Department of Human Services. The Vocational Rehabilitation Division continues to have authority to receive gifts and grants to assist in funding the equipment.

MOTION

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

MOTION

REP. FREIER MOVED that the House be on the Fifth and Seventh orders of business and at the conclusion of those orders, the House stand adjourned until 9:00 a.m., Tuesday, March 30, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1513: Appropriations Committee (Rep. Dalrymple, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (15 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING). HB 1513 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and"

Page 1, line 5, after "indebtedness" insert "; and to declare an emergency"

Page 1, line 11, replace "biennium" with "period" and replace "July 1, 1993," with "with the effective date of this Act"

Page 1, line 13, remove ", including the sums hereinafter provided out of any moneys in"

Page 1, line 14, remove "the general fund in the state treasury not otherwise appropriated,"

Page 1, line 16, remove "purpose of acquisition and construction of the"

Page 2, line 7, replace "7,350,000" with "2,550,000"

Page 2, after line 8, insert:

"Dickinson state university	Academic	<u>10,000,000</u> "
	lifelong	
	learning center	

Page 2, line 9, remove "all funds" and replace "17,150,000" with "22,350,000"

Page 2, remove lines 10 through 12

Page 2, line 19, replace "bonds" with "evidences of indebtedness"

Page 2, line 20, replace "bonds" with "evidences of indebtedness"

Page 2, after line 20, insert:

"The state board of higher education may obtain and utilize federal funds to assist in remodeling and expanding the former library at Minot state university. There is hereby appropriated to the state board of higher education the sum of \$4,800,000, or so much of the sum as may be necessary, from any federal or other funds that may become available for this project for the biennium beginning July 1, 1993, and ending June 30, 1995."

Page 2, line 24, remove "and" and after the second comma insert "and \$2,000,000 from Dickinson state university,"

Page 2, line 27, after the period insert "The local matching amount may not be changed for any reason, including the downsizing of a project."

Page 2, line 28, after "pay" insert "fifty percent of"

Page 2, line 29, after "commission" insert "by June 30, 1996, and the remaining fifty percent of the local matching amount" and replace "four" with "six"

Page 3, line 1, replace "in" with "after"

Page 3, line 4, replace "bond" with "principal"

Page 3, line 5, replace "Federal funds. The estimated income line item in section 1" with "EMERGENCY. This Act is declared to be an emergency measure."

Page 3, remove lines 6 through 8

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 405 - INDUSTRIAL COMMISSION

HOUSE - This amendment changes the funding source from the general fund to other funds derived from the issuance of evidences of indebtedness and removes the portion of the Minot State University project to be paid with federal funds from the amount to be financed.

This amendment also adds the Academic Lifelong Learning Center at Dickinson State University, at a total cost of \$10,000,000 with \$2,000,000 (20 percent) of the total amount to be from the local share, to the list of projects.

This amendment requires 50 percent of the local match to be paid by June 30, 1996, and the remaining 50 percent to be paid in the following six years. The amendment also prohibits the downsizing of projects to be used as a part of the local match.

This amendment adds an emergency clause.

REPORT OF STANDING COMMITTEE

SB 2201, as engrossed: Political Subdivisions Committee (Rep. Martin, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2201 was placed on the Sixth order on the calendar.

That the following amendments adopted by the House as printed on pages 1080-1081 of the House Journal be removed from Engrossed House Bill No. 2201.

Page 1, line 1, replace "section" with "sections 48-02-02 and"

Page 1, after line 4, insert:

SECTION 1. AMENDMENT. Section 48-02-02 of the 1991 Supplement to the North Dakota Century Code is amended as follows:

48-02-02. Prerequisite to building construction and repair by contract - Exceptions. ~~If in~~ Before altering, repairing, or constructing any building public work belonging or appertaining to any of the public institutions of the state, or to any state agency, county, city, park district, school district, or other political subdivision of the state, or in making any improvements connected with the building public work, estimates of the project must be made by the governing body. ~~If the total estimated cost of all work involved amounts to more than exceeds~~ exceeds fifty thousand dollars for the completed project, the governing body of the public institution, ~~municipality state agency, county, city, park district, school district, or political subdivision shall procure plans, drawings, and specifications for the work, upon advertise for competitive bids or otherwise as the board may deem necessary.~~ In all cases where the estimated cost of ~~the work~~ any public building exceeds fifty thousand dollars, the plans, drawings, and specifications must be procured from a licensed architect; ~~provided, that in the case of.~~ However, for public buildings in use by or to be used by the North Dakota agricultural experiment station in connection with farm or agricultural research operations, the plans, drawings, and specifications may, with the approval of the board of higher education, be procured from a registered professional engineer, providing the engineer is in the regular employment of the agricultural experiment station."

Page 1, line 7, overstrike "The" and insert immediately thereafter "Before awarding any contract for public work or a public building as provided in section 48-02-02, the"

Page 1, line 8, overstrike "board" and insert immediately thereafter "body of any public institution, state agency, county, city, park district, school district, or political subdivision", after "for" insert "competitive", and overstrike "for the doing of the work for which"

Page 1, line 9, overstrike "plans, drawings, and specifications are required" and insert immediately thereafter "as provided"

Page 1, line 12, overstrike "the"

Page 1, line 13, overstrike "official" and insert immediately thereafter "a" and overstrike "such municipality or political subdivision," and insert immediately thereafter "general circulation in the county where the public work or public building is located or will be located"

Page 2, line 1, overstrike "board" and insert immediately thereafter "body"

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

HB 1374, as engrossed: Your conference committee (Sens. Kelsh, Marks, Freborg and Reps. Nicholas, C. Carlson, Boucher) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ pages 1312-1314 and place HB 1374 on the Seventh order.

Engrossed HB 1374 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1462, as engrossed: Your conference committee (Sens. Marks, Traynor, Andrist and Reps. Drovdal, Wanzek, Allmaras) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1191, adopt amendments as follows, and place HB 1462 on the Seventh order:

That the Senate recede from its amendments as printed on page 1191 of the House Journal and page 906 of the Senate Journal and that Engrossed House Bill No. 1462 be amended as follows:

Page 1, line 8, overstrike "and great grandparents"

Page 1, line 9, after "rights" insert "and the great grandparents may be granted reasonable visitation rights"

Page 1, line 13, remove "and"

Page 1, line 14, remove "great grandparents"

Page 1, line 18, overstrike "if" and insert immediately thereafter "to agency adoptions or when"

Renumber accordingly

Engrossed HB 1462 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1479: Your conference committee (Sens. Maxson, Marks, W. Stenehjem and Reps. Maragos, Hagle, Ring) recommends that the **SENATE RECEDE** from the Senate amendments on HJ page 1191, adopt amendments as follows, and place HB 1479 on the Seventh order:

That the Senate recede from its amendments as printed on pages 906-907 of the Senate Journal and page 1191 of the House Journal and that House Bill No. 1479 be amended as follows:

Page 1, line 17, after "by" insert "a licensed attorney, attorney's agent, or any other person obtaining evidence for a criminal investigation or pending civil action, or by"

Page 1, line 18, replace "the medical professional's or" with "that person's"

Page 1, line 19, remove "peace officer's"

Renumber accordingly

HB 1479 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2027, as engrossed: Your conference committee (Sens. Graba, Mathern, B. Stenehjem and Reps. Rydell, Stenehjem (absent), Cleary) recommends that the **SENATE ACCEDE** to the House amendments on HJ page 960 and place SB 2027 on the Seventh order.

Engrossed SB 2027 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2051: Your conference committee (Sens. Tomac, Kinnoin, Teneffos and Reps. Grosz, Rennerfeldt, J. Berg) recommends that the **SENATE ACCEDE** to the House amendments on HJ page 663 and place SB 2051 on the Seventh order.

SB 2051 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2095, as engrossed: Your conference committee (Sens. Schoenwald, Keller, Krebsbach and Reps. Bernstein, Froseth, Stenson) recommends that the **HOUSE RECEDE** from the House amendments on HJ pages 930-931 and place SB 2095 on the Seventh order.

Engrossed SB 2095 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2120, as engrossed: Your conference committee (Sens. Tomac, Kinnoin, Tennefos and Reps. Grosz, A. Olson, J. Berg) recommends that the **HOUSE RECEDE** from the House amendments on HJ page 859 and place SB 2120 on the Seventh order.

Engrossed SB 2120 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2144, as engrossed: Your conference committee (Sens. Maxson, W. Stenehjem, Andrist and Reps. DeWitz, Wentz, Wilkie) recommends that the **HOUSE RECEDE** from the House amendments on HJ page 1009, adopt amendments as follows, and place SB 2144 on the Seventh order:

That the House recede from its amendments as printed on pages 927-928 of the Senate Journal and page 1009 of the House Journal and that Engrossed Senate Bill No. 2144 be amended as follows:

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

Page 1, line 3, after "rehabilitation" insert "to accept forfeited or seized property and"

Page 2, line 9, replace "A" with "Two" and replace "subsection" with "subsections"

Page 2, line 10, replace "is" with "are"

Page 2, after line 11, insert:

"To accept property forfeited or seized in accordance with law."

Renumber accordingly

Engrossed SB 2144 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2327, as engrossed: Your conference committee (Sens. Jerome, Lindgren, Andrist and Reps. Kretschmar, Maragos, Gulleon) recommends that the **SENATE ACCEDE** to the House amendments on HJ pages 989-990 and place SB 2327 on the Seventh order.

Engrossed SB 2327 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2359, as engrossed: Your conference committee (Sens. Jerome, Graba, Nalewaja and Reps. Wardner, Klein, Goffe) recommends that the **SENATE ACCEDE** to the House amendments on HJ page 990 and place SB 2359 on the Seventh order.

Engrossed SB 2359 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2468: Your conference committee (Sens. Tomac, Kinnoin, Tennefos and Reps. Grosz, A. Carlson, Hokana) recommends that the **SENATE ACCEDE** to

the House amendments on HJ pages 883-884 and place SB 2468 on the Seventh order.

SB 2468 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SCR 4070: Your conference committee (Sens. Graba, Dotzenrod (absent), Andrist and Reps. Porter, Jacobs, Coats) recommends that the **HOUSE RECEDE** from the House amendments on HJ page 1092, adopt amendments as follows, and place SCR 4070 on the Seventh order:

That the House recede from its amendments as printed on page 1010 of the Senate Journal and page 1092 of the House Journal and that Senate Concurrent Resolution No. 4070 be amended as follows:

Page 2, line 6, replace "expand" with "expend"

Renumber accordingly

SCR 4070 was placed on the Seventh order of business on the calendar.

HOUSE ENGROSSING AND ENROLLING REPORT

The following bill was engrossed and enrolled: HB 1075.

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

ROY GILBREATH, Chief Clerk